



Fairhaven Board of Selectmen

October 7, 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 23, 2013** meeting, **open** session. Mr. Haworth seconded. Vote to approve was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **September 23, 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, **October 8** –
 - 7:00 a.m. – New School Building Committee at Wood
 - 3:30 p.m. – Mattapoisett Water Advisory Committee at BPW
 - 4:30 p.m. – Mattapoisett Water District Committee at BPW
- Wednesday, **October 9** –
 - 10:00 a.m. – Pre-construction meeting with Collins Construction
 - 12:00 p.m. – Managers meeting in Westport, MA
- Thursday, **October 10** –
 - 1:30 p.m. – Computer meeting
 - 3:00 p.m. – Finance meeting
- Monday, **October 14** –
 - Columbus Day – Town Hall closed

STREET LIGHTS

Mr. Osuch updated the Board to the ongoing LED conversion for Town lights. He said that recently converted areas included Hamlet homes, parts of Route 6 and Sconticut Neck. 160 out of 1,400 lights remain to convert.

OXFORD AND ROGERS BUILDINGS

The Board received a memo from the School department, giving official notice that the School department was turning over the Oxford and Rogers Schools to the Town as surplus. All electric and gas bills will be moved over to the Town as of October 3. Mr. Osuch said that he has received all the keys for the Rogers School, but not the Oxford School yet. He noted that there was a problem in having two buildings to maintain and winterize. He said that they would need to maintain a fire alarm system, burglar system, etc.

NSTAR GAS PERMITS

- The Board reviewed an NSTAR gas permit application for 48 Huttleston Ave. The application was previously approved by the BPW. Mr. Espindola motioned to approve the application. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit application for 29 Evergreen St. The application was previously approved by the BPW. Mr. Espindola motioned to approve the application. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit application for 41 Ocean Ave. The application was previously approved by the BPW. Mr. Espindola motioned to approve the application. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit application for 4 Eddy St. The application was previously approved by the BPW. Mr. Espindola motioned to approve the application. Mr. Haworth seconded. Vote was unanimous. (3-0).

COMMITTEE APPOINTMENTS

The Board reviewed a letter of interest from Joyce Barrett for the Bikeway Committee. Mr. Espindola motioned to appoint Ms. Barrett to the Bikeway Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board read a letter of interest from Lois Callahan-Moore for the Bikeway Committee and the Sustainability Committee. Mr. Espindola motioned to appoint Ms. Callahan-Moore to the Bikeway Committee and the Sustainability Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board read a letter of interest from Susan Loo for the Rogers-Oxford Study Committee. Mr. Murphy said that he had spoken with Ms. Loo and thought that she would be a good fit for the Committee. Mr. Espindola said that he had attended the prior R-O Study Committee meeting

and that there was concern from the existing Committee members that the Committee was getting too large in its membership. Discussion ensued. It was determined that the Board would appoint Ms. Loo because a Committee limit had not yet been set and Mr. Espindola would go back to the R-O Study Committee with a recommendation to set a limit. Mr. Espindola motioned to appoint Ms. Loo to the Rogers-Oxford Study Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

On the topic of appointments, Mr. Osuch said that there was an ongoing problem of accuracy in regards to the memberships of the various Town boards, and that some appointees were not getting sworn in. Ms. Kakley and Carolyn Hurley from the Town Clerk's office will work together to improve the process.

CONSERVATION COMMISSION

The Board reviewed several applications from residents (and one New Bedford resident) for vacancies on the Conservation Commission. Mr. Haworth said that he thought the Board of Selectmen should interview applicants before making appointments. Applicant Simone Bourgeois was present and willing to be interviewed.

Ms. Bourgeois has been a Fairhaven resident since 1970. Her property abuts wetlands. She holds a Bachelor's degree and is employed by the New Bedford School system for the SeaLab. Mr. Haworth advised the Board that Ms. Bourgeois had already sat in on a ConCom meeting and knew the tasks involved with volunteering for the Commission. Ms. Bourgeois asked if training would be required, and if so, would it be provided. Ms. Bourgeois advised that she was knowledgeable in aquatic sciences, but would have to learn the laws involved. The Board advised that training was required and would be offered by the State. Discussion ensued. The Board found Ms. Bourgeois highly qualified for the position. Mr. Espindola motioned to appoint Ms. Bourgeois to the ConCom. Mr. Haworth seconded. Vote was unanimous. (3-0).

EJ'S DELI AND BUTCHER SHOP – LICENSE TRANSFER

At 7:00 p.m., the Chairman opened a public hearing for a transfer of liquor license and altered premise for EJ's Deli and Butcher Shop. Owner Cathy Melanson was present. The transfer was approved by the Planning Board and the Building department. The Board of Health was not required to give approval because there is currently no building on the premises. All servers will be TIPS certified. Mr. Espindola asked for a point of clarification, asking if the business would still have to go through the Building department for the building permits. It was confirmed that the business would still need building permits.

Mr. Haworth expressed support for the business and said that he would like to see "a building on that lot".

Mr. Murphy opened the hearing to public comment. There was none. Mr. Osuch said that the Selectmen's Office would need copies of the TIPS certifications for all the employees when available.

Ms. Melanson said that the restaurant should be built and ready for business in late winter, early spring.

Mr. Espindola motioned to approve the transfer of liquor license and altered premise. Mr. Haworth seconded. Vote was unanimous. (3-0). The Chairman closed the public hearing at 7:03 p.m.

USE OF AUDITORIUM REQUEST – HISTORICAL SOCIETY

The agenda included a request for the Fairhaven Historical Society to use the Town Hall auditorium for a lecture on October 18. In the meantime, posters from the Historical Society indicated that the lecture would actually be held at the COA building. Ms. Kakley said that the Historical Society had not revoked their request to use the Town Hall auditorium, but that they likely were not going to need it. The Board tabled the request. Mr. Murphy passed along a caution to the officers of the Historical Society that, as a non-profit, they need to make sure that all their paperwork is in order if they are going to accept donations. He noted that the Society's non-profit status had lapsed and that this issue would have to be remedied.

Ms. Kakley will contact Dr. Barbara Acksen, president of the Historical Society, about whether or not the Society needs to use the auditorium on October 18.

EMMA JEAN'S – LIVE ENTERTAINMENT LICENSE

The Board reviewed an application for live entertainment at Emma Jean's Cupcake Factory. Taxes were current, and proof of worker's compensation had been provided to the Selectmen's Office. Building and Health department approvals were not required. Mr. Espindola motioned to approve the live entertainment license for Emma Jean's. Mr. Haworth seconded. Vote was unanimous. (3-0).

PROCLAMATION – UNITED NATIONS DAY

Mr. Murphy read a proclamation for the Town's recognition of United Nations Day. See Attachment A. Mr. Espindola motioned to sign. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Murphy asked Ms. Kakley to send the proclamation to the United Nations office in Boston.

CHANGE OF OWNERSHIP – FAIRHAVEN GAS

At 7:10 p.m., the Chairman opened a public hearing for a change of ownership and reapplication of car dealer license for Fairhaven Gas. Owner Bassam Younes was present. The Board noted that the business was well-run.

Mr. Murphy opened the hearing to public comment. There was none.

Mr. Espindola motioned to approve the change of ownership for Fairhaven Gas and Valero. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Chairman closed the public hearing at 7:13 p.m.

CDBG BUSINESS

CDBG administrator Bill Roth was present to discuss several CDBG agenda items.

- *CDBG FY11 Grant Budget Amendment* – Mr. Roth said that the amendment was necessary to use the remainder of the FY11 grant. Mr. Espindola motioned to approve the CDBG FY11 grant budget amendment. Mr. Haworth seconded. Vote was unanimous. (3-0).
- *CDBG FY11 – Grant administrator contract extension* – Per Mr. Roth’s recommendation, Mr. Espindola motioned to approve the CDBG FY11 grant administrator contract extension. Mr. Haworth seconded. Vote was unanimous. (3-0).
- *CDBG FY13 – Request DHCD to approve adding Program Income to FY13 grant* – Per Mr. Roth’s recommendation, Mr. Espindola motioned to approve a request to the DHCD to add the Program Income to the FY13 grant. Mr. Haworth seconded. Vote was unanimous. (3-0).
- *CDBG FY13 – Infrastructure Project Notice of Award* – Mr. Espindola motioned to award the CDBG FY13 infrastructure project to Breezeway Farm Consulting. Mr. Haworth seconded. Vote was unanimous. (3-0).
- *CDBG FY14 – Application and Review of Community Development Strategy* – Discussion ensued on the CDBG FY14 grant application and community development strategy. Mr. Roth said that project engineer bidder GCG Associates had been rated highly advantageous for the project. Mr. Espindola motioned to appoint GCG Associates as project engineers. Mr. Haworth seconded. Vote was unanimous. (3-0).

DOUGLAS WINE AND SPIRITS – CHANGE OF MANAGER

At 7:20 p.m., the Chairman opened a public hearing for a change of manager at Douglas Wine and Spirits. New manager Rebecca Branion was present.

The Building department and Health department had no comment on the change. Ms. Branion is TIPS certified. As a matter of clarification, the Board wished the record to reflect that Ms. Branion was replacing Shawn Figlioli as manager, not John Haronian. Mr. Espindola motioned to approve the change of manager for Douglas Wine and Spirits to Rebecca Branion. Mr. Haworth seconded. Vote was unanimous. (3-0).

BUILDING COMMISSIONER REAPPOINTMENT

The Board reviewed a request from the Building Commissioner for a five-year re-appointment.

Mr. Espindola asked about the timing of the appointment, and why it was not being done at the usual appointment time of year (May). It was clarified that the Building Commissioner's appointment coincided with the time of year in which he was originally hired.

Mr. Osuch said that he thought a five-year term was excessive and that no one should be granted a five-year contract.

Mr. Espindola asked if the position was posted to the public or if it was a routine appointment. The position was not posted to the public. Mr. Espindola agreed that he thought a five-year re-appointment was excessive.

Mr. Haworth said that the BPW superintendent was just re-appointed for a five-year term. He cited concern for making a decision that is consistent with other departmental appointments. It was confirmed that most appointments are three-year appointments – including the Executive Secretary and the Planning and Economic Development Director.

Mr. Espindola motioned to re-appoint Wayne Fostin to a three-year term as Building Commissioner. Mr. Haworth seconded. Vote was unanimous. (3-0). Mr. Fostin's term will expire on October 7, 2016.

LETTER FROM FINANCE DIRECTOR RE: PROBATIONARY PERIOD

The Board read a letter from Finance Director Wendy Graves regarding the end of her probationary period. See Attachment B. In the memo, Ms. Graves asked the Board to honor a one percent increase as a result of the end of her probationary period.

Mr. Haworth said that he would like to see a formal review for Ms. Graves before honoring the request. Mr. Espindola agreed. The Board will meet with Ms. Graves on November 4 for a formal review.

REVAL/STAFFING MEETING WITH ASSESSORS

At 7:30 p.m., the Board met with the Board of Assessors (Ron Manzone, Pam Davis, and Ellis Withington), and Assistant Assessor Delfino Garcia to discuss the upcoming reval and needed training to successfully complete the reval process.

Mr. Murphy asked Mr. Garcia if he wished to discuss the matter in open or executive session, as some of the conversation would include his job performance. Mr. Garcia answered that he would like to enter executive session. The Board decided to take care of all its executive session agenda items at once, with the intention to reconvene into open session.

At 7:34 p.m., Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with respect to collective bargaining – Fire, Police, Dispatchers Union negotiations
- To discuss the physical condition of an individual – ambulance waiver request
- To conduct a personnel review for the Assessors’ office

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.

OPEN SESSION

The Board re-entered open session at 8:55 p.m.

CAPITAL PLANNING BYLAW

Mr. Espindola said that he had solicited opinions from Finance Committee members and had determined that a discussion on a potential Capital Planning Bylaw would be better suited for the next Economic Summit meeting. The Board agreed.

ROGERS-OXFORD MEMO

The Selectmen’s Office received a memo from the School department on September 25, 2013, declaring the Rogers School and the Oxford School surplus. As such, the buildings were given to the Town.

Mr. Murphy said that he recommended that the Town keep all the alarms with All Security. Discussion ensued on who would be listed as a contact person with All Security for the buildings. Mr. Osuch said that the Board would have to consider a transfer from the Finance Committee because no money had been appropriated for the upkeep of the buildings. Mr. Espindola suggested that perhaps the School department would consider offering a custodian to help respond to All Security calls. Mr. Osuch said that he would call the School department and see if they were willing to help out in that regard.

Mr. Haworth recommended getting quotes on the cost of winterizing the buildings.

ELECTRIC AND GAS SUPPLY CONTRACTS

The Board discussed the RFP process for the Town’s electric supply. Mr. Espindola said that he would like to consider an RFP for electricity. He said that the Town pays roughly \$500,000 on the electricity side of its energy costs. He said that there could be an opportunity to put that out to bid to reduce costs.

Mr. Osuch explained the Town’s current process of buying electricity. He said that he reviews prices from several different sources on a daily basis and “lock into” a price when he deems it most advantageous. Mr. Osuch said that the Town has done well by the process over the years.

Discussion ensued over the process Mr. Osuch uses and the process that Mr. Espindola would like to use. Mr. Osuch agreed that he would show Mr. Espindola his process to give him a better idea of how the Town secures its energy costs.

REQUEST FOR USE OF TOWN COUNSEL – BUILDING DEPT

The Board reviewed a request from the Building Department relative to zoning issues and medical marijuana. Mr. Murphy had already used his authority as Chairman to approve the time-sensitive request, but said that he would like a Board approval as well. Mr. Espindola motioned to approve the use of Town Counsel for the Building Department. Mr. Haworth seconded. Vote was unanimous. (3-0).

GNBVTHS LAPTOP DONATION

The Board read a memo from the Natural Resources department asking the Board to accept a donation of a laptop from GNBVRT High School for the Natural Resources department. Mr. Espindola motioned to accept the laptop. Mr. Haworth seconded. Vote was unanimous. (3-0).

PARKING PERMIT CHANGES

Mr. Murphy read a letter from the Natural Resources department regarding proposed changes to the boat ramp parking regulations for FY14. The changes would require that boat ramp parking permits be limited to a specific vehicle, with no cross-usage. The registration number of the vehicle would be written in marker on the sticker.

Mr. Espindola motioned to approve the regulation change, effective October 7, 2013. Mr. Haworth seconded. Vote was unanimous. (3-0).

VACATION CARRY OVER – BUILDING INSPECTOR

The Board reviewed a request from Wayne Fostin to carry over 11 vacation days past his anniversary date. Mr. Haworth said that he had spoken to Mr. Fostin, who indicated that he had not been able to take the vacation days, due to a lack of an Assistant Building Inspector.

Mr. Espindola motioned to approve the carry over of 11 vacation days for Mr. Fostin past his anniversary date. Mr. Haworth seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In Other Business:

- Mr. Murphy announced that the Office of Tourism was still accepting reservations for booths for the Olde Time Holiday weekend in December

- Mr. Haworth said that he did not support the medical marijuana moratorium. He said that he thought the medical marijuana industry could bring “some positive attributes” to the Town
- Mr. Espindola said that the Wood School “Bike to School” event was a success and the kids were really excited about it
- Mr. Espindola asked if any mitigation had been done in regards to the wind turbines. Mr. Murphy said that he had not yet received an update
- Mr. Murphy said that the Manjiro-Whitfield Friendship day was a huge success and that there were more booths at the event than ever

At 9:33 p.m., Mr. Espindola motioned to adjourn. Mr. Haworth seconded. Vote was unanimous. (3-0).

Respectfully,

Anne Kakley

Administrative Assistant
Board of Selectmen
(Minutes approved 10/21/2013)

PROCLAMATION

Whereas, the United Nations was founded in 1945, and the anniversary of the day on which the UN Charter came into force is observed each year on October 24; and

Whereas, the United Nations promotes peace and security, development, democracy, economic prosperity, global health and human rights around the world, and is vital now more than ever; and

Whereas, the Goals address universal issues from poverty and access to education to improving healthcare and environmental sustainability and enjoy unprecedented political support because they are specific and measurable, with a deadline and indicators for monitoring progress attached to each goal; and

Whereas, the United States has a long tradition of leading international efforts to improve health, education and economic growth in developing countries; and has shown its commitment to the Millennium Development Goals through foreign assistance, progressive trade initiatives, and debt relief measures; and

Whereas, a bipartisan poll conducted in April revealed that more than eight out of ten voters say it is important that the United States maintain an active role within the UN; and

Whereas, the UNA-USA and United Nations Foundation have declared "The United Nations: Partnerships for Global Progress" as its theme for the 2013 United Nations Day commemoration

Whereas, the United Nations Association of Greater Boston is committed to educating and mobilizing our local communities to build a stronger network of global citizens and leaders to create a more prosperous, just and sustainable world;

Whereas, the citizens of Fairhaven, MA should participate in all activities related to UN Day;

Now, therefore, we, Charles K. Murphy, Sr., Robert Espindola and Geoffrey Haworth, the Board of Selectmen for the Town of Fairhaven, officially proclaim October 24, 2013 as UNITED NATIONS DAY.

Given under our hands and seal
this seventh day of October in
the year two thousand and thirteen.

Charles K. Murphy, Sr.

Robert Espindola

Geoffrey A. Haworth, II



TOWN OF
FAIRHAVEN
MASSACHUSETTS
THE FRIENDLY TOWN

OFFICE OF
DIRECTOR OF FINANCE/
TREASURER

TOWN HALL
TELEPHONE (508) 979-4026

October 7, 2013

Dear Honorable Selectman,

October 8, 2013 will be the end of my 6 month probation, and I will now increase to my next step per my employment contract. I would also like to receive the 1% increase that everyone else received July 1st now that I am off from probation. Prior to accepting the position, Jeff had said that I would receive the same percentage increase when the non-union employees did, but it does not state that in my contract. John Nunes always received the increases even when he was on probation and I follow all the other non-union benefits.

Respectfully,

Wendy L Graves, CMMT CMMC

Director of Finance/Treasurer

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BOARD OF SELECTMAN
FAIRHAVEN MASS