



# Fairhaven Board of Selectmen

## April 28, 2014 Meeting Minutes

**Present:** Chairman Robert Espindola, Vice Chairman Geoffrey Haworth, Clerk Charles Murphy, Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne Kakley

Chairman Robert Espindola called the meeting to order in the Town Hall Banquet Room at 6:34 p.m.

### MINUTES

- Mr. Espindola motioned to approve the minutes of the **April 14, 2014** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 14, 2014** 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, **April 29** –
  - 2:00 p.m. – Frontera Grill ribbon cutting ceremony
  - 2:30 p.m. – PEC Health Insurance meeting
- Wednesday, **April 30** –
  - 10:30 a.m. – Brian Murphy of Hub Insurance
  - 6:30 p.m. – All-precinct meeting at Hastings Middle School
- Thursday, **May 1** –
  - 7:00 p.m. – Finance Committee meeting
- Friday, **May 2** –
  - 3:30 p.m. – Selectmen and School Committee joint meeting to fill School Committee vacancy
- Saturday, **May 3** –
  - 8:00 a.m. – Selectmen's Meeting
  - 9:00 a.m. – Annual Town Meeting
- Tuesday, **May 6** –
  - 10:00 a.m. – Retirement Board training in Taunton
- Friday, **May 9**–
  - 8:30 a.m. to 10:30 a.m. – NSTAR Emergency Response meeting at John Carver Inn in Plymouth

## **PRECINCT MEETING**

Because all of the Board members planned to attend the Precinct meeting on April 30, the Board asked Ms. Kakley to post the Precinct meeting as a Selectmen's meeting with the Town Clerk.

## **MEDICAL MARIJUANA CONFERENCE**

Mr. Osuch updated the Board to a Medical Marijuana teleconference held that day with the Department of Public Health.

## **CDBG CONTRACT AMENDMENTS – BREEZEWAY**

Mr. Haworth motioned to sign the following CDBG documents:

- Contract Amendment #3 to the Contract between the Town of Fairhaven and Breezeway Farm Consulting for the preparation of the inventory of North Fairhaven slums and blight (contract period extended to July 1, 2014)
- Contract Amendment #1 to the Contract between the Town of Fairhaven and Breezeway Farm Consulting for CDBG-13 Elliot Lane (October 21, 2013 to January 31, 2015)

Mr. Murphy seconded the motion. The Vote was unanimous. (3-0).

## **HISTORICAL SOCIETY – USE OF AUDITORIUM**

The Board read a letter from Fairhaven Historical Society president Barbara Acksen, requesting use of the Town Hall auditorium for a May 2, 2014 presentation called "Fairhaven at the Heart of the Whaling Era and the Curious Case of the Charles W. Morgan". Mr. Haworth asked how the issue of having a custodian was typically handled in a request from the Historical Society. Mr. Osuch said that the Historical Society typically borrows a key to the Town Hall and are responsible to clean up after the event.

Mr. Haworth motioned to approve the use of the Town Hall auditorium for the Historical Society on May 2, 2014. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **BOAT RAMP/SHELLFISH COMMITTEE APPOINTMENT**

Mr. Haworth asked to table the appointment of Rod Taylor to a non-voting member of the Boat Ramp/Shellfish Advisory Committee.

Frank Coelho was recognized by the Chairman. He also asked to table the appointment to the May 12 meeting.

Mr. Haworth motioned to table a discussion on the appointment request from Mr. Taylor to the May 12, 2014 meeting. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **NSTAR GAS PERMITS**

The Board reviewed several NSTAR gas trench permits, previously approved by the Board of Public Works. Mr. Haworth motioned to approve NSTAR gas permits for: 17 Haste Street, 22 Evergreen Street, 16 Alpine Ave, 539 Sconticut Neck Road, 55 Jerusalem Road, 13 Springhill Road, 240 Huttleston Ave, 518 Sconticut Neck Road, and 31 Brae Road. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **BIKE PATH CLEAN UP**

Mr. Espindola acknowledged that a Bike Path Clean-up, held the previous weekend, had been organized by Jeffrey Wotton and Brian Wotton. The Board thanked the Wottons for their work in cleaning the Bike Path.

The Board recognized a letter from Jeffrey Wotton asking to be appointed to the Bikeway Committee. Mr. Haworth motioned to appoint Mr. Wotton to the Bikeway Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **ICE HOUSE ALCOHOL LICENSE**

The Board reviewed an application from the Ice House for a one-day, all-alcohol license for a May 4 charity Bike Run. Mr. Haworth motioned to approve the one-day, all alcohol license for the Ice House for May 4, 2014. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **COLLINS CONSTRUCTION CHANGE ORDER**

The Board reviewed Change Order #1 from Collins Construction for the restoration of the Town Hall front doors. The Change Order totaled \$2,850. Mr. Haworth motioned to authorize the Chairman to sign Change Order #1 for Collins Construction. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **REGIONAL MUTUAL AID**

Mr. Osuch said that comments regarding a proposed Regional Mutual Aid agreement have been received from Town Counsel, who indicated that the decision could wait for the next meeting. The item was postponed to May 12.

### **MATTAPOISETT RIVER VALLEY WATER DISTRICT**

The Board read a letter of commendation from the Massachusetts Department of Environmental Protection for outstanding water quality in 2013. The water district received “top scores in the Consecutive System category of the 2014 Public Water Systems Award Program”. See Attachment A.

Mr. Osuch said that it is important for the residents of Fairhaven to know that they have a good facility that is well run and that it is a joint effort from Fairhaven, Mattapoissett, Marion and Rochester.

## **NATIONAL DAY OF PRAYER**

The Board read a letter from Steven Bouley regarding the National Day of Prayer, scheduled for May 1 on the steps of the Town Hall. See Attachment B.

Mr. Haworth motioned to support the National Day of Prayer to take place on the steps of the Town Hall on May 1 at noon, with permission to use the auditorium in the event of bad weather. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **JEFFREY DUPONT – NON-UNION EVALUATIONS**

At 7:01 p.m., the Board met with Jeffrey DuPont to discuss the classification, job descriptions, and compensations for non-union administrative positions in various departments.

Mr. DuPont submitted to the Board a proposal submitted March 24, 2014 to re-evaluate those non-union positions, including part-time non-union, but excluding union positions and contracted positions. An article on the Special Town Meeting, petitioned by the Board of Selectmen, will seek \$8,000 to complete the evaluation.

Mr. DuPont said that without accurate job descriptions, the Town would not know how to properly compensate its employees. His assessments “attach physicality” to the positions and outline educational and physical skill sets.

Mr. Haworth asked if Mr. DuPont had completed these assessments for other towns. Mr. DuPont advised that he had. Mr. Osuch said that Mr. DuPont had completed assessments for Mattapoisett, Rochester, Lakeville and Marion.

Mr. Murphy said that Mr. DuPont had come before the Personnel Board and the Executive Secretary. Mr. Murphy said that he supported the idea of compensating people fairly for their positions, updating job descriptions and responsibilities.

Mr. Espindola asked what the return investment would be on the assessment. Mr. DuPont said that the job descriptions would be updated and all pertinent information would be included for Human Resources to use. Compensation levels would be reviewed and compared to similar municipalities.

Mr. Espindola asked why Mr. DuPont’s work would be more significant than doing the research themselves with the aid of MMA.org and various resources. Mr. DuPont answered that he could accomplish the evaluation much quicker than it would take them and that the work would be complete within a month.

Mr. Osuch spoke in support of the project, saying that the Town was in need of consistency and pay scale evaluation. Mr. DuPont said that he would bring objectivity to the re-evaluation process.

## **UNION WHARF**

At 7:13 p.m., the Board met with Harbormaster David Darmofal to discuss Union Wharf rules. However, Mr. Darmofal said that a more time-sensitive issue had arisen, and as such, he would ask the Board to address an issue with a Union Wharf lessee, Eric Moniz. Mr. Moniz was also present.

Because the discussion with Mr. Moniz could take more time than what was allotted, the Board opted to take other agenda items out of order prior to speaking with Mr. Darmofal and Mr. Moniz.

## **EAGLE SCOUT PROJECT**

At 7:15 p.m., the Board met with Council on Aging director Anne Silvia and Eagle Scout candidate Dereck Goff to hear plans for Mr. Goff to build four picnic tables for the Grimshaw Property at Fort Phoenix. Mr. Goff will work with his father and Troup 51 to create the tables for his Eagle Scout project and Fairhaven Lumber will supply the paint and lumber.

Mr. Haworth, citing himself as a former Boy Scout, commended the idea and wished Mr. Goff well on the project. Likewise, Mr. Murphy called the project a good challenge and wished Mr. Goff luck.

The picnic tables will be handicap accessible and work will begin in May 2014.

## **BIKEWAY COMMITTEE**

At 7:20 p.m., the Board met with Geoffrey Sullivan and Ken Pottel of the Bikeway Committee.

Mr. Pottel said that they recently had a successful spaghetti supper to raise funds for their gift account. Painted crosswalks are planned for the intersection of Orchard Street and Scoticut Neck Road, to improve safety for bikers.

Most recently, the Bikeway Committee was issued an award by the MassDOT for the Wood School "Bike Bus to School". The regional conference recognized the Town's partnership to create public awareness in this initiative. Mr. Pottel said that in the upcoming year, the Bikeway Committee planned to apply for an engineering study to bring infrastructure to connect the Bike Path to the Wood School.

On May 10, 2014, the Bikeway Committee will hold a "Bike Rodeo". They will need to close off a section of road near the Town portion of Fort Phoenix for the event. Mr. Pottel said there would be plenty of general parking on the State side of the Fort for all activities. Additionally, the event will require a Police detail for the crossing at Scoticut Neck. Mr. Haworth motioned to approve the Bike Rodeo event, the blocking off of the street and the Police detail for May 10. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **PROM PARTY FUNDRAISER**

Mr. Espindola said that there would be a drug and alcohol-free event for all high school Juniors and Seniors on the night of Prom, whether or not those student go to Prom. He said that Ashley Ford was going to donate \$20 for each person who test-drives a Ford for a certain period of time.

### **SYCAMORE STREET POLE HEARING**

At 7:30 p.m., the Chairman opened a public hearing for the placement of one pole on Sycamore Street. Abutters were notified. The Chairman opened the hearing to public comment. There was none. The Board had no comment. Mr. Haworth motioned to approve the one pole on Sycamore Street. Mr. Murphy seconded. Vote was unanimous. (3-0). The Chairman closed the hearing at 7:32.

### **MORGAN STREET POLE HEARING**

At 7:35 p.m., the Chairman opened a public hearing for the placement of one pole on Morgan Street. Abutters were notified. The Chairman opened the hearing to public comment. There was none. The Board had no comment. Mr. Haworth motioned to approve the one pole on Morgan Street. Mr. Murphy seconded. Vote was unanimous. (3-0). The Chairman closed the hearing at 7:36 p.m.

### **GENERAL ANNOUNCEMENTS/OTHER BUSINESS**

While waiting for the next pole hearing, the Chairman opened the meeting up to general announcements from the Board:

- Mr. Murphy said that he had received a phone call from an elderly resident, who said that she was getting intimidating calls from someone claiming that she owed money. The calls frightened her. She called Sgt. Kevin Kobza, who resolved the issue. She encouraged the public, particularly elders, to contact the Police if they find themselves in a similar situation, and not to give out any personal information.
- Mr. Espindola said that the West Island 5K, held on Sunday, April 27, was very successful. There were over 800 registered runners at the event.

### **DOGWOOD STREET POLE HEARING**

At 7:40 p.m., the Chairman opened a public hearing for the placement of one pole on Dogwood Street. Abutters notice was not required. A condition from the BPW indicated that the BPW office would have to notified 24 hours prior to work starting, as the location is close to a water main. The Chairman opened the hearing to public comment. There was none. The Board had no comment. Mr. Haworth motioned to approve the placement of one pole on Dogwood Street, conditional upon the notification of the BPW office 24 hours prior to work starting. Mr. Murphy seconded. Vote was unanimous. (3-0).

## UNION WHARF, CONTINUED

At 7:41 p.m., the Board continued an appointment regarding Union Wharf. Harbormaster David Darmofal, Shellfish Warden Timothy Cox and lessee Eric Moniz were present.

Mr. Darmofal said that he would like the Selectmen to terminate a Union Wharf lobster basin contract with Mr. Moniz. If the Board was not willing to terminate the contract, Mr. Darmofal said that he would at least ask the Board to ban Mr. Moniz' new vessel ("Slave Driver") from the wharf.

Mr. Darmofal said that he had noticed earlier in the week a vessel was in a dock space – he did not recognize the vessel. The vessel, named "Slave Driver", belonged to Mr. Moniz. Mr. Darmofal told Mr. Moniz to move the unauthorized vessel and Mr. Moniz refused. Because of previous issues with Mr. Moniz, Mr. Darmofal called the Police to be present at Union Wharf during the interaction. Mr. Darmofal said that Mr. Moniz demonstrated "outright defiance", and had the vessel docked with the stern sticking out. He said that the vessel is too large for the slip and could cause damage to the dock. He said that there have been "cumulative issues" with this lessee, leading him to conclude that severing the contract with Mr. Moniz may be necessary. In particular, the contract is held with Mr. Moniz for the "Never Home", a vessel that Mr. Moniz admits that he no longer owns. If the contract had been for the "Slave Driver", Mr. Darmofal said that he would not have approved it for that slip.

Mr. Haworth asked for comment from Mr. Moniz. Mr. Moniz said that he wanted to have his lawyer present. He claimed that the Board did not give him adequate time to get counsel. He added that the contract says he may possess a 47 foot vessel and he claimed that the "Slave Driver" is 44 feet.

Mr. Espindola said that it appeared that Mr. Moniz was not respecting the Harbormaster's authority. Mr. Haworth added that the boat was not legally moored there if it was not in the contract.

John Moniz, father to Eric Moniz, was recognized by the Chairman. He asked if the younger Mr. Moniz backed his boat into the slip if there would still be a problem with docking it there.

Mr. Espindola said that the vessel did not have proper registration in the Town. Mr. Darmofal said that if the boat were to be backed in two or three feet to the dock, it would probably relieve some of the congestion in the bow area for the rest of the dock users.

Mr. Haworth motioned to order the boat removed immediately on the conditions that it was not properly docked and did not have a license.

Mr. Moniz asked if he submitted a letter notifying the Harbormaster of the vessel change if he would be allowed to keep the vessel there. Mr. Darmofal answered that the request would be denied because the vessel is too large for the slip and it is putting pressure on the pilings. Mr. Haworth agreed, stating that he did a site visit and found the vessel to be "excessively large".

Mr. Murphy said the slip probably represented Mr. Moniz' livelihood. He asked if something could be worked out so Mr. Moniz could have a slip. Mr. Darmofal said that there did not appear to be another available slip that could accommodate the "Slave Driver".

There was some discussion of the contractual obligations to Mr. Moniz and the Town as far as vessel removal. Mr. Haworth amended his motion to order the boat removed within ten days on the condition that it was not properly docked and licensed. Mr. Murphy seconded the amended motion. Vote was unanimous. (3-0). Mr. Espindola asked Mr. Moniz to provide proof of insurance to the Selectmen's Office. Additionally, the Board said that if Mr. Moniz did not remove his vessel within the ten days, it would be removed by the Town at Mr. Moniz' expense.

### **NB PORT AUTHORITY REQUEST**

The Board read a letter from the New Bedford Port Authority requesting use of the Town of Fairhaven's 27' Boston Whaler trailer for a large scale live exercise in Boston titled "Urban Shield Boston 2014". The event is scheduled for May 4, 2014. See Attachment D. Fairhaven's Assistant Harbormaster, Timothy Cox, will be present for the exercise.

Mr. Darmofal called it a "great opportunity to train" for Mr. Cox. Mr. Haworth spoke in favor of the event, and was in favor of sharing assets between communities. Mr. Murphy also showed support.

Mr. Haworth motioned to authorize the use of the Town of Fairhaven's 27' Boston Whaler trailer for the May 4, 2014 exercise with the New Bedford Port Authority in Boston. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **SPECIAL TOWN MEETING RECOMMENDATIONS**

At 8:19 p.m., the Board began to make recommendations for articles for the May 3, 2014 Special Town Meeting.

Mr. Haworth motioned to reconsider the Board's previous recommendation for \$30,000 for Article 1: Veteran's Services: Purchase of Services. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Haworth motioned to recommend \$20,000 for Article 1: Veteran's Services: Purchase of Services (\$15,000 transfer from FY14 appropriations and \$5,000 transfer from Surplus Revenue). Mr. Murphy seconded. Vote was unanimous. (3-0).

Robert Hobson was recognized by the Chairman. Mr. Hobson asked the Board to consider taking the meeting out of order to discuss the Annual Town Meeting Article 31, which would seek to reorganize the Board of Public Works. The Board agreed to address that Article.

Mr. Hobson said that he did not understand the purpose of eliminating the Board of Public Works and replacing it with an elected advisory board. Mr. Osuch said that the Town Government Study Committee was recommending the authority of the BPW be shifted to the



Board of Selectmen and have a Town Administrator be responsible for the day to day overseeing of the BPW decisions.

Mr. Hobson asked if the Town Administrator article would be amendable on Town Meeting floor to remove references to the BPW powers. Mr. Osuch said that it would be amendable, but that the Town Government Study Committee would make their presentation on Town Meeting floor.

Mr. Haworth said that when the BPW was formed, it was formed by a town-wide vote. He said that if it is going to be eliminated, that should also be done by a town-wide vote.

Mr. Murphy said that he was personally in favor of having a Town Administrator. He said that the Article produced by the Town Government Study Committee was the result of a lot of work, but it would be difficult to hire someone with the Article as written.

Mr. Espindola commended the Town Government Study Committee for their work, but stated that they just were not ready to submit the Article to legislature.

**Article 15 – Establishing the Position of Town Administrator** – Mr. Haworth motioned to Indefinitely Postpone the May 3, 2014 ATM Article 15, Establishing the Position of Town Administrator. Mr. Espindola seconded. Vote carried 2-1 with Mr. Murphy in opposition.

**Article 31 – Restructuring the Board of Public Works** – Mr. Haworth motioned to Indefinitely Postpone the May 3, 2014 ATM Article 31, Restructuring the Board of Public Works. Mr. Murphy seconded. Vote was unanimous. (3-0).

**Article 25 – Information Technology Advisory Committee** – The Board reviewed the TGSC article, ATM Article 25, Information Technology Advisory Committee. Mr. Murphy said that he thought there was too much information in the article and that he would just prefer the Town initiate the process of hiring a full-time IT employee for Town offices. Mr. Espindola favored the decision to Yield to Petitioner. Mr. Haworth motioned to Yield to the Petitioner for Article 25, Information Technology Advisory Committee. Mr. Espindola seconded. Vote carried 2-1 with Mr. Murphy in opposition.

**STM Article – Article 16 – Union Wharf Land Exchange** – Mr. Haworth spoke in favor of the Union Wharf Land Exchange to avoid additional legal costs, as long as an appraiser gives a fair value for the parcel being exchanged. Mr. Haworth motioned to recommend Adoption on this Article. Mr. Murphy seconded. Vote was unanimous. (3-0).

**ATM Article 12 – Wastewater Treatment Plant Contract Amendment** – Mr. Haworth moved to recommend Adoption on this Article. Mr. Murphy seconded. Vote was unanimous. (3-0).

**ATM Article 14 – Handicap Parking Acceptance of Statute** – Mr. Murphy said that he was waiting on more information before making a decision. The Board took no action.

**ATM Article 26 – Capital Planning Committee** – The article has been significantly revised since being published in the Town Meeting warrant. The Board reviewed options presented by Town Counsel for presenting those changes to Town Meeting. See Attachment E. Mr. Haworth motioned to recommend Adoption on Article 26 – Capital Planning Committee as amended with the revised version being made available to Town Meeting members at Town Meeting and Precinct meeting in hand-out format. Mr. Murphy seconded. Vote was unanimous. (3-0). The Article as changed will be uploaded to the Town website for review.

**ATM Article 27 – Hastings Middle School Floors** – The Board did not reconsider its vote.

At 9:20 p.m., Mr. Haworth motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with respect to negotiations with Fire Union
- To discuss strategy with respect to negotiations with Fire Union – Fire grievance
- To discuss strategy with respect to Non-Union personnel – Treasurer
- To discuss strategy with respect to land acquisition – Mill Road 61A
- To discuss strategy with respect to health insurance negotiations – Public Employee Committee
- To discuss strategy with respect to Over Time – Police Department and Town Hall

Mr. Murphy 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 5/12/2014)



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

DAVID W. CASH  
Commissioner

RECEIVED

APR 16 2014

MRV WATER DISTRICT

April 11, 2014

Mattapoissett River Valley Water District  
P.O. Box 1055  
Mattapoissett, MA 02739

Dear Mr. Nicholson:

The Massachusetts Department of Environmental Protection's (MassDEP) Drinking Water Program is pleased to extend its congratulations to the Mattapoissett River Valley Water District for its outstanding performance in 2013. Your system has achieved one of the top scores in the Consecutive System category of the 2014 Public Water System Awards Program.

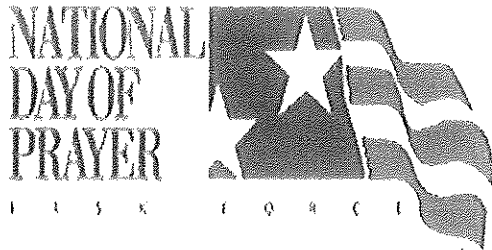
MassDEP realizes that it is no easy task to keep up with the ever-evolving federal and state drinking water regulations. While most systems strive just to comply with the regulations, your system has put forth an extra effort for many years.

MassDEP encourages you to continue this level of excellence in carrying out your work of protecting and supplying safe and fit water to our citizens. If you have any questions regarding the Awards Program, please contact Marie Tennant at 617-292-5885 or at [Marie.Tennant@state.ma.us](mailto:Marie.Tennant@state.ma.us).

Congratulations,

Yvette DePeiza, Program Director  
Drinking Water Program

Attachment



Thursday, May 1, 2014

March 13, 2014

Town of Fairhaven  
Board of Selectmen  
40 Center Street  
Fairhaven, MA 02719

Dear Board of Selectmen,

The first Thursday in May has been sanctioned by the Government of the United States as "National Day of Prayer." Celebrating its 63rd year, our theme for 2014 is **One Voice United in Prayer**, emphasizing the need for individuals, corporately and individually, to place their faith in the unfailing character of their Creator, who is sovereign over all governments, authorities, and men. To further highlight our theme, we've chosen Romans 15:6 as our Scripture for this year: **"So that with one mind and one voice you may glorify the God and Father of our Lord, Jesus Christ."**

On behalf of this recognized effort, I am asking for permission to help coordinate people to gather in front of the Town Hall at noon on Thursday, May 1, 2014 with the sole purpose of praying for our Nation and Government.

With your approval, clergy and/or representative members of local churches and citizens will participate in the structured part of the session. We may include a song or two, with a tasteful music accompaniment. Of course, the Board of Selectmen, Town officials and any other interested citizens are welcome to attend in a prayerful spirit also.

Should the weather be inclement, is there a possibility of using the auditorium for our stated purpose?

In anticipation, I appreciate your response that will allow us to move forward with our 15th year of participation in Fairhaven on this "National Day of Prayer." If you have any concerns or suggestions in facilitation, please call me at (508) 997-5616 or visit the website at [www.nationaldayofprayer.org](http://www.nationaldayofprayer.org).

Respectfully,

Steven J. Bouley  
NDP Participant  
52 Cottage Street  
Fairhaven, MA 02719

NOTES

RECEIVED

2014 MAR 13 A 9:44

BOARD OF SELECTMAN  
FAIRHAVEN MASS

Bob - You should try to go to this as the Chair

✓

**Anne Kakley**

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**From:** Jeff Osuch  
**Sent:** Monday, March 31, 2014 11:50 AM  
**To:** Anne Kakley  
**Subject:** FW: Non Union employees  
**Attachments:** 20140318134013068.pdf; Town\_of\_Fairhaven-03-24-14.docx; ECR02-Assistant\_to\_the\_Town\_Accountant-8-13.docx; CAR06-Sample-Kitchen Supply-13.docx

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**From:** Jeff DuPont [<mailto:laurelridgegroup@aol.com>]  
**Sent:** Monday, March 24, 2014 11:31 AM  
**To:** Jeff Osuch; [molife@aol.com](mailto:molife@aol.com)  
**Subject:** Non Union employees

Jeff / Charlie

Attached is a Service Agreement for the proposed compensation review project as requested, as well as the list I went by. I have also attached samples of the Executive Compensation Report and regular Compensation Assessment Report. Based on the information provided, the cost of the project to create and verify job documents (Executive Job Descriptions or Job Function Analyses) and assess the related compensation for the (32) non-union positions would fall into a range of \$6,400 to \$8,000, depending on the need / or not for compensation review for all positions.

If you have questions email or call me at 508-735-6153 cell or 508-763-9378 home-office.

**Please send me a quick reply to let me know you have received this email and the attachments.**

Thanks for the opportunity.....Jeff DuPont

Jeffrey DuPont  
President / Senior Consultant  
LaurelRidge Consulting Group  
182 Hartley Rd.  
Rochester, MA. 02770  
508-763-9378 Home-office  
508-735-6153 (cell)  
[laurelridgegroup@aol.com](mailto:laurelridgegroup@aol.com)

-----Original Message-----

**From:** Jeff Osuch <[josuch@fairhaven-ma.gov](mailto:josuch@fairhaven-ma.gov)>  
**To:** Jeff DuPont <[laurelridgegroup@aol.com](mailto:laurelridgegroup@aol.com)>  
**Sent:** Tue, Mar 18, 2014 2:09 pm  
**Subject:** Non Union employees

Hi Jeff,

The attachment is a list of current employees who are non union ( if you see a "C" in the Level/Step column those are contract employees). The person 's name , June 30,2013 rate of pay per hour, Pay level/step , and title are listed left to right.

All of these employees would have received a ½ % raise on January 1,2014 and will be getting a 1% raise on July 1,2014. Some people are paid a stipend "monthly" such as the Part time Assessors Bd. And some are a yearly amount paid either weekly or monthly such as the Veteran's agent and the Sealer of weights and measures.

The Call Fireman are also non union and their rate of pay is shown on a separate sheet. Life Guards and Seasonal Recreation personnel are paid in the A-6 rates depending on their job requirements.

Please review and call me.



**Service Agreement for:  
Town of Fairhaven, MA.**

**March 24, 2014**

**LaurelRidge Consulting Group** is national consulting organization based in Rochester, Massachusetts and has developed a product to assist employers in effectively managing their workplace and workforce. **Work-Smart Analysis** is a proven and comprehensive management system designed to reduce and control Workers' Compensation costs and at the same time help create a safer and more productive work environment. This program is tailored to the clients individual facility and addresses specific needs and concerns with regard to safety issues, procedures and practices, ergonomic standards, environmental exposures and employee training, the (ADA) Americans with Disabilities Act, the Equal Employment Opportunity Commission (EEOC), HIPPA, as well as certain aspects of quality control involved in obtaining ISO certification and conforming to OSHA regulations. The implementation of the program can result in an overall reduction in Workers' Compensation costs and lost time injuries, increase workplace efficiency, reduce turnover, improve return to work timeliness and will lead to increased employee production. This program is designed to help companies understand all of these factors and implement an integrated system to assure coordinated decisions between management groups, lower administration cost and most importantly provide a safer workplace for your employees.

**Services**

The primary step to creating a proficient and productive workplace is to establish a clear and concise understanding of the jobs that employees perform. This is accomplished by implementing the **WorkGuard** Job Function Analysis (JFA) and / or a **Job Safety Analyses, (JSA)** an onsite detailed reviews of job tasks that quantifies and defines the "Essential Functions" of the job as well as weights, specific force measurements, work environment, risk assessment, safety requirements, PPE and other physical demands. These documents are developed as a result of discussions with workers, supervisors, safety managers and other management individuals. **Executive Job Description** A management version of the JFA that focuses more on executive activities, administration, clerical, responsibilities, experience, education, goals, expectations; planning, monitoring / appraising job results; counseling / discipline; developing, coordinating, enforcing policies, procedures, productivity and evaluating outcomes.

We also offer **LOTOdoc** – Lock out-Tag out documents, a step by step documentation of Lock out-Tag out procedures with photos, to accompany the JFA / JSA.

The **Compensation Assessment Report** is a trimmed down version of the JFA utilized by Human Resource personnel in determining the relative monetary worth of a job. It is a process which is helpful for framing compensation plans. This document deals with essential functions, physical requirements, required physical skills and qualifications, education and training, complexity of the tasks, needed experience, performance expectations and compensation.

**Cost Structure**

**WorkGuard** Job Function Analysis (JFA) The project price is \$350 per JFA

The special discounted price for the Town of Fairhaven is \$200 per new JFA----- \$ unknown\*\*  
The project price of \$150 per to update existing JFA's----- N/A

**Job Safety Analyses (JSA)** The project price is \$195 per JSA

The discounted price of \$150 per new JSA --- when done in conjunction with JFA's ----- \$unknown  
The project price of \$75 per to update existing JSA's -----N/A

**Executive Job Description** The project price is \$250 per

The discounted price of \$200 per new EJD Town of Fairhaven ----- \$unknown  
The project price of \$100 per to update existing EJD's

**Compensation Assessment Report** The project price is \$195 per

The discounted price of \$150 per the Town of Fairhaven -----(where a JFA/EJD exists)  
The discounted price of \$250 per for the Town of Fairhaven --- (where a JFA / EJD does not exist)----- \$unknown\*\*

**LOTOdoc** – Lock out-Tag out document -----\$75.00 per-----N/A

Step by step documentation of Lock out-Tag out procedures with photos to accompany the JFA / JSA

**Work-Smart Analysis** Estimated Project Cost ----- \$

**Travel Expense** -Coach Airfare / Car Expense / Meals / Lodging / Mileage-----Estimate ----- \$

\*\*Based on the information provided, the cost of the project to create and verify job documents (Executive Job Descriptions or Job Function Analyses) and assess the related compensation for the (32) non-union positions would fall into a range of \$6,400 to \$8,000, depending on the need / or not for compensation review for all positions.

## LaurelRidge Consulting Group Terms of Agreement

WHEREAS, **LaurelRidge Consulting Group** ("LCG") is a consulting organization based in Rochester, MA.  
 WHEREAS, **Town of Fairhaven, Massachusetts** ("the Client") desires to obtain LCG's services;  
 NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration,  
 the receipt of which is hereby acknowledged, the parties agree as follows:

**Services.** Beginning, (ASAP), LCG shall render the services agreed to by LCG and the Client.  
 The Client acknowledges that LCG's services are supplemental and advisory in nature and are not to be construed as supervisory. The Client shall make all the decisions concerning the determination as to employment of any current employee or applicant. LCG makes no warranties or guarantees, expressed or implied, with regard to services provided.

**Payment.** The Client shall pay 20% of the estimated project price in advance or upon commencement of the work of LCG consultant(s) onsite.  
 The Client shall pay for the services invoiced by LCG within (30) days of the date of the invoice, unless specific payment arrangements have been made in advance. Overdue accounts shall accrue interest at a rate equal to 18% (eighteen percent) per annum.

**Confidentiality of Data.** The Client acknowledges that the LCG Data and Systems are owned by and proprietary to LCG. The Client shall not furnish, disclose or reveal any LCG Data and Systems to any third party without the prior express written consent of LCG.

IN WITNESS WHEREOF, the undersigned have executed this agreement as of the date first above written.

LaurelRidge Consulting Group ("LCG")		Town of Fairhaven, MA ("the Client")	
By:		By:	
<b>Jeffrey J. DuPont</b>			
Title	President / Senior Consultant	Title	
Dated		Dated	

Checks to be made payable and remitted to:

**LaurelRidge Consulting Group**  
 182 Hartley Rd.  
 Rochester, MA. 02770  
 (508) 763-9378 home office / 508-735-6163 cell  
 laurelridgegroup@aol.com



## Executive Compensation Report

**Town of Anywhere, Massachusetts**

**Job Title:** Assistant to the Town Accountant      **Location-** Town Hall      **Review date:** August 7, 2013

**Department--** Accounting      **Reports to:** Town Accountant      **Classification -----** Level (2) Light

**Pay Scale Department:**      **Shift Duration:** 8 hours / 5 days      **Pay Scale ID:**      **Union Affiliation:**

**Contract Code:**      **Job Code:**      **Department Budget:**

### Primary Task

The primary function of this position is to analyze fixed overhead costs and provide analytical assistance on a variety of assignments including period end close, business risk analysis and forecasting, as well as back-up for all other activities of plant accounting, including cost accounting, payroll and accounts payable, in a timely manner, observing all local, state and federal laws, guidelines and regulations and ensuring all established quality standards are met and maintained.

### Supervision

**Supervision Received--**Reports to and works under the direction of the Town Accountant to exercise discretion and independent judgment in directing and overseeing the accounting operations, programs and activities.

**Supervision Exercised--**Supervise regular / temporary accounting staff/ clerks as required and until such time as the projects are completed.

### Essential Functions

- As Assistant to the Town Accountant, in the absence of the Town Accountant, the employee will assume additional responsibilities and perform the duties for the overall operation of the Accounting Department, as well as maintain the records of the Town Accountant, subject to the applicable Town, State and Federal requirements, laws, regulations and penalties.
- The employee will assist the Town Accountant; respond to inquiries directed to Town Accountant from employees, vendors and official.
- Verify Town Department's payrolls; pay rates, hours worked, account numbers, mathematical accuracy and contractual payments.
- Process warrants and bills payable checking for sales tax, process accounts payable, verify purchasing process compliance, assist in the reconciliation of accounts, assist in maintaining the associated chart of accounts, maintain detailed financial records.
- Process invoices as assigned; research invoice discrepancies; process and distribute payments as requested.
- Audit and maintain a variety of files and filing systems; prepare, maintain and update various records; verify and distribute information as requested; photocopy, mail or fax materials as necessary.
- Provide clerical support to assist designated division staff in the completion of their duties and responsibilities.
- Answer questions / provide information to vendors, respond to problems and / or refer to appropriate staff member for resolution.
- Assist with preparation of Annual Budget; compile info, print and notify Dept. Heads of reporting and print deadlines.
- Collect and verify a variety of information as requested including invoice and vendor data.
- Enter and verify data pertaining to expenditure requests, vendor file data, and processed checks in the computer system.
- Work with vendors in need of payment inquiry, address changes, or any other requests that may be made.
- Answer questions from various departments regarding account balances, payment of invoices, and any other queries that may arise.
- Research and assist other departments with information they need regarding any issue associated with the Accounting office.

### Job Functions by percentage of daily occurrence

<b>Administrative Work:</b> on premise / in office, clerical, payroll, audits, filings, records	<b>60%</b>
<b>Customer Service:</b> Interact with clients in person. Answer telephones, e-mails, voice mail and act on, address and resolve issues and concerns.	<b>20%</b>
<b>Meetings</b> (on premise) supervisor, town officials, vendors , co-workers	<b>10%</b>
<b>Travel:</b> to town and other facilities; attend meetings, training, conferences, and workshops.	<b>5%</b>
<b>Town Accountant Duties:</b> assume additional responsibilities and perform the duties for the overall operation of the office.	<b>5%</b>

### General Job Requirements

- Must read, write, and communicate in English as it relates to the job and to the safety regulations.
- Must be able to access all levels of a site / building /structure and enter and exit from vehicles.
- Must be able to operate equipment / tools used to perform the job.
- Must be able to perform all job functions safely.
- Must meet the performance standards for the job.
- Must be able to follow instructions.
- Must be able to work the scheduled / assigned times and required overtime for the position.
- Must complete mandatory drug testing as required.
- Must complete required medical physical exam and testing.
- Must submit to CORI check and not possess any significant criminal record as determined by the appropriate authorities.

### Specific Job Skills, Qualifications and Training

- Must have earned a High School diploma or proof of GED.
- Must have an Associate's degree in Accounting or Business Administration or a related field.
- Must have (3) years of related experience/ background finance, accounting, municipal government, record keeping, or the equivalent combination of education, experience and training.
- Must have knowledge of office administration, municipal financial record keeping and application provisions of MA. General Laws
- Must have good math and computer skills, fluent in Microsoft software, Excel, Word and learn to use the Uniform Massachusetts Accounting System or other town systems.
- Must be able to effectively communicate (verbal and written) with co-workers, town employees and vendors.
- Must have ability to respond to inquiries / complaints with discretion and work calmly / effectively under any conditions.





# Job Assessment Report

Job Title: Kitchen Supply		Location 3 <sup>rd</sup> Floor Kitchen		Review date: November 2013	
Department-- Kitchen Supply		Corresponding JFA #----133CFM-13		Last Revision:	
Classification: Level 3- Moderate	Shift Duration: 8 hours / 5 days	Break Cycle: (2)10m / (1) 30m	Noise Level Rating-Low-Significant		
Job Location: 100% inside / 0% outside	Temperature Range: 40° to 110° indoor	Other-			

### Compensation and Budget Information

Reports to:	Job Code: K3006	Pay Scale ID: P22379
Union Affiliation:	Pay Scale Department: P523891 (20.09)	Contract Code #

### Primary Task

The primary function of this position is supply the grind area with clean empty tubs, wrap and remove full tubs of ground meat to the staging and cooking areas and return soiled to wash area for cleaning, in a timely manner, observing all safety regulations, ensuring all GMP and quality standards are met and to maintain the efficient flow of product through the production process.

### Physical Factors

- |   |  |
|---|--|
| <input type="checkbox"/> (2) Hand Lift (max) ----- < 25 lb.@ occurrence -----occasional<br><input type="checkbox"/> (2) Hand Carry (max)---< 25 lb.@ occurrence -----occasional<br><input type="checkbox"/> (2) Lift/ Carry (aver.) -- < 10 lb.@ occurrence ----- intermittent<br><input type="checkbox"/> Stand -----40%    Walk ----- 60%    Sit ----- 0% | <input type="checkbox"/> Hand Grasp (max) -----35 lb.@ occurrence ---- frequent<br><input type="checkbox"/> Pinch (max) ----- 13 lb.@ occurrence ---- frequent<br><input type="checkbox"/> Static Push / Pull (max) -- 50 lb.@ occurrence --- intermittent |
|---|--|

### Essential Functions

#### Job Functions by percentage of daily occurrence

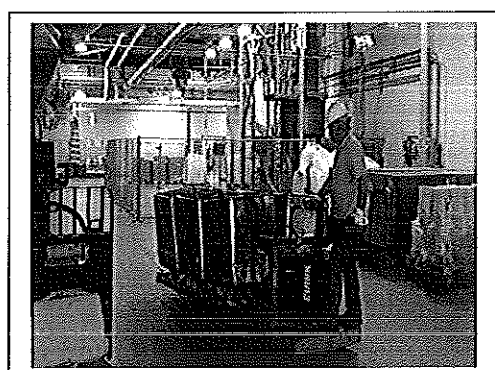
Check inventory in cooler (meat / cheese / butter) and notify appropriate personnel.	<b>&lt;5%</b>
Obtain clean / empty tubs from tub washer staging area and move to cold room processing line. Position empty tubs to the unloading area of the cold room grinding equipment.	<b>20%</b>
Remove tubs when filled to correct weight and wrap the tub with plastic. Label the tub with appropriate information and move to cold room staging areas or move directly to cooker area. Move soiled tubs to wash staging area.	<b>70%</b>
Follow appropriate end of shift procedures that may include, cleaning equipment and work area with hoses, secure all equipment and complete required paperwork.	<b>5%</b>

#### Process Observations

Manually obtain empty wheeled tubs (125lb.) from the staging area, manually push the tubs (25-50ft.) and position the tub to the cold room filler conveyor or staging area. Manually and / or with Power Jack position empty tubs to the unloading area of the cold room grinding equipment.

Visually monitor the filling of the tubs and when filled to the correct weight the employee will manually move the tub from the conveyor and re-position an empty tub to and conveyor. Cover the tub with plastic wrap, record the appropriate information and label the tub. manually push the full tub on to the pallet jack platform (up to 400lb. per tub / 25-50 per shift) up to (6) tubs per load and transport the tubs to the appropriate staging area (50-100ft.) using the service elevator to travel to other floors as needed

Walk to and monitor the cooker staging areas and identify supply needs and transport the appropriate ground meat to that cooking area as required.



Factor	Degree	Pts.	
Pre-Training	NA		None
On Job Training	2	44	Forklift-Power Jack certification
Education	2	35	Experience could be substituted
Experience	NA		None
Specific Skills	NA		Forklift-Power Jack Certification
Complexity / Judgment	2	66	Must read / labels-scale/ instructions Must be organized
Initiative	NA		Minimal
Visual-Mental Attention	2	44	Operating equipment / Congested areas
Impact of Errors	NA		Minimal
Work Environment-Conditions	NA		All areas of the production-cooler
Physical Demands	4	60	Frequent physical activities/ Push-pull
Supervision Requirements	NA		None
Co-Worker Interaction	NA		Must communicate-with co-workers
Position Value to Line	3	83	Considerable effect on kitchen production
<b>Total Points</b>		<b>332</b>	

General Job Requirements	Specific Job Skills and Qualifications
<ul style="list-style-type: none"> <li>▪ Must read, write, and communicate in English as it relates to the job and to the safety regulations.</li> <li>▪ Must be able to use, or learn to use, the equipment and tools used to perform the job.</li> <li>▪ Must be able to perform all job functions safely.</li> <li>▪ Must meet the company performance standards for the job.</li> <li>▪ Must participate in company orientation and training.</li> <li>▪ Must be able to follow instructions.</li> <li>▪ Must be able to work the scheduled / assigned times and required overtime for the position.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must have earned a High School diploma or proof of GED.</li> <li>▪ Must complete "Forklift –Power Jack Training" / obtain certification.</li> <li>▪ Must be able to stand and walk for extended period of time.</li> <li>▪ Must understand / adhere to the "Good Manufacturing Procedures.</li> <li>▪ Must complete "Lock-out / Tag-out awareness training.</li> <li>▪ Must know MSDS information regarding all materials used within the scope of the work.</li> </ul>
<b>Summary of Findings</b>	
<p>This position is a medium skill level job that requires simple training or no specific experience to perform in a proficient manner.</p> <p>The activities are similar and in a repeating sequence and range from moderate-intermediate in physicality (reach, pinch, grasp, twist, walk, push-pull, bend, stoop, stand, drive, lean, climb-step on and off Power Jack) throughout most of the job tasks.</p> <p>Light weight lift and carry (&lt; 25lb) with some larger weights that can be done with manual or mechanical assistance.</p> <p>Pushing, pulling and manipulating full (up to 400lb.) and empty (125-150lb) meat tubs, in congested areas of the kitchen production and meat grinding areas, as well as in-out of service elevators are the most significant activities in the position (25 to 50 x3 per shift (full, empty and soiled).</p> <p>Observational skills are required (working in busy production-cooler areas / operating power jack) and reading labels/ scales / instructions.</p> <p>Organizational skills are important to maintain an even and efficient flow of tubs moving from one area to another in a timely manner.</p> <p>Work stoppage at this position due to human error could have a considerable effect on kitchen production, but most could be resolved with minor financial impact.</p>	
<b>Conclusion</b>	
<p>This position scored on the high end of the Grade 5 level.</p>	



*New Bedford Police Department  
Port Security Team/Underwater Recovery*

871 Rockdale Avenue, New Bedford, MA 02740  
Phone: 508-989-2925 Fax: 508-991-6203

JONATHAN F. MITCHELL  
Mayor

DAVID A. PROVENCHER  
Chief of Police

DAVID M. LIZOTTE  
Deputy Chief of Police

04/27/14

Dear Sirs,

On May 4<sup>th</sup>, members of the New Bedford Police Department's Port Security Team and Underwater Recovery Team will be participating in a large scale live exercise in Boston titled Urban Shield Boston 2014.

The exercise presents the city of Boston and its' partners with a 24hr period of multiple terrorist scenarios, one of which is being held on the Boston waterfront Logan Airport property and hosted by Mass Port. The exercise is called Operation Ready of which we have been invited to participate.

The exercise will simulate a downed aircraft and the various agencies response which will be graded by assigned trainers and evaluators. The training will also ensure possible future Port Security grants to the agencies who participate.

We are asking for your assistance in allowing us to borrow your 27' Boston Whaler trailer assigned to the Fairhaven Harbormaster to transport our department's 27' Boston Whaler to Boston for this exercise. The trailer will be towed by our Police Department Ford F250 marked unit.

Unfortunately due to the first series of Port Security grants when we obtained our vessel, the trailer was cut out. The following round when the Fairhaven boat was ordered, the cost was anticipated to rise to include everything requested. Our boats are identical in nature and the trailer should suffice.

Further, we are looking forward to having Fairhaven Assistant Harbor Master Timothy Cox participate with us in this exercise.

Hopefully the information received in the free training will become of value by both our agencies should an unfortunate incident arise over Buzzard's Bay.

Thank you for your assistance.

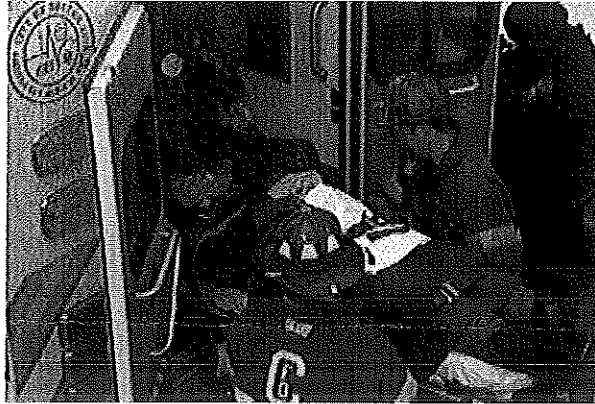
Respectfully submitted,

  
Off. David Roy  
Port Security/Assistant Harbor Master

## Metro Boston Homeland Security Region

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### Urban Shield: Boston



Annually, the Region conducts **Urban Shield Boston**, a continuous 24-hour exercise, during which first responders are deployed to and rotated through various training scenarios. This is the largest exercise ever conducted in Boston, involving over 600 emergency responders from 50 agencies. The goal of Urban Shield is to test and evaluate specific public safety capabilities that have been developed, or enhanced, with the investment of funds received from the Department of Homeland Security through the UASI grant program and supports the regional objectives in Goal 1: NIMS.

Urban Shield Boston is a national model, full-scale exercise, designed to assess and validate the speed, effectiveness and efficiency of capabilities, as well as test the adequacy of regional policies, plans, procedures and protocols. This exercise incorporates regional critical infrastructure, emergency operation centers, regional communication systems, equipment and assets, as well as personnel representing all aspects of emergency response including intelligence, law enforcement, Explosive Ordinance Disposal Units, Fire, EMS, etc.

**Permanent link to this article:** <http://www.mbhsr.org/?p=86>

Contact



Anne Kakley

---

**From:** Bob Espindola [selectmanbobespindola@gmail.com]  
**Sent:** Monday, April 28, 2014 4:23 PM  
**To:** Jeff Osuch  
**Cc:** Anne Kakley  
**Subject:** Re: Capital Planning Articall

Jeff,

Thanks,

This is helpful.

Can you please print copies of your summary for the meeting tonight?

On Monday, April 28, 2014, Jeff Osuch <[josuch@fairhaven-ma.gov](mailto:josuch@fairhaven-ma.gov)> wrote:

Hi Bob,

I spoke to Tom. He had three ideas.

One was to handout the latest version at the Prec. Meetings and explain it to them and ask them to read it before Saturday so that people would know about the changes and then read the new version into the record at Town Meeting.

Another was passing it out the Prec. Meeting and amending the article with the changes (similar what I had give you on Friday) on Saturday.

His third idea was to pass it out at the Prec. Meeting and then at Town meeting asking the Town Meeting members to take a vote to wave the reading of the new version and just explain the intent of the new version.

In all cases copies of the new version would be available at Town Meeting as a handout by the front door and as an overhead.

If a Town Meeting member objected that he/she did not have time to read it or understand it then it should be pulled for another meeting.

Tom felt that if no one had an issue with the changes and the town meeting members were ready to vote and voted then the AG's office would approve the article.

Call me to discuss.

Jeff

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**From:** Bob Espindola [mailto:[selectmanbobespindola@gmail.com](mailto:selectmanbobespindola@gmail.com)]  
**Sent:** Monday, April 28, 2014 1:57 PM  
**To:** Jeff Osuch  
**Subject:** Capital Planning Articall



Jeff,

Will you be able to get an answer from Tom Crotty about if the Capital Planning Committee Artiical can be submitted as a complete rewrite, instead of detailing every key stroke that changed (like was shown to us on Friday)?

Thanks,

Bob