



Fairhaven Board of Selectmen

March 3, 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 6:36 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 **February 19, 2014** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **February 19, 2014** meeting, **executive** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **February 20, 2014** meeting, **open** 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:

- Wednesday, **March 5** –
 - 11:00 a.m. – EPA meeting with Bill Roth
 - 2:30 p.m. – Meeting with Peter Savage and Bob Espindola
 - 3:00 p.m. – Insurance Advisory meeting with Union reps
 - 5:30 p.m. – Selectmen's Meeting – Budget preparation
- Thursday, **March 6** –
 - 7:30 to 9:00 a.m. – Forum meeting at Buzzard's Bay Coalition
 - 7:00 p.m. – Finance Committee meeting at BPW
- Tuesday, **March 11** –
 - 9:30 a.m. – COA meeting
 - 2:00 p.m. – Economic Summit meeting
 - 3:30 p.m. – Mattapoissett River Advisory Committee at BPW
 - 4:30 p.m. – Mattapoissett Water District at BPW
- Thursday, **March 13** –
 - 11:30 a.m. to 12:30 p.m. – State conference call on Medical Marijuana

- 6:30 p.m. – Commission on Disability at the COA
- 7:00 p.m. – Finance Committee at BPW

In his report, Mr. Osuch notified the Board that a member of the Town Hall Clerical Union would be retiring in March.

COLONIAL LIFE INSURANCE

Mr. Osuch said that a representative of the firm Boudreau and Boudreau, had asked to come before the Board of Selectmen to discuss a new plan from Colonial Life insurance for Town employees. Mr. Osuch asked the Board members if they would prefer the representatives come to a Selectmen's meeting or speak with the Town employees directly. It was the preference of the Board that the representatives should schedule a meeting with the Town employees directly. Mr. Osuch said that he would contact Boudreau and Boudreau and a flyer would be sent home with paychecks regarding the life insurance offering.

DOG PARK COMMITTEE APPOINTMENT

The Board read a letter of interest from Laurel Traudt regarding her interest to serve on the Dog Park Committee. Mr. Espindola motioned to appoint Ms. Traudt to the Dog Park Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

ANIMAL SHELTER DONATIONS

Mr. Espindola motioned to accept \$742 in donations for the Animal Shelter gift account. Mr. Haworth seconded. Vote was unanimous. (3-0).

FULL THROTTLE – LICENSES

The Board reviewed a license renewal application from Full Throttle for a Car Dealer license and Car Repair license.

Mr. Espindola motioned to approve the Car Dealer license renewal for Full Throttle. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the Car Repair license renewal for Full Throttle. Mr. Haworth seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

The Board reviewed several gas permit applications from NSTAR.

- Mr. Espindola motioned to approve an NSTAR gas permit application for 60 Hathaway Street, previously approved by the Board of Public Works. Mr. Haworth seconded. Vote was unanimous. (3-0).

- Mr. Espindola motioned to approve an NSTAR gas permit application for the intersection of Nancy and Mina Street, previously approved by the Board of Public Works. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve an NSTAR gas permit application for 3-5 Eddy Street, previously approved by the Board of Public Works. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve an NSTAR gas permit application for 46 Bay Street, previously approved by the Board of Public Works. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve an NSTAR gas permit application for 10 Kane Street, previously approved by the Board of Public Works. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve an NSTAR gas permit application for 34 Kane Street, previously approved by the Board of Public Works. Mr. Haworth seconded. Vote was unanimous. (3-0).

DOG PARK COMMITTEE

At 6:50 p.m., the Board met with Diane Hahn of the Dog Park Committee. Ms. Hahn advised that she needs more active members in order to make progress with the committee's task to create a dog park in Fairhaven. She said that the Committee currently has three active members, but that the Committee would run best with five to seven members. Ms. Hahn had questions related to maps and Town plots that were considered for a dog park in the past.

Mr. Haworth advised Ms. Hahn to gather some information regarding the next steps for creating a dog park from the Board of Public Works. Mr. Osuch advised Ms. Hahn to do research in the Assessors' Office in regards to Town-owned land. He said that Livesey and Cushman Parks would likely not be suitable for a dog park. He said that the previously considered lots included one on Mill Road by the pump station, another lot near the Bernese Street pump station, the lot adjacent to the landfill/Animal Shelter (Long Road property) and a section behind the wastewater treatment plant. He advised Ms. Hahn to go to other communities with a dog park and see what they have for requirements and regulations.

UPCOMING SELECTMEN MEETINGS

The Board set the following dates for upcoming Selectmen meetings: March 31, April 14, April 28, May 12, May 27, June 9, June 23. There will also be a posted meeting for the May 3 Annual Town Meeting and for the night of the Town Election (April 7, 2014) for the sake of announcing the results.

TOWN GOVERNMENT STUDY COMMITTEE

At 7:00 p.m., the Board met with the Town Government Study Committee. Phil Washko, Bernie Roderick, Dick Douglass, Mark Badwey, Pattie Pacella, Siobhan Henebury, Richard Griffiths, and Steve Riley were all present.

Mr. Washko, chairman of the TGSC, advised that the group has conducted interviews with all department heads. He said that there would be a public forum in the first few weeks of April. He said that they have had round-table discussions with other area Town Administrators and so far, they do recommend creating the Town Administrator position.

The most major change in the TGSC article to create the Town Administrator position would remove the language that allows the Board of Selectmen to dismiss a Town Administrator without cause. In the new language, there will be a public hearing process and the Board of Selectmen would have to have cause for dismissal of a Town Administrator. Mr. Washko asked why the dismissal without cause language was in there in the first place. No one was sure, but the language was originally drafted by Town Counsel.

Mr. Washko advised that one of the changes would have the BPW superintendent report to the Town Administrator. The TGSC will also recommend keeping the BPW as an appointed advisory board.

Mr. Washko asked how the recommended Town Administrator position would change the Selectmen's role. Mr. Murphy said that it would reduce the number of inquiries that the Selectmen directly receive if problems are addressed and resolved by a Town Administrator directly. Mr. Espindola said that having a Town Administrator would prevent the ongoing problem of issues being delayed and bumped from agendas because of time constraints.

Mr. Washko said that it was a "misconception" that a Town Administrator position would greatly change Fairhaven. He said that Mr. Osuch has been acting in the Town Administrator capacity for years.

Mr. Murphy said that he thought Town Meeting members were more ready for the Town Administrator change this year than last year. Mr. Roderick said that he thought the pay for the Town Administrator position would be similar to what the Executive Secretary pay is currently.

Mr. Douglass advised that the recruiting process for a Town Administrator could take six to nine months.

Discussion ensued related to the creation of a Capital Planning Committee. Mr. Espindola said that the Town of Mattapoisett had a Capital Planning Committee accepted at a Town Meeting about five years ago. The TGSC asked for a copy of that plan.

Mr. Washko said that it was apparent to the TGSC that their committee would have to continue beyond Town Meeting. He said that Fairhaven needs a Town Charter.

Mr. Osuch said that the Town Meeting warrant will have to go to print by about April 1, so the TGSC will have to submit language for their proposed articles within the next couple weeks.

TAX TITLE DISCUSSION

Auctioneer – At 7:42 p.m., the Board met with licensed auctioneer Jay Kivowitz and Town Treasurer Wendy Graves regarding several Town-owned tax title properties slated for auction. Mr. Kivowitz introduced himself and his services to the Board. Mr. Kivowitz has 24 years of experience in his field and has auctioned Town parcels in the past.

Mr. Murphy asked Mr. Kivowitz about payment. Mr. Kivowitz said that there are two methods by which he accepts payment: either the Town pays or he accepts a buyer's premium. He said that most towns choose to pay him directly to avoid buyers defaulting.

Mr. Haworth asked about advertising costs. Mr. Kivowitz said that he would use the Standard-Times and any local paper, and that his high estimate for advertising costs would be \$3,000.

Mr. Haworth asked about the time frame. Mr. Kivowitz said that he would not begin the process of abutter notification until the middle of April. He has a database of over 100 investors to notify as well. He estimated the process would take about six weeks.

Mr. Haworth asked Mr. Kivowitz about his experience with auctioning off industrial parcels. Mr. Kivowitz cited several industrial parcels that he has auctioned off in the past.

Mr. Kivowitz advised that he has two liability policies, totaling about \$1.2 million. He said that a winning bidder would have to issue a non-refundable deposit and that the Board would reserve the right to grant a sale to the next-highest bidder if it so wishes.

Mr. Osuch asked Mr. Kivowitz about his experience auctioning off schools. Mr. Kivowitz said he had no experience in this regard, but would put the Town in touch with someone qualified to give an assessment.

87 Main Street – Mr. Osuch said that the building at 87 Main Street was unsafe and likely would be razed. He said that the Town would need to decide whether the property should be auctioned off or retained for parking expansion at Cushman Park.

19 Monondach Avenue – Ms. Graves said that there is someone living in the house at 19 Monondach, which is currently owned by the Town of Fairhaven. Ms. Graves has sent an eviction notice to the address. Land Court is the next step in the eviction process.

0 Monondach Avenue – Land only parcel. This parcel went from direct ownership to being owned by a family trust. The past due on this parcel is \$20,000.

14 Grandview Avenue – The Board recognized a letter in their packet from an abutter to 14 Grandview (see Attachment A). Ms. Graves said that she would follow up with Paula Jennings, author of that letter.

Mr. Espindola motioned to make a declaration of disposition for 19 Monondach. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to make a declaration of disposition for 0 Monondach. Mr. Haworth seconded. Vote was unanimous. (3-0).

These parcels will be added to the spring tax title auction and the Board will look into 87 Main Street. Mr. Haworth asked Wendy to come up with an estimate for the demolition of 87 Main Street, and Mr. Osuch said that he would get an estimate from the BPW on how much it would cost to pave the parcel if the building is demolished.

TOWN REPORT COVER

The Board reviewed several options for the cover of the 2013 Town Report. One of the photographs submitted depicted a painting of William Tallman. This painting was donated to the Millicent Library by Town Art Curator Al Benac. Although the Board did not favor it as the cover of the report, Ms. Kakley said that she would work with the publisher to see if they could include a black and white version of the photo in the report at no additional cost.

Mr. Espindola motioned to approve “Option 2” as the cover for the 2013 Town Report (see Attachment B). Mr. Haworth seconded. Vote was unanimous. (3-0).

DOG HEARING UPDATE

The Board heard an update on two chocolate Labrador retrievers belonging to Susan Staffon of Ocean Ave.

Mr. Osuch said that the Animal Control Officer (ACO) had advised the Board that he had been in contact with the ACO of Hudson, FL, and was told that the two dogs are being held at a private residence there. Mr. Osuch said that the dogs are confirmed to not be in Fairhaven anymore, but there has been additional communication from the dog owner, and that communication is in the possession of Town Counsel.

Janice Reilly and Janice Dexter were recognized by the Chairman. They both spoke to concerns they had about the possibility of the dogs being returned to Fairhaven, or Ms. Staffon obtaining additional dogs. Mr. Murphy said that the dogs that were the subjects of the hearing have been removed from Fairhaven, but there was nothing to stop the owners from obtaining more dogs.

RECLASSIFICATION – POLICE AND FIRE ADMIN. ASST.

The Board received a letter from the Personnel Board asking the Selectmen to consider a reclassification for the Administrative Assistants in the Police and Fire Departments. Both Chief Myers and Chief Francis were both present. The new title of the Administrative Assistant at the Police Department would be “Executive Secretary” and the Fire Department position would be

an “Executive Confidential Assistant”. Both positions would now be classified as a Non-Union Level 12, Step 3.

Mr. Haworth said that the reclassification was the result of the two position being removed from the Clerical Union. Mr. Haworth motioned to reclassify the two position as Level 12, Step 3.

Mr. Osuch said that the change was out of line with the current classification system and that there would be “repercussions down the road”.

Mr. Murphy said that the Business department of U Mass Dartmouth had a study on positions and that inquiring about their services could lead to a long-range improvement on the Town’s classification of positions. Mr. Osuch said that at some point, the Town was going to have to evaluate all positions.

Mr. Espindola seconded Mr. Haworth’s motion to classify the Fire and Police positions to Level 12, Step 3. Vote was unanimous. (3-0).

FIRE STATION SEWER BACK UP

Chief Francis said that there was a sewer back-up in the basement of the fire station the weekend prior and four inches of sewerage and water backed up into the basement. The flooring and some computers were destroyed. ServPro came out for the clean-up. The department is putting an alarm on the sump pump to alert staff to any problems in the future. Chief Francis estimated that the cost of the clean-up would be \$7,000. There will be a request from the Fire Department to transfer the cost from the Reserve Fund.

OLIVER STREET CHICANE REMOVAL

The Board received an estimate from the BPW on how much it would cost to create cut-throughs on the Oliver Street chicane to improve traffic flow for the neighborhood. The BPW submitted an estimate of \$4,500 for the work. A third party engineering firm submitted an estimate of \$10,000 to remove the chicane altogether with the BPW removing the chicane and a third party completing the paving.

The Board took the estimate under advisement.

CAPITAL PLANNING ARTICLE

Mr. Espindola referenced a 10-year capital plan in Mattapoisett, created by a Capital Planning Committee that was formed by a vote of Mattapoisett Town Meeting. Mr. Murphy asked Mr. Espindola to put a similar proposal together for the Board to give to Atty. Crotty for review at the next meeting. Mr. Espindola will compile the document with a couple changes and then give the document to Mr. Osuch to pass along to Atty. Crotty.

FY15 BUDGET/ANNUAL TOWN MEETING

There was a brief discussion on the status of the Town's FY15 budget preparation. The Board agreed to table the bulk of the deliberation to the March 5, 2014 meeting.

FBA CANDIDATES' NIGHT

The Chairman read an invitation from Fairhaven Business Association president Cathy Melanson for the Selectmen to attend the Tuesday, March 18 FBA Candidates' Night at Carousel Family Fun Center. Mr. Murphy said that he would be in attendance. The Board also announced that the Government Access Candidates' Night was Wednesday, March 12 at 7:00 p.m. and that invitations to candidates would go out in the next week.

REQUEST FOR USE OF TOWN COUNSEL – CONCOM

The Board reviewed a request for use of Town Counsel from the Conservation Commission in regards to the public hearing process, including protocol for when applicants continually do not show up for public hearings. Mr. Espindola motioned to approve the Authorization for Use of Town Counsel for the Conservation Commission. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Osuch warned that the Legal Expense line item was getting low and would not last the rest of the fiscal year at the rate it was being depleted.

REQUEST FOR USE OF TOWN COUNSEL – BUILDING DEPT.

The Board reviewed a request for use of Town Counsel from the Building Department in regards to a business ignoring directives from various Town departments for permitting. Mr. Haworth said that something had to be done in the interest of public safety. Mr. Espindola motioned to approve the Authorization for Use of Town Counsel for the Building Department. Mr. Haworth seconded. Vote was unanimous. (3-0).

REQUEST FOR USE OF TOWN COUNSEL – OXFORD SCHOOL

The Board discussed the need of further legal review in regards to the Oxford School deed. Mr. Espindola said that Town Counsel should provide a better estimate to the Board to get the property ready for sale. Mr. Espindola said that they had conducted a walkthrough of the Rogers School and Oxford School, with some interested residents providing input on items that they would like the Town to retain. Most interest focused on some antique picture frames.

The Board will wait for the next Rogers-Oxford Study Committee before taking any action.

CONCOM – PAY INCREASE

The Board reviewed a letter from the Conservation Commission regarding the Conservation Agent's pay and a failure to include a 1 percent increase in FY14. (See Attachment C).

There was some question on whether or not the money had been included in the FY14 budget. The Board agreed to look into the matter and take a vote at a subsequent meeting.

REQUEST FOR SUPPORT LETTER – NMI

The Board reviewed a letter from Northeast Maritime Institute, asking for the Selectmen's support in establishing a two-year college in Fairhaven (see Attachment D). Both Mr. Murphy and Mr. Espindola were supportive of the request, but Mr. Haworth said that he had a concern in regards to the matter and that he would like to research it before taking a vote. He asked to table the item. It was so tabled to the March 17, 2014 meeting.

STM ARTICLE DEADLINE

Mr. Espindola asked about setting the deadline for articles for the Special Town Meeting. Mr. Osuch said that they could set the deadline for articles for the Special Town Meeting that night if they wanted, or at the next meeting. The Board opted to set the deadline right away. The deadline for articles for the Special Town Meeting was set for Friday, March 14 at 4:00 p.m. Mr. Espindola motioned to set the deadline. Mr. Haworth seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In Other Business:

- Mr. Espindola stated that he had received an invitation to the Fairhaven Bridge Corridor study
- Mr. Espindola asked if anything had been done with the wind turbine mitigation plan. Mr. Murphy said that the record keeper for the mitigation plan was the Board of Health.
- At 9:33 p.m., Mr. Murphy recused himself. Mr. Espindola announced plans for the annual MOLIFE ball, to take place at White's of Westport on March 22 from 6:00 p.m. to midnight. At 9:34 p.m., Mr. Murphy returned to the meeting.
- Mr. Haworth stated that the Board had received a letter from concerned Middle Street residents regarding the Fairhaven Shipyard. He asked Ms. Kakley to submit a letter to the senders of the letter, giving a follow up on the matter of DEP and the Board of Health's involvement with the Shipyard.
- Mr. Murphy said that there was going to be a Bikeway Committee fundraiser spaghetti supper at Elisabeth's on March 24.
- Mr. Murphy thanked the children of St. Joseph's for sending him thank you cards after he attended a storytime and served as a guest reader.

At 9:37 p.m., Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with regards to negotiations – Wendy Graves
- To discuss strategy with regards to negotiations – Dispatchers

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 03/17/2014)



TOWN OF
FAIRHAVEN
MASSACHUSETTS
THE FRIENDLY TOWN

OFFICE OF
DIRECTOR OF FINANCE/
TREASURER
TOWN HALL
TELEPHONE (508) 979-4026

February 26, 2014

Dear Honorable Selectman,

I have received foreclosure decrees issued by the Land Court on the following properties;

87 Main Street, map 11 lot 50

19 Monondach Ave, map 42A lot 331

0 Monondach Ave, map 42A lot 221

A notice to vacate the premise within (30) days was mailed to the occupant of 19 Monondach Ave on February 26, 2014. If the occupants refuse to vacate, the eviction process will begin after the 30 days. Any questions please call me at (508) 979-4026 X118.

Respectfully,

A handwritten signature in cursive script that reads "Wendy L. Graves".

Wendy L. Graves, CMMT CMMC
Director of Finance/Treasurer

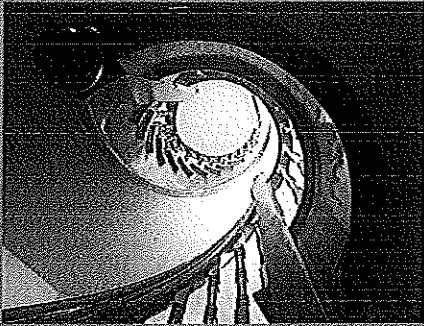


photo by Jill Petipas



photo by Rebecca DoCouto

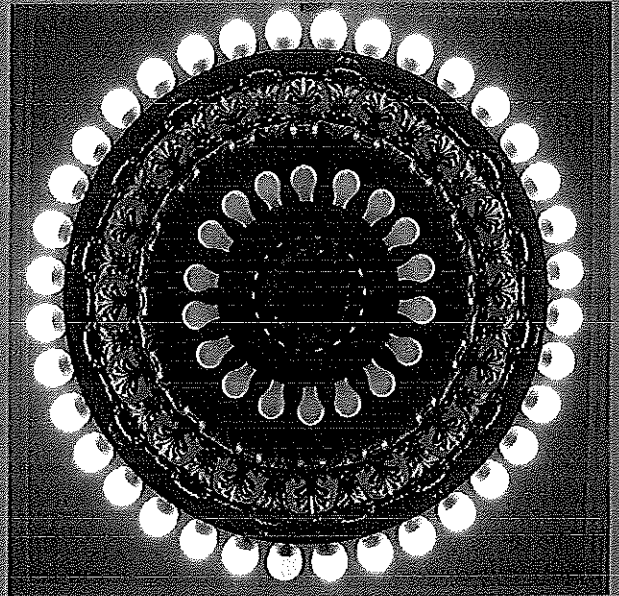


photo by Rebecca DoCouto



photo by Luis Velasquez

Town of Fairhaven
Annual Report
2013



FAIRHAVEN CONSERVATION COMMISSION

Town Hall 40 Centre Street Fairhaven, MA 02719

RECEIVED

2014 FEB 25 A 8:49

BOARD OF SELECTMAN
FAIRHAVEN MASS

February 21, 2014

Board of Selectmen
Town Hall
40 Center Street
Fairhaven, Ma 02719

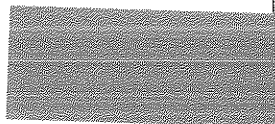
Gentlemen;

The Conservation Commission Board would like to request that the Conservation Agent, Wayne Fostin receive the 1% raise that was approved at Town Meeting in May of 2013. This 1% increase took effect on June 30, 2013 with the new rate being carried over into July 1, 2013. Due to an oversight the 1% rate increase was not carried into July 1, 2013 causing the Conservation Agent to be paid at the wrong rate from July 1, 2013 thru December 31, 2013.

Sincerely,

Fairhaven Conservation Commission

Jay Simmons, Chairman



Northeast Maritime Institute
32 Washington St. Fairhaven, MA 02719



Main Line: 508.992.4025
Fax: 508.992.9184

RECEIVED

2014 FEB 28 P 3:30

BOARD OF SELECTMAN
FAIRHAVEN MASS

27 February 2014

Town of Fairhaven
Board of Selectmen
Mr. Charles Murphy, Chairman
40 Center St.
Fairhaven, MA 02719

RE: Request for Letter of Support

Dear Chairman Murphy:

We are writing on behalf of Northeast Maritime Institute (NMI) to request your support of our Institution's application to the Massachusetts Department of Higher Education to become a Degree Granting Institution. We have completed the initial approval process, including hosting a Visiting Committee from the Department of Higher Education in November, who reviewed all aspects of the proposed program.

NMI's application was for a two-year Associate Degree in Applied Science in Nautical Science. The program consists of 4 semesters of instruction at NMI and two summer sea-term work sessions to allow students the opportunity to gain work experience in different aspects of the industry. Upon graduation, students will receive an Associate's Degree in Applied Science in Nautical Science and qualify for a U.S. Coast Guard license as Master/Mate up to 200 Gross Tons, Near Coastal and an unlimited deckhand endorsement as Able Seaman.

NMI has been successfully training professional mariners for over 30 years. With changes in the industry worldwide, it is more and more difficult for people to enter the industry without previous sea experience, and the four year academies are not a reality for many high school graduates. We feel this two-year program will provide a much-needed option for many students and allow them to go directly to work upon graduation in a well-paying job while also providing them with a college degree.

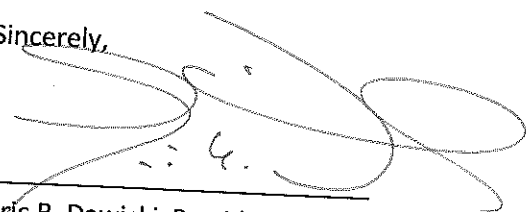
We feel the program would also have an increased positive economic impact on the community with permanent students using local restaurants, shops and services, in addition to the annual 800 continuing education students that already come to the Institute from out of state and out of the country. The Seaport Inn has also offered to provide housing options to students who require it, which should have a positive impact on their business as well.

The Department of Higher Education has scheduled a public hearing at the Board of Higher Education, at 10:00 am on Thursday, March 27, 2014 where the community can speak on behalf of the program.

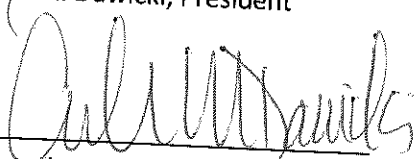
We will be renting a bus for supporters to travel up to the hearing at no charge. We would be very grateful if the Board of Selectmen would be willing to provide a Statement of Support for the program and the positive impact it would have on the community. The formal address is: Massachusetts Board of Higher Education, 1 Ashburton Place, Room 1401, Boston, MA 02108.

We thank you in advance for your consideration of our request. We look forward to the possibility of starting a two year college in Fairhaven and to have a greater positive impact on this wonderful community.

Sincerely,



Eric R. Dawicki, President



Angela M. Dawicki, Vice President