



Fairhaven Board of Selectmen

November 4, 2013 Meeting Minutes

Present: Chairman Charles Murphy, Clerk Geoffrey Haworth, Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne Kakley. Not present at beginning of meeting: Robert Espindola

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 recorded by Anne Kakley.

Upon calling the meeting to order, Mr. Murphy explained that Vice Chairman Robert Espindola was stuck in traffic en route to the meeting and would be late. Mr. Haworth asked to hold off on approving the minutes until Mr. Espindola was in attendance.

EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **November 5** –
 - 7:00 a.m. – New School Building Committee at Wood
 - 9:00 a.m. – Wood School Job Meeting at Wood
- Wednesday, **November 6** –
 - 11:30 a.m. – Veteran's Luncheon – COA
- Thursday, **November 7** –
 - 7:30 a.m. to 9:00 a.m. – Forum at Buzzard's Bay office
 - 3:00 p.m. – Town Finance dept. meeting
- Friday, **November 8** –
 - 10:00 a.m. – Brown and Caldwell – Digester
- Monday, **November 11** –
 - Holiday – Veteran's Day – Town Hall closed
- Tuesday, **November 12** –
 - 3:30 p.m. – Mattapoisett River Valley Water Advisory at BPW
 - 4:30 p.m. – Mattapoisett River Valley Water District at BPW
- Friday, **November 15** –
 - 10:00 a.m. to 12:00 p.m. – Fire Negotiations
- Tuesday, **December 10** –
 - 12:00 p.m. to 1:00 p.m. – Carol Gookin – Dispatchers mediation

Mr. Osuch indicated that the Town had not yet received word from the Department of Revenue on the Town valuation. He said that the earliest the Town could expect to hold a Tax Classification hearing would be December 2, 2013.

PRINCIPAL CLERK – SELECTMEN’S OFFICE

Mr. Osuch said that the candidate pool for Principal Clerk had been narrowed down to three finalists.

NEW SCHOOL CHANGE ORDER #12

The Board reviewed Change Order #12 for the New Wood School in the amount of \$21,463.71. Mr. Haworth motioned to approve Change Order #12. Mr. Murphy seconded. Vote carried. (2-0).

NEW SCHOOL REQUISITION #16

The Board reviewed Requisition #16 for the New Wood School in the amount of \$371,403. Mr. Haworth motioned to approve Requisition #16. Mr. Murphy seconded. Vote carried. (2-0). Mr. Osuch said that about \$213,097 remained to be paid for the New Wood School. He said that fewer than 50 items remained on the punchlist. Mr. Espindola joined the meeting at 6:36 p.m.

ANIMAL CONTROL OFFICER

Mr. Osuch said that the Animal Shelter was currently empty and that it would remain empty until they hired a full-time Animal Control Officer. He said that the position had been advertised and the deadline for applications was November 12 at 4:00 p.m. He said that there would need to be a Selectman representative for the interview process. Mr. Haworth volunteered to be the Selectman representative in the Animal Control Officer interviews. Mr. Espindola motioned to appoint Mr. Haworth to be a member of the ACO interview team. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Osuch said that the Town was using Acushnet and Mattapoisett’s part-time Animal Control Officers to fill in for Animal Control emergencies only. The ACO van will be used by Kelli Massey in emergencies only. Ms. Massey is the first contact for animal emergencies, said Mr. Osuch.

Mr. Espindola motioned to appoint both Kelli and Kathy Massey, ACOs for Mattapoisett, as temporary part-time Animal Control Officers in Fairhaven. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Osuch said that any animal requiring shelter will be housed at the Animal Rescue League in New Bedford. The boarding rate is \$20 per day. Mr. Osuch said that the Animal Rescue League requested that the Board accept the rates as outlined in Attachment A. Mr. Espindola motioned to approve the rates in Attachment A. Mr. Haworth seconded. Vote was unanimous. (3-0).

MINUTES

- Mr. Espindola motioned to approve the minutes of the **October 21, 2013** meeting, **open** session. Mr. Haworth seconded. Vote to approve was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **October 21, 2013** meeting, **executive** session. Mr. Haworth seconded. Vote was unanimous. (3-0).

AGENDA CHANGE

Mr. Murphy said that there was one deletion to the agenda – Atty. Casey Cole-Viera would not be in attendance to discuss the Adams Street parking issue, and the matter had been postponed to another meeting.

HOPPY'S STORAGE AREAS CONTRACTS

Citing a family connection to Thomas Allaire, Mr. Espindola recused himself at 6:43 p.m.

Mr. Haworth motioned to approve a lease agreement with Thomas Allaire for use of the Hoppy's Storage area. Mr. Murphy seconded. Vote carried with one abstention from Mr. Espindola. (2-0-1).

Mr. Espindola re-joined the meeting at 6:44 p.m.

The Board reviewed proposed lease agreements for use of Hoppy's Storage area. The Board asked that the agreements be corrected to have a start date of September 1, 2013. Mr. Espindola motioned to approve the lease agreements for use of Hoppy's Storage area for Robert Hobson, George Silva, Robert Sakwa and Michael Botelho, contingent upon that change. Mr. Haworth seconded. Vote was unanimous. (3-0).

HMFH AMENDMENT #4 AND #5 CORRECTIONS

Mr. Osuch presented to the Board a revised version of Contract for Designer Services with HMFH, Amendments #4 and #5. A figure in the original version was incorrect and was fixed in the corrected version. Mr. Espindola motioned to accept the HMFH contract Amendments 4 and 5 as corrected. Mr. Haworth seconded. Vote was unanimous. (3-0).

ANIMAL SHELTER DONATIONS

Mr. Espindola motioned to accept \$750 in Animal Shelter donations. Mr. Haworth seconded. Vote was unanimous. (3-0).

BOAT RAMP COMMITTEE APPOINTMENTS

The Board read letters of interest from Robert Hobson and Robert Newett for the Boat Ramp Committee. Mr. Haworth said that the Committee has not been meeting and appointing new

members willing to revive the group would be a good move. Mr. Espindola motioned to appoint Mr. Hobson and Mr. Newett to the Boat Ramp Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

- The Board reviewed an NSTAR gas permit for 7A Laurel Street. The application was previously approved by BPW. Mr. Espindola motioned to approve the NSTAR gas permit for 7A Laurel Street. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit for 4 Jerusalem Road. The application was previously approved by the BPW. Mr. Espindola motioned to approve the NSTAR gas permit for 4 Jerusalem Road. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit for 106 Adams Street. The application was previously approved by the BPW. Mr. Espindola motioned to approve the NSTAR gas permit for 106 Adams Street. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit for 110 Alden Road. The application was previously approved by the BPW. Mr. Espindola motioned to approve the NSTAR gas permit for 110 Alden Road. Mr. Haworth seconded. Vote was unanimous. (3-0).
- The Board reviewed an NSTAR gas permit for 21 Long Road. The application was previously approved by the BPW. Mr. Espindola motioned to approve the NSTAR gas permit for 21 Long Road. Mr. Haworth seconded. Vote was unanimous. (3-0).

2014 LOCAL CULTURAL COUNCIL FUNDING

The Board reviewed a contract for 2014 Local Cultural Council funding. Mr. Murphy was named as the signatory for the funding. Mr. Espindola motioned to authorize Mr. Murphy to sign the agreement. Mr. Haworth seconded. Vote was unanimous. (3-0).

CDBG FY13 LEAD TEST CONTRACT – LBP SOLUTIONS

The Board met with Bill Roth at 6:52 p.m. Mr. Roth said that each year, the Planning department goes out to bid for lead testing. This year's lowest qualified bidder is LBP Solutions. Mr. Espindola motioned to grant the FY13 lead test contract to LBP Solutions. Mr. Haworth seconded. Vote was unanimous. (3-0).

BREEZEWAY FARM CONSULTING

Mr. Roth said that the contract with Breezeway Farm Consulting was only until November and would need an extension to December 1. Mr. Haworth asked if there would be a cost associated with the extension. Mr. Roth said no. Mr. Espindola motioned to extend the contract with

Breezeway Farm Consulting to December 1, 2013. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board passed over the 7:00 p.m. appointment with Casey Cole-Viera.

COMMITTEE STATUSES

The Board reviewed the statuses of the Dog Park Committee and the Local Emergency Planning Committee (LEPC), both of which had not met recently.

Mr. Haworth said that he would like to see the LEPC revived to help with the Emergency Preparedness Plan. He said that he would also like to be appointed to the LEPC to help in the process. Mr. Espindola motioned to appoint Mr. Haworth to the LEPC. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Murphy said that the Board had received an email from Diane Hahn, who is interested in reviving the Dog Park Committee, which has not met since January 2013 and has no agendas or minutes on file with the Town Clerk. Ms. Hahn was present to speak, and said that she has set up a Facebook page to direct interest from Town members to help in reviving the Dog Park Committee. Mr. Haworth asked Ms. Hahn to call the members on the Dog Park Committee listing to see if there is still interest in serving on the committee. Mr. Espindola motioned to revive the Dog Park Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to appoint Ms. Hahn to the Dog Park Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

CONSERVATION LAND DONATIONS

The Board reviewed a listing from the Assessors' Office of the past five years' worth of Conservation land donations to the Town. The parcels – mainly located in East Fairhaven and off Sconticut Neck – total about \$389,800 in assessed value. Mr. Espindola said that every time a property is donated to the Town, it comes off the tax role and he was concerned about setting precedent. Mr. Osuch said that the Town will only accept the donations if the taxes are up to date. If the owner defaults and stops paying, the Town has to take the parcel either way. Mr. Haworth said that the total of the conservation donations was actually lower than he was expecting it to be. No action was taken.

TOWN COUNSEL RFP

The Board discussed the RFP for Legal Services and the recent interviews held with Atty. Joseph Michaud, Atty. Thomas Crotty and Kopelman and Paige.

Mr. Murphy said that using the Town Counsel score sheet that was attached to the RFP was optional to use. Mr. Murphy said that he had opted to use the score sheet. The only applicant who had scored 100 in Mr. Murphy's evaluation was Thomas Crotty, he said.

Mr. Espindola handed out a prepared statement to the Board regarding his preference for Kopelman and Paige. See Attachment B for Mr. Espindola's statement.

Mr. Haworth also did not use the score sheet and he favored Thomas Crotty. He cited Mr. Crotty's experience and said that he did not think it was a good time to change counsel. He said that Kopelman and Paige did not bid beyond the first year, and he anticipated that their price would go up from the \$125,000 flat annual rate.

Mr. Espindola said that they had not asked Kopelman and Paige for multi-year pricing. He added that he had a feeling Mr. Murphy and Mr. Haworth would end up favoring Atty. Crotty, but he was still satisfied that they at least went through the process of an RFP for legal services.

Mr. Haworth motioned to retain current Town Counsel, Thomas Crotty. Mr. Murphy seconded. Vote carried with Mr. Espindola opposing. (2-1).

VETERAN'S DAY ACTIVITIES

At 7:22 p.m., the Board met with Anne Sylvia, Director of the Council on Aging to hear about upcoming COA events.

Ms. Sylvia said that the Veteran's Day luncheons would be held on November 6 and 7. The Selectmen RSVPed for the dates that they would be attending. Ms. Sylvia said that although the COA would be closed on November 11, there would be vans available at the COA parking lot to anyone wishing to attend the Veteran's Day parade.

On November 13, there will be a "Girls' Night Out" themed fundraiser for the Friends of the COA, said Ms. Sylvia. On November 28, there will be a Thanksgiving dinner for seniors who would be otherwise alone on that holiday. Vans will be available to get seniors to the COA for the meal.

Additionally, the Friends of the COA will be selling Christmas ornaments this year at the Senior Center, the Millicent Library and at Dorothy Cox's Candy.

NFIA – FIRE STATION LEASE

At 7:29 p.m., the Board met with John Medeiros and Jeffrey Lucas of the North Fairhaven Improvement Association (NFIA) to discuss the NFIA's expired lease with the Town for use of Fire Station #3. The current lease expired in 2009.

Mr. Medeiros and Mr. Lucas said that various Town and civic organizations make use of the building, which was renovated by the NFIA. The renovations cost the NFIA approximately \$40,000. The NFIA pays the utilities and maintenance on the building.

Mr. Lucas and Mr. Medeiros expressed concern over still being able to use the building, updating the lease, and addressing the issue of a possible ownership transfer for the abutting Oxford School, which could compromise accessibility and parking for the NFIA Fire Station #3.

Mr. Haworth said that even if the Oxford School ends up being sold, the Town should retain some of the land around the Fire Station #3. Mr. Lucas said that the Town could even do a Form A through the Planning Board to delineate new property lines.

Mr. Espindola motioned to have Town Counsel draft up a new lease, to take into consideration the possibility of the Oxford School being eventually sold to a private entity. Mr. Haworth seconded. Vote was unanimous. (3-0).

CDBG 2014 COMMUNITY DEVELOPMENT STRATEGY

Mr. Roth said that the Town had, to date, received 7.1 million dollars in funding for CDBG. The 2013 Block Grant Cycle is in the first stage with the Community Development Strategy. The Strategy has been submitted to various agencies, including the BPW, for comment, he said. The two new target areas are in North Fairhaven: one section, just north of 195, and one area just south of 195, in the “Anthony School” area. Mr. Roth outlined the main changes in the Development Strategy. There will be nine hearings, including hearings with the NFIA, Fairhaven Housing Authority, and three neighborhood meetings. The application is due February 14 and the Town is eligible for up to \$900,000, though Mr. Roth said that he may aim for less than that to prevent limiting the Town’s CDBG options next year, which could hurt the Town’s CDBG rating for marked improvement.

Mr. Haworth commented that the BPW has always been supportive of Mr. Roth’s CDBG efforts and its positive impact on the Town’s infrastructure.

Mr. Roth will present more on the CDBG 2014 Community Development Strategy at the next Selectmen’s meeting on November 18.

MORTGAGE DISCHARGE – CDBG

Mr. Roth said that one of the CDBG housing rehab clients passed away, and the heirs to the property amortized the loan. The heirs are therefore in need of a mortgage discharge from the Board of Selectmen, he said.

Mr. Espindola motioned to sign the discharge document. Mr. Haworth seconded. Vote was unanimous. (3-0).

WENDY GRAVES – REVIEW

The Board met with Town Finance Director Wendy Graves at 7:53 p.m. for a routine job performance review, which marks the end of Ms. Graves’ probationary period. Mr. Murphy asked Ms. Graves if she preferred to hold the discussion in open or executive session. Ms. Graves opted to discuss the matter in executive session. Mr. Murphy said that the Board would

finish the rest of the open session agenda and then have the performance review with Ms. Graves in executive session.

COMPASSIONATE CARE CLINICS

The Board met with Shelley Stormo and Holly Carroll of Compassionate Care Clinics regarding their request to submit to the Massachusetts Department of Public Health a letter of support for their Medical Marijuana Dispensary application for 2 Pequod Road.

At the previous meeting, Mr. Murphy and Mr. Haworth supported sending the letter, but Mr. Espindola said that he needed more time to consider it. Mr. Espindola said that he had considered the Planning Board's stance and the feedback from constituents and was ultimately supportive of sending the letter.

Mr. Murphy reiterated his support for Compassionate Care Clinics, and he noted that the voters of Fairhaven overwhelmingly voted to support the legalization of medical marijuana. Mr. Haworth agreed, adding that he did not support the proposed Planning Board medical marijuana moratorium.

Mr. Espindola said that he thought the dispensary could represent "significant dollars" to the Town and that they could have a discussion about a payment in lieu of taxes. Ms. Stormo said that she would be willing to have that discussion after the provisional license.

Mr. Espindola motioned to send a letter of support from the Board of Selectmen to the Mass DPH for Compassionate Care Clinics. Mr. Haworth seconded. Vote was unanimous. (3-0).

Ms. Stormo asked Mr. Osuch to send a similar letter, and he said that he would.

PRINCIPAL CLERK

The Board announced that there would be a special Selectmen's meeting on Tuesday, November 12 at noon to conduct final interviews for the Principal Clerk position in the Selectmen's Office.

ENERGY PURCHASING

Mr. Osuch said that the Town would have to lock into an energy price soon. He said that he had reviewed a proposal from World Energy, but that World Energy requires exclusivity for a period of time, and he did not favor that.

Mr. Espindola said that he wanted to have a bid process where all bidders submit at the same time.

Mr. Haworth said he did not favor protracting the issue of energy purchasing any further. He said he wanted to lock into an advantageous price as soon as possible. He said that he was comfortable with whatever method Mr. Osuch used to secure a price.

No action was taken on the matter.

OTHER BUSINESS

In Other Business:

- Mr. Espindola said that there had been some issues with Channel 18 cutting out a couple times
- Mr. Espindola asked if there had been any updates from the Wind Turbine steering committee. Mr. Murphy stated that the Selectmen's Office had received a petition from a group of citizens regarding the turbines. Mr. Murphy said that he had asked Ms. Kakley to forward the letter to Fairhaven Wind and was awaiting a mitigation plan from Fairhaven Wind
- Mr. Haworth said that he was getting increasingly concerned about what to do with the Rogers and Oxford school buildings. The weather is getting colder and action will have to be taken to winterize or heat the buildings he said. He added that there was quite a bit of furniture scattered throughout the buildings, and that the Town may want to group the furniture into the gymnasium for a future auction
- Mr. Haworth said that the "No Parking" signs around the Rogers School have been removed, but he still thinks that the abutters should be notified that the Snow Ban parking applies to that area, to avoid unnecessary ticketing
- Mr. Murphy celebrated the Red Sox win of the 2013 World Series
- Mr. Murphy reminded the public that the 2013 Veterans' Day Parade would be on Monday morning, November 11, and that the Selectmen would be marching in that parade

At 8:52 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 conduct a job performance review – Wendy Graves

Mr. Haworth seconded the motion to enter Executive Session for the aforementioned reasons, not 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 11/18/2013)