



# Fairhaven Board of Selectmen

## December 30, 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 6:02 p.m. The meeting was telecast and video recorded by Government Access and was audio recorded by Anne Kakley.

### NELSON AVE FIRE

Mr. Murphy opened the meeting with a statement regarding the recent house fire on Nelson Ave. He said that the cause of the fire is currently under investigation. There were no reported injuries and mutual aid responding to the fire came from Mattapoisett, Acushnet and New Bedford. The house is a total loss.

### MINUTES

- Mr. Espindola motioned to approve the minutes of the **December 16, 2013** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **December 16, 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, **December 31** –
  - 12:00 p.m. – Town Hall closing early
- Wednesday, **January 1** –
  - Town Hall is closed
- Thursday, **January 2** –
  - 11:00 a.m. – Meeting with Phil Laffy – Sprint cell phones
  - 6:30 p.m. – Meeting with the Rogers-Oxford Study Committee at the Town Hall
- Monday, **January 6** –
  - 6:30 p.m. – Selectmen's Meeting
- Wednesday, **January 8** –

- 12:00 p.m. – Manager’s meeting in Dartmouth

Mr. Osuch said that there was talk of a snow storm later in the week and he reminded residents of the snow parking ban for the sake of snow removal.

### **BAYSIDE ENGINEERING – OLIVER ST CHICANE**

Mr. Osuch informed the Board that he had received an email from BPW superintendent Vinnie Furtado saying that an engineering company called Bayside Engineering, out of Woburn, had quoted a \$2,000 figure for the review of a chicane on Oliver Street. Mr. Osuch said that there have only been a couple incidents on the police reports in the past possibly related to the chicane, and no reports have been made in the last five years.

Mr. Espindola asked if Bayside Engineering was the company who created the original design of the chicane. The Board did not think so, with former BPW commissioner Selectman Haworth saying that the company name did not sound familiar. The Board was confident in Mr. Furtado’s opinion. Mr. Espindola motioned to approve the expenditure, not to exceed \$2,000. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **ANNUAL LICENSE RENEWALS**

The Board approved the following Liquor License renewals in one motion: Acushnet River Safe Boating Club; Bayside Lounge; Bitter End Lounge; Cardoza’s Wine and Spirits; Connolly’s Liquors; Courtyard Restaurant; Dorothy Cox’s Candies; Douglas Wine and Spirits; Down the Hatch; Elizabeth’s Restaurant; Emma Jean’s Cupcake Factory; Fairhaven Post 166, American Legion; Fish House Restaurant; Friendly Farm Convenience; Fort Phoenix Post 2892, VFW; Huttleston House (transfer pending); Ice House Restaurant; Mike’s Pizza; Minervas Pizza; Old Oxford Pub; Paul’s Sports Corner; Pizza Hut; Rasputin’s Tavern; Scuttlebutts Grocery and Spirits; Seaport Inn; Sivalai Thai Cuisine; Sweet Ginger Asian Cuisine and Bar; Wah May Restaurant; Premium Liquors; Vila Verde Restaurant. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board approved the following Common Victualer License renewals in one motion: A Kitchen Restaurant; China Café; Flour Girls Baking, LLC; Galaxy Pizza; Jake’s Diner; Palace Pizza and More; Pumpnickel’s; 7-Eleven; Simmy’s Restaurant; Scrambler’s Breakfast and Bagel; Subway (20 Sconticut Neck Road); Subway (42 Fairhaven Commons Way); Tropical Smoothie Café; Wendy’s Restaurant; and Yia Yia’s Pizza Café. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board approved the following Car Dealer License: First Line Auto Sales, d/b/a/ Fairhaven Getty Auto Sales. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

Per request of Mr. Haworth, the Board tabled the approval of a Car Dealer License for Richard Dussault d/b/a/ Dussault Auto Sales. Mr. Espindola motioned to table the approval of the Car Dealer License for Richard Dussault. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board approved the following Repair License renewals in one motion: Dattco Sales and Service; Jiffy Lube #1229; Leban Fuel, Inc. d/b/a Fairhaven Getty; Nice 'N Clean Car Wash; Roland's Tire Service; and Sarkis Enterprises Inc. Mr. Espindola motioned the approval. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board approved the following Lodging House License renewals in one motion: Kopper Kettle Guest House and the Delano Homestead Bed and Breakfast. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve an Entertainment License renewal for the Carousel Skating Center. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve a Private Livery License renewal for Active Day Fleet, Inc. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **HOUSING AUTHORITY APPOINTMENT**

The Board set a deadline for letters of interest for the Housing Authority vacancy to be Monday, January 13 and set an appointment to meet with the Housing Authority for the sake of making an appointment on January 22, 2014. Mr. Espindola motioned to set the deadline and the appointment. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **TOWN REPORT – SELECTMEN'S OFFICE**

The Board reviewed a draft Town Report from the Selectmen's Office. Mr. Espindola had comments to make for the report and asked to postpone a vote to the next meeting on January 6, 2014. Mr. Espindola will submit desired changes to the Selectmen's Office.

### **LEGAL BILLS**

Mr. Haworth asked to table a discussion on legal bills to the January 6, 2014 meeting.

### **SPECIAL TOWN MEETING – FEBRUARY**

The Board discussed the upcoming February Special Town Meeting. Mr. Espindola motioned to set the Special Town Meeting date for Wednesday, February 12, 2014 for 7:00 p.m. in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School. Mr. Haworth seconded. Vote was unanimous. (3-0). The article deadline for the February Special Town Meeting is Thursday, January 9, 2014 at 4:00 p.m.

The Board discussed the Annual Town Meeting and set the date. Mr. Espindola motioned to set the Annual Town Meeting date for Saturday, May 3, 2014 for 9:00 a.m. in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School. Mr. Haworth seconded. Vote was unanimous. (3-0). The article deadline for the Annual Town Meeting is Thursday, January 23, 2014 at 4:00 p.m.

## **NON-UNION WAGES**

Mr. Espindola motioned to recommend a Non-Union Personnel wage increase of 0.5% in FY14, and 1% in FY15. Mr. Haworth seconded. Vote was unanimous. (3-0).

## **LOBSTER BASIN**

The Board read a letter from the Harbormaster regarding various possibilities for the Union Wharf Lobster Basin displacement. See Attachment A. Mr. Osuch said that the boats at the slip have been bumped in the past and if there was a slip opening, the one with the most seniority had the rights to the slip. The Board was receptive to this process and voted to adopt this recommendation from the Harbormaster. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

## **UNITED WAY TOY DRIVE**

Mr. Murphy read a letter from the United Way thanking the Town Hall and the Town of Fairhaven for their generosity in participating in the 2013 Toy Drive.

## **TAYLOR SEAFOOD PRESENTATION**

The Board met with Rod Taylor, proprietor of Taylor Seafood, at 6:30 p.m. to hear a request for an aquaculture license expansion. See Attachment B for the PowerPoint presentation.

In the proposal, Mr. Taylor said that he sought to start an oyster hatchery on Goulart Memorial Drive with a new partner. In order to fund the hatchery, he said he was seeking to expand his current aquaculture operation north of West Island. Mr. Taylor said that in establishing the hatchery, they would be removing an eyesore on Goulart Memorial Drive. He said that the expanded operation would go from 35 acres to 101 acres and Mr. Taylor said that the gear in the water would “ameliorate the waves” and reduce choppiness in that area. Additionally, he said that increasing the presence of quahogs in that area would reduce nitrogen blooms and improve the water quality to everyone’s benefit. He said that he would be able to continue his mission to provide quahogs to the Town. Mr. Taylor said that the outer corners of the aquaculture farm would have hazard markers.

Mr. Cox joined the meeting at 6:40 p.m.

Mr. Taylor’s partner, Tim Cohan, produced a video showing scallop seed being donated to the Town of Fairhaven from Taylor Seafood and distributed in the bay.

Mr. Haworth asked if recreational shellfishermen have gotten the chance to comment on the proposed expansion. Mr. Cox said that the Taylor aquaculture farm is not heavily traveled for recreational shellfishing.

The discussion was tabled to January 22. Mr. Cox will begin a dialogue with recreational shellfishermen and advertise in the area papers.

### **NFIA LEASE – FIRE STATION #3**

At 6:45, the Board met with representatives of the NFIA – Michael Silvia, John Medeiros, Peter DeTerra and Fred Raphael – to discuss a lease for Fire Station #3.

Mr. Silvia provided some background to the public on the building. He said that the structure was in bad shape and probably slated for demolition before the NFIA stepped in and completely restored it, and installed a bathroom and heating system. The building is not just used for NFIA meetings, but it is also used on occasion by civic groups and even Town departments for meetings. In reviewing a recently updated lease from Town Counsel, Mr. Silvia said that the NFIA was not pleased with a provision that would allow the Town to evict the NFIA from the building with a 30-day notice and no recourse. The provision was placed in the lease in preparation for a potential sale of the abutting Oxford School. “I think we need to feel secure that we can live with the remainder of the lease,” Mr. Silvia said. He added that he did not think that the Fire Station would be a “deal killer” in the sale of the Oxford School, and that the Board of Selectmen could always approach the NFIA in the future if a sale was pending.

The other members of the NFIA concurred with Mr. Silvia.

Mr. Espindola asked the representatives to alter the language of the lease to reflect what they want for the Selectmen to consider. He also recommended that the NFIA get in touch with members of the Rogers-Oxford Study Committee to help them put together guidelines for a sale or lease RFP.

Mr. Haworth agreed that there is no point in having a lease that is essentially month-to-month. He said that he did not want to “tie the Town’s hands” but that they could potentially compromise on a longer notification process than 30 days.

Mr. Murphy said that he favored discussing the matter in Executive Session and then forwarding a decision to Atty. Crotty for the sake of revising the lease.

Mr. Silvia said that the Town would need to do a title search of the property.

Mr. Murphy said that, with the Board’s permission, he would take the lease to Town Counsel for consideration. The Board agreed.

### **OTHER BUSINESS**

In Other Business:

- Mr. Espindola asked Mr. Murphy for an update on the wind turbine mitigation plan. Mr. Murphy said that he was waiting to hear from the Board of Health on what DEP recommendations that they have incorporated into the plan.

- Mr. Espindola said that there was an October 31 petition received by the Selectmen's Office regarding the wind turbines. He asked why the chicane petition was acted upon but not the wind turbine one. Mr. Murphy answered that he thought the wind turbine issue related to health concerns and that only the Board of Health could address or take action on the issue. Mr. Haworth suggested sending a letter to the petitioners to tell them that they should address their concerns to the Board of Health.
- Mr. Espindola said that his next office hours will be on Tuesday, January 7 at 6:30 p.m., and that the hours will include a lesson on how to play cribbage.
- Mr. Haworth said that he was "moved" by the outpouring of support by the Town in the procession and ceremonies for Lance Cpl. Matthew Rodriguez. He gave his condolences to the Rodriguez family.
- Mr. Murphy also extended his sympathies to the Rodriguez family and thanked the Congregational Church and emergency workers for a well-organized and respectful event.
- Mr. Murphy wished everyone a Happy New Year.

At 7:16 p.m., Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with respect to collective bargaining – Police, Dispatchers Union negotiations

Mr. Haworth seconded the motion to enter Executive Session for the aforementioned reason, 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 1/22/2014)



Town of Fairhaven  
Department of Natural Resources  
40 Center St., Fairhaven, MA 02719

Office of the Harbormaster/ Shellfish Warden  
508 984-4529

\* Harbormaster David S. Darmofal \* Shellfish Warden Timothy Cox

Board of Selectmen  
Town of Fairhaven  
40 Center St.  
Fairhaven, MA 02719

Dec. 18, 2013

Subject: Lobster Basin slip Issues

Gentlemen,

As you know we anticipate some work on Union Wharf next year. As a result of the construction we will have some issues with vessels using the dock space at Union Wharf.

In one scenario we have to relocate vessels to other areas of the docks while construction of the bulkhead is in progress. This is the easiest of them all if the spaces we think can be made are available to accommodate the 3 boats. However, it appears that even more extensive work is going to be done on Union Wharf. If so some large vessels will be affected. This will most likely eliminate some space I had in mind for the 3 smaller vessels.

If in fact I cannot find room for up to 3 small vessels at town docking space 1 or all of them will have to move to someplace else at their expense. If that occurs we will have to prorate their contract to reimburse them for the funds they paid to dock at Union Wharf.

So far this isn't too complicated and all of the small vessel owners have been notified that they might have to move.

However, this has the possibility of becoming even more complicated. In speaking with the Engineer in charge it appears the new bulkhead has to come out a given amount to be driven in. That amount will be between 18 inches and 4 feet, most likely in the neighborhood of 2 feet. This presents a problem with space for 1 boat at the corner of the wharf and Union St.

The possibility of removing some of the wharf and driving the sheets inside of the existing bulkhead is too costly and therefore it is not an option. The situation presents itself that the dock space may be to near an adjacent vessel. If that happens that vessel will not have a dock space they need. As a side light we are trying to see if a piling is relocated or removed we may have the space even with the new bulkhead.

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BOARD OF SELECTMEN  
FAIRHAVEN MASS

With an assumption a space is lost we now need to go through a procedure that will make the party affected whole.

The party affected happens to be one of the larger vessels and it has been the longest tenant at the wharf. I would like to suggest the following as a remedy to this problem.

First of all I believe the first in should be the last out and the last in shall be the first out assuming all vessels have met all of the criteria to have a slip.

If we all agree to that then the vessel being affected would have the right to assume another slip causing that person to leave and find another slip somewhere else with them being reimbursed for the time they had paid for.

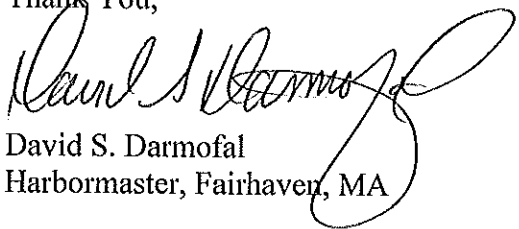
However, the vessel in mind will most likely be too large to take the slip vacated by the vessel with the least seniority. That then presents a problem of how the vessel gets another slip. I therefore propose that all of the vessels be charged with a seniority number 1 through 11. Now vessel with the most seniority vessel #1 which is the vessel that has to relocate will then go to the highest number vessel and bump them out of their slip. If that slip is not of sufficient size to accommodate the number 1 vessel then the number 1 will then seek out the next lowest number boat. Again if that boat slip can't accommodate the vessel the process will continue until a slip can be found. Whatever vessel that is bumped then will be offered the original vessel slip vacated. Again if that spot can't accommodate them they will start the bump process all over again. They will only be able to bump a vessel with less sonority than they have.

Ultimately I would ask that you approve of a procedure and I will gladly implement it whether it be my suggestion yours or a combination of suggestions. The goal is to do it a manner that's fair to all.

As a side note some larger vessels might be affected by the construction now that an attempt to do even more bulkhead work is on the table. I will not be able to accommodate all of the regular large vessels. I had notified them that there may be some disruption with parking and traffic as well as some slip space. I did not expect the level of disruption that we may have with the extra work however. I may if the Fire Chief agrees to allow extra rafting to take care of a couple boats. All others will have to dock someplace else at their expense. I don't anticipate any big concerns seeing will bill on a daily bases.

I believe this is a viable fair way to address this situation. I'm certainly open to suggestions if the process that I outlined or my request that you get involved needs to be tweaked. Please contact me or Mr. Cox as I'm off at the beginning of the year. We most certainly will implement whatever you believed to be the best practices.

Thank You,



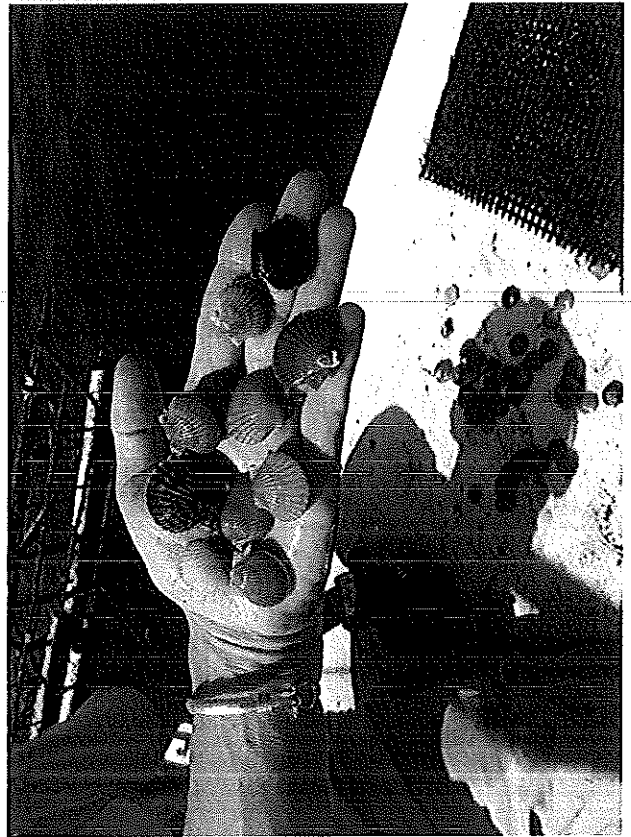
David S. Darmofal  
Harbormaster, Fairhaven, MA

Cc: J. Osuch  
T. Cox



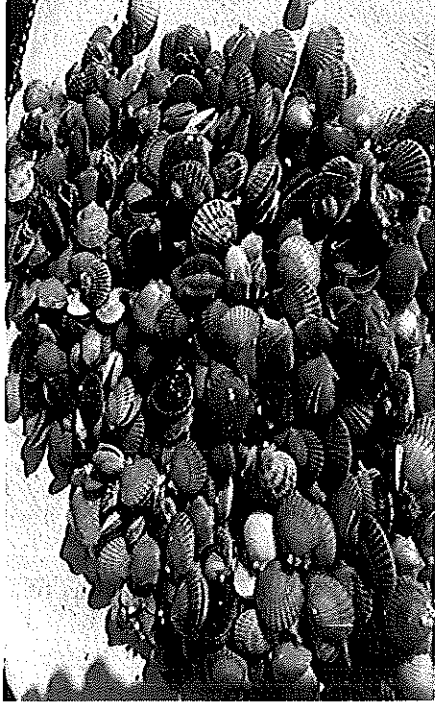
# Taylor Seafood Proposed Site Expansion

12/30/13



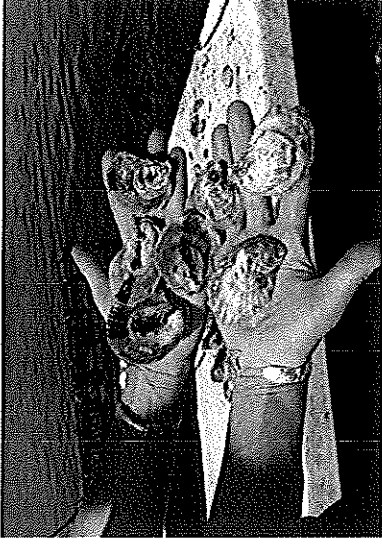
# Benefits to Fairhaven

- Improved protection of shoreline due to more aquaculture gear breaking wave action
- Increased visibility of Fairhaven as an aquaculture leader in the area
- Educational impact
- Higher fee
- Our new shellfish hatchery on Goulart Memorial Drive will provide more shellfish species for culture and also for Fairhaven's wild shellfishery. Specifically, we will be able to provide quahog seed to Fairhaven's shellfishery for the first time. This will allow more commercial and recreational targeting of smaller, more high value quahog sizes

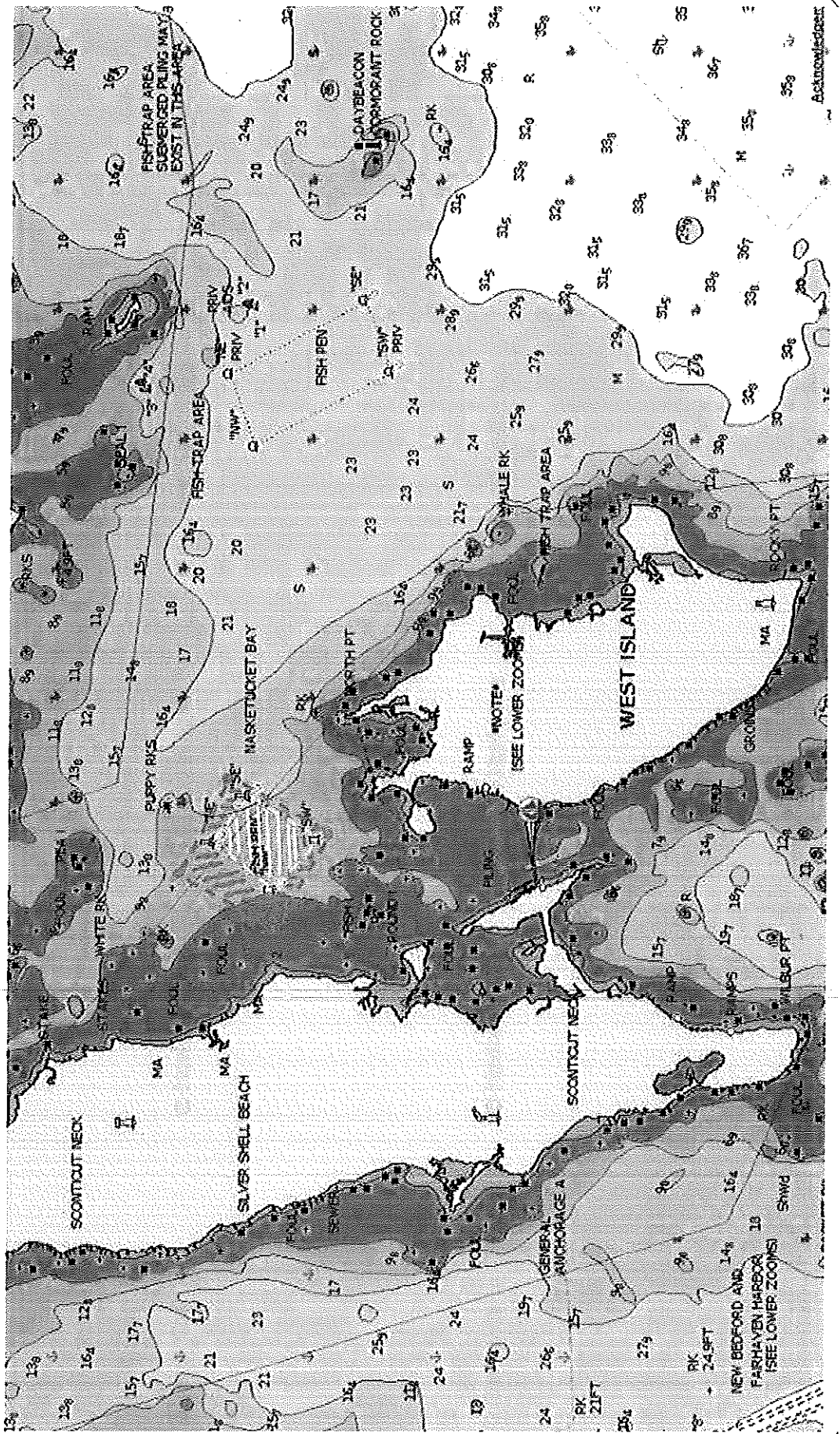


# Benefits to Nasketucket Bay

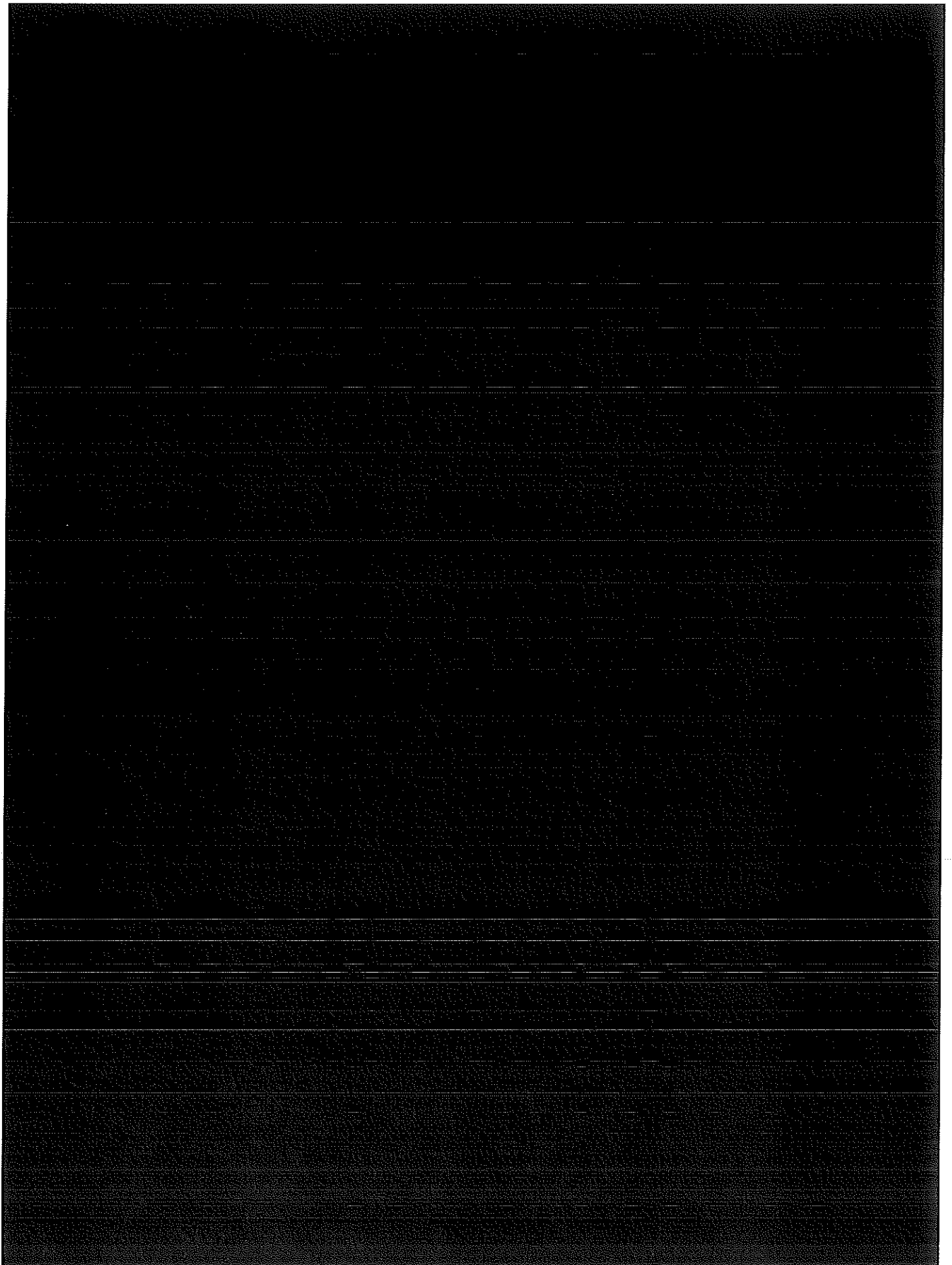
- Safer navigational markers
- Continue to reduce nitrogen levels, improve water quality and clean the waters of the area
- One adult oysters can filter between 20 and 50 gallons a day
- The increase in acreage would allow the oysters to filter more than 300 Olympic swimming pools worth of water every day
- All this filtering helps to clarify the water, allowing sea grasses to grow on the seabed, which increases habitat for marine organisms
- Increased gear will increase the “reef effect” allowing for more refuge for more fin fish

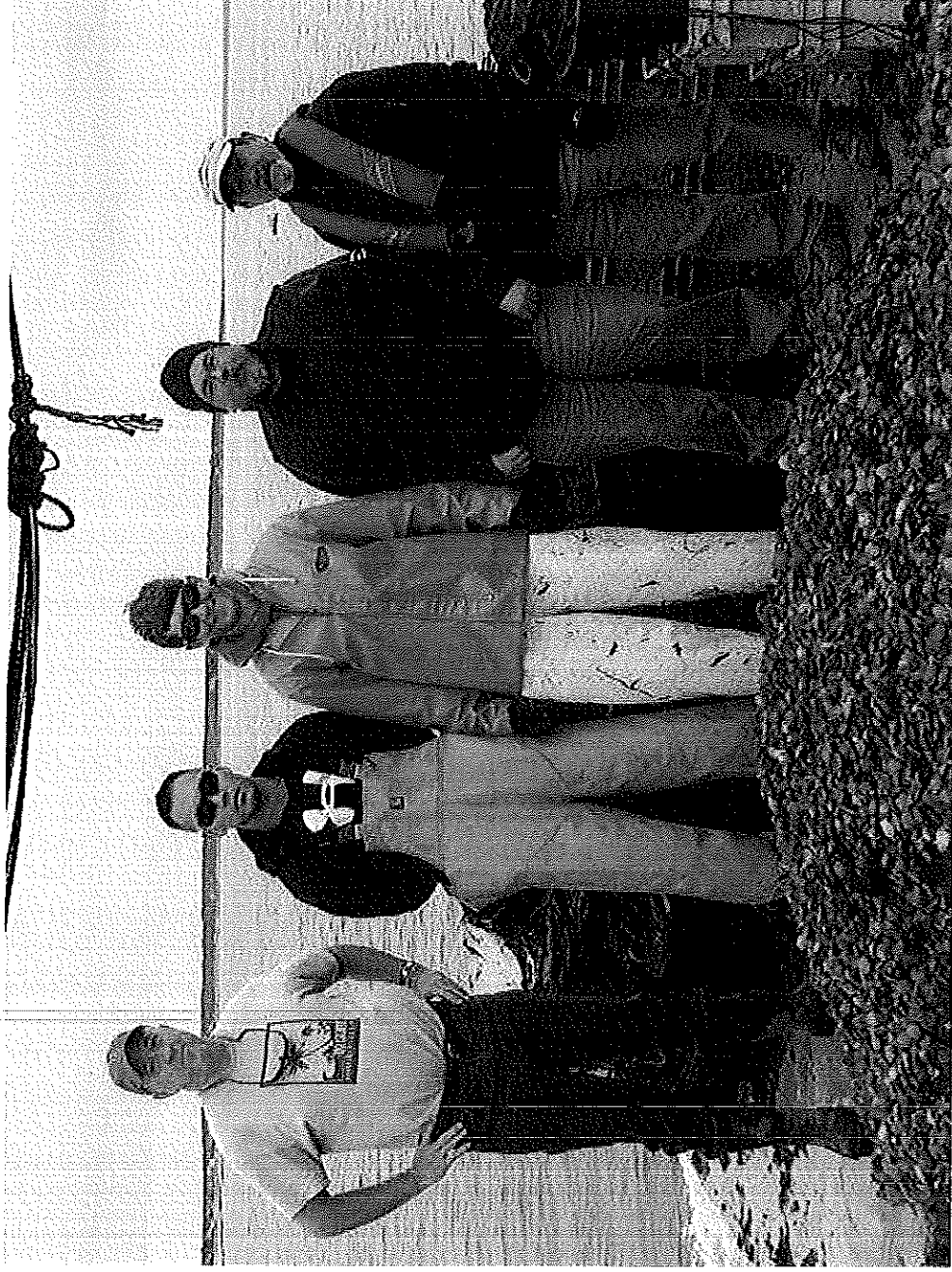


# Proposed Site Chart



Acknowledgment





This year Taylor cultured seafood, working with Fairhaven's shellfish department, was able to donate 1 1/2 million bay scallop seed which was valued at over \$75,000