



Fairhaven Board of Selectmen

January 6, 2014 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 6:33 p.m. The meeting was telecast and video recorded by Government Access and was audio recorded by Anne Kakley.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **December 12, 2013** meeting, **open** session, with one amendment. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to table the approval of the **December 30, 2013** minutes, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to table the approval of the **December 30, 2013** minutes, **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, **January 7** –
 - 1:30 p.m. – Meeting at the BPW re: “Pay as you throw” program
- Wednesday, **January 8** –
 - 6:30 p.m. – Commission on Disability meeting at the COA
- Thursday, **January 9** –
 - 7:00 p.m. – Finance Committee meeting
- Wednesday, **January 15** –
 - 12:00 p.m. – Manager’s meeting in Dartmouth
- Thursday, **January 16** –
 - 7:00 p.m. – Finance Committee meeting
- Monday, **January 20** –
 - 12:00 p.m. – Holiday – Town Hall is closed
- Tuesday, **January 21** –
 - 2:00 p.m. – Economic Summit meeting
- Wednesday, **January 22** –

- 6:30 p.m. – Selectmen’s Meeting

CHPS LETTER – NEW WOOD SCHOOL

Mr. Osuch distributed to the Board a letter from the Collaborative for High Performing Schools (CHPS), recognizing that the New Fairhaven Elementary School (i.e., New Wood School) has been verified as a high performance school and has earned CHPS Verified Leader Status.

Mr. Osuch called the recognition “significant”, and Mr. Espindola said that the recognition would qualify the Town of Fairhaven for an increased reimbursement from the MSBA.

STM ARTICLES

Mr. Osuch reminded the public that articles for the February 12 Special Town Meeting are due on Thursday, January 9 by 4:00 p.m. in the Selectmen’s Office.

Mr. Osuch said that the State will contribute \$150,000 to the demolition of the MacLean Seafood Building at Union Wharf, and an article will appear regarding this demolition.

Mr. Osuch said that departmental budgets were due to the Selectmen’s Office by January 14.

ANNUAL LICENSE RENEWALS

The Board approved two Repair License renewals for: Ray’s Fair Repair and Jet Wash Car Wash. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

The Board approved a Private Livery License renewal for: Elite Transportation, Inc. Mr. Espindola motioned. Mr. Haworth seconded. Vote was unanimous. (3-0).

SELECTMEN’S OFFICE ANNUAL REPORT

The Board reviewed a final version of the Board of Selectmen’s Annual Report. Mr. Espindola motioned to approve the annual report. Mr. Haworth seconded. Vote was unanimous. (3-0).

HOWLAND DISPOSAL SERVICES CONTRACT

The Board reviewed a contract with Howland Disposal. Mr. Haworth asked if the rate was any different from previous years. Mr. Osuch answered that the rate had increased one dollar per ton. Mr. Espindola motioned to approve and sign the contract. Mr. Haworth seconded. Vote was unanimous. (3-0).

8 LINCOLN DRIVE DEED

The Board reviewed an easement for 8 Lincoln Drive. Mr. Espindola motioned to authorize the Chairman to sign the lease. Mr. Haworth seconded. Vote was unanimous. (3-0).

ANIMAL SHELTER DONATIONS

Mr. Espindola motioned to approve \$118 in Animal Shelter donations. Mr. Haworth seconded. Vote was unanimous. (3-0).

CDBG-DR AUTHORIZATION

Per request of Town Planner Bill Roth, Mr. Espindola motioned to submit the Community Development Block Grant-Disaster Relief (CDBG-DR) grant for the demolition of the building at Union Wharf and to authorize the Chairman to sign any and all necessary documents associated with said grant. Mr. Haworth seconded. Vote was unanimous. (3-0).

SPECIAL TOWN MEETING DISCUSSION

Mr. Osuch said that the Board had received an appraisal for 211 Mill Road and he suggested that, since the Town now had a value for the property (\$75,000.00), they had until January 9 to send the appraisal to the owner of the property, then the owner (Denormandie) would have to determine if he were willing to sell the property to the Town for that amount. Mr. Espindola motioned to forward the appraisal to Mr. Denormandie for consideration. Mr. Haworth seconded. Vote was unanimous. (3-0).

FY15 BUDGET DISCUSSION

Mr. Osuch said that the Town departments would be submitting their budgets in the next week. He said that if the Police Union contract is ratified at Town Meeting, money would have to be appropriated for its ratification. Mr. Osuch said that departments should submit their budgets with base wages reflecting a half a percent wage increase in FY14 (from January 1, 2014 to June 30, 2014), and a one percent wage increase in FY15.

Mr. Osuch said that Mr. Espindola had submitted language for an article that would seek to establish a Capital Needs Committee. Mr. Osuch said that the Board of Selectmen would have to get together and complete the language, including entering some figures in blanks, so the article would be tailored to what they want in the committee. Mr. Espindola said that he had hoped that the Economic Summit meeting members would have given some guidance on those aspects of the article. Mr. Osuch suggested that the Board place the topic of the Capital Needs Committee on the next Board of Selectmen meeting agenda for discussion. In the meantime, Mr. Murphy said that he would present the topic to the Economic Summit for discussion at their next meeting on January 21.

SPRING STREET GARAGE LICENSE RENEWAL

The Board met with Carol Dussault at 7:00 p.m. to discuss a requested Car Dealer and Car Repair license renewal for Spring Street Garage, 99 Spring Street, and a stipulation amendment for the existing Car Repair license.

In the recommended amendment to the license, the Fire Department stipulated “No paint spraying on the premises” and that the “license must be revised and the proper ventilation equipment must be installed before any spraying can take place”.

Ms. Dussault claimed that Spring Street Garage was owner-operated and for that reason, no proof of worker’s compensation would be required. Ms. Dussault said currently, she is “outsourcing” spray painting, but that she will soon be purchasing a spray booth that is EPA compliant. She said that the location was zoned for painting, but that the environmental requirements have changed over the 38 years that they have been in that location.

Mr. Haworth said that he had heard complaints from neighbors about spraying, loud noises from the garage, and operations after 9:00 p.m. Mr. Haworth said that he spoke with the Dussaults and feels comfortable that any issues have been addressed. He said that there should be no spraying at the Spring Street Garage until the spray booth is fully-installed and has been inspected by the Building and Fire departments.

Ms. Dussault said that her license does indicate that there is to be no work performed after 9:00 p.m. She admitted to working after 9:00 p.m. in the past, but she said that the work performed was mainly office and paperwork. She said that they have tried to be “good neighbors” and apologized for any noisy activity, adding that they have restored the building to reduce the eyesore to the neighborhood. She said that the only after hours activity that she could not control was the towing component to their business, which could result in a tow truck dropping off a car to the garage at any time of the night.

Mr. Espindola motioned to approve the Car Repair license for Spring Street Garage with the stipulation from the Fire Department to have no spraying on the premises and that the proper spraying equipment would have to be installed before spraying would be allowed. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the Auto Sales license for Spring Street Garage (Auto Sales, Class II). Mr. Haworth seconded. Vote was unanimous. (3-0).

LEGAL BILLS – DISCUSSION

In a discussion item requested by Mr. Haworth, the Board discussed the Legal budget and recent Legal bills.

Mr. Haworth said that the Board seemed to be overspending in the Legal department lately and that some of the spending appeared to be frivolous. He noted a recent expenditure of almost \$2,000 in November 2013 that was for Atty. Crotty to review a PILOT agreement. Mr. Haworth said that the Board never voted to approve that expenditure and that the Town was now trending to overspend on the Legal budget for FY14. He said that the Board needed to focus on “checks and balances” to keep within the budget.

Mr. Murphy said that when he has a legal question, he presents it first to Mr. Osuch to see if they can get the answer without spending money on Town Counsel. He recommended the Board do the same thing.

Mr. Espindola said that in the case referenced of the PILOT research done by Atty. Crotty, that Mr. Osuch had been consulted first, but that he did not have the answer. He recommended that the Board should focus on the “big ticket” Town Counsel items throughout the year to keep the budget under control.

Mr. Haworth said that in the future, the Board can consult each other on contacting counsel, as Atty. Crotty has stated that asking another member to use counsel outside of a meeting is not a violation of Open Meeting Law. Mr. Murphy added that Atty. Crotty has stated that he wants to stay within the budget, but if he receives a call from a Selectman, he has to respond.

OTHER BUSINESS

In Other Business:

- Mr. Espindola reminded the public that his office hours were changed for the month of January, and that he would be meeting in the Banquet Room on Tuesday, January 7 from 6:30 to 8:30 p.m.
- Mr. Haworth said that now that the holidays were over, he was eager to begin on the budget season.
- Mr. Murphy reminded the public that he did not hold specific office hours, but that he was always available for appointments.
- Mr. Murphy thanked all the emergency workers and volunteers who had come out to help try to find a 21-year-old Marion duck hunter, Dana Dourdeville, who disappeared off West Island while out kayaking on New Years’ Day.
- Mr. Murphy thanked Kathy Lopes for another successful Polar Plunge event at Fort Phoenix.

At 7:35 p.m., Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with respect to leasing property – NFIA Fire Station #3 lease
- To discuss strategy with respect to potential litigation – MacLean Seafood Building demolition

Mr. Haworth seconded the motion to enter Executive Session for the aforementioned reason, to reconvene into open session afterward at 8:00 p.m. Vote was unanimous. (3-0). Roll call vote: Mr. Espindola in favor. Mr. Murphy in favor. Mr. Haworth in favor.

The Board reconvened into Open Session at 8:00 p.m.

FIRE BUDGET

The Board met with Fire Chief Timothy Francis and Lt. Todd Correia regarding the remaining Fire budget for FY14, and issues with overtime as a result of several firefighter injuries. Chief Francis said that he had never had so many firefighters out of work due to injury, and that the remaining firefighters have been taking over the surplus, which was leading to exorbitant overtime costs. Chief Francis estimated, based on his spreadsheets, that the FY14 shortfall for the Fire Department overtime would be \$9,872.45 and the shortfall for the EMS overtime would be \$28,667.74. With the remaining balance from the unexpended regular pay for the Fire Department (\$8,933.28), Chief Francis estimated his overall wage shortfall to be \$29,606.91.

With five firefighter/EMT/Medics on sick leave, Chief Francis said that one was already back to work and another would return to work within a couple weeks.

Discussion ensued on the Fire Department salary shortfall and the medical bill line item, which is already overspent by \$800. Lt. Correia said that he did not think that the Fire Department would need a transfer for medical supplies, as they currently have a stockpile that could last the department some time.

Chief Francis said that the Fire Department was currently 246 billable ambulance runs over last year, and over \$117,897.59 in revenue from the third ambulance from this time last year. Chief Francis recommended waiting until the May Special Town Meeting for any transfers so they could have a firm number and not just an estimate for the transfer.

Mr. Osuch said that the figures that Chief Francis provided the Board did not match the figures that the Town Accountant had given him. Chief Francis said that he would have his assistant look into the issue in the morning.

The Board took no action, opting to have the transfer be settled at the May Special Town Meeting.

Respectfully,

Anne Kakley

Administrative Assistant
Board of Selectmen
(Minutes approved 1/22/2014)