



# Fairhaven Board of Selectmen

## May 12, 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 6:30 p.m. The meeting was video-recorded and telecast by the Government Access channel and was audio recorded by Eric Chew of the Advocate and audio recorded by Anne Kakley for the Selectmen's Office.

### MINUTES

- Mr. Haworth motioned to approve the minutes of the **April 28, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **April 28, 2014** meeting, **executive** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **May 2, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **May 3, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).

### EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **May 13** –
  - 9:30 a.m. – COA Board of Directors meeting
- Wednesday, **May 14** –
  - 3:30 p.m. – Mattapoisett Water Advisory Committee at the BPW
  - 4:30 p.m. – Mattapoisett Water District at BPW
  - 5:30 p.m. – Whale award in New Bedford for Town Hall restorations
- Thursday, **May 15** –
  - 7:30 a.m. to 9:00 a.m. – Forum at the Buzzard's Bay Office
- Saturday, **May 17** –
  - 12:00 noon – Unveiling of the John I. Bryant Memorial at the Police Station
- Tuesday, **May 20** –

- 2:00 p.m. – Economic Summit meeting
- Wednesday, **May 21** –
  - 12:00 noon – Manager’s meeting in Freetown
- Monday, **May 26** –
  - Holiday – Memorial Day – Parade at 9:00 a.m.

### **ECONOMIC SUMMIT**

Mr. Osuch noted that there would be a meeting of the Economic Summit on May 20 and he asked who would chair the meeting. Mr. Murphy said that he would like to continue as chair if it was the will of the Board. Mr. Espindola said that he would like to visit the occasional Economic Summit meeting. Mr. Murphy said that they would like to initiate the budget preparation process much earlier for FY16.

### **ROUTE 240/BRIDGE ST INTERSECTION**

The Board read a letter from Robert Field of Field Engineering saying that there has been an ongoing safety and convenience concern at the southbound, left-bound intersection lane of Route 240 and Bridge Street. Titlest, and the other professional offices on Mill and Bridge Streets, have similar start times for employees, and as a result, the lane is getting backed up in the morning with vehicles. Mr. Osuch said that MassDOT has adjusted the length of the intersection and cannot maximize the length of the green light any more than they already have. MassDOT has requested that the businesses delay their start times, but the businesses do not want to do that. SRPEDD has offered to participate in a traffic survey with MassDOT about the possibility of widening the turn lane to allow two lanes of cars to turn on a green light.

Mr. Haworth expressed support for a traffic survey for the intersection, but that he did not want to see the Town bear any of the cost associated. He recommended forwarding the request to MassDOT. Mr. Haworth motioned to forward the letter to MassDOT, along with a memo from the Town requesting MassDOT District 5’s involvement in such a traffic study. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **STREET LIGHTS**

Mr. Osuch said that Siemens has completed the LED street light conversion in the areas of Sconticut Neck and Wilbur’s Point. He added that if anyone noticed a leftover high-pressure sodium light, to contact the Selectmen’s Office with the location of that light so it may be converted.

### **MELANSON AND HEATH**

The Board reviewed a proposal from Melanson and Health to:

1. Review five-year history and five-year projection of revenues and appropriations for the General Fund

2. Identify any General Fund trends which could put the Town at risk in the next five years
3. Evaluate General Fund revenue and surplus accounts to determine if the Town is using industry standards in estimating revenues and building sufficient reserves
4. Review certain key General Fund appropriation accounts such as salary and health insurance to determine that trends are consistent with industry standards
5. Provide a written report of recommendations

Melanson and Heath indicated that these services would not exceed \$5,000. Mr. Espindola said that he supported the expenditure to help the Town reach its financial goals. Mr. Haworth and Mr. Murphy agreed.

Mr. Haworth motioned to authorize the Chairman to sign an agreement with Melanson and Heath to perform the aforementioned service. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **COLLINS CONSTRUCTION REQUISITION**

Mr. Haworth motioned to approve a requisition from Collins Construction in the amount of \$11,208.38. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **ELEMENTS MANAGEMENT – JIM MUSE**

Mr. Osuch noted that Town Meeting voted to approve the appropriation of \$5,000 to hire a consultant in the disposition of Rogers and Oxford Schools. Mr. Haworth motioned to authorize the Chairman to sign the agreement with Elements Management. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **BOAT RAMP/SHELLFISH ADVISORY APPOINTMENT**

The Board addressed the previously-tabled request from Rod Taylor to be appointed as a non-voting member of the Boat Ramp/Shellfish Advisory Committee. Mr. Haworth said that the currently seated Boat Ramp/Shellfish Advisory Committee thinks there is potential for conflict of interest if Mr. Taylor is appointed to that Committee, as he owns an aquaculture farm in Fairhaven.

Boat Ramp/Shellfish Advisory members Robert Hobson and Frank Coelho were recognized by the Chairman. Mr. Hobson reiterated that he thought Mr. Taylor's financial interests would create a conflict of interest if he were appointed to their Committee. Mr. Coelho agreed, saying that the Committee is currently re-writing the Town's aquaculture rules and regulations for Selectmen approval. At the end of the process, if Mr. Taylor is still interested, Mr. Coelho said that they may revisit the idea of appointing him. The Boat Ramp/Shellfish Advisory Committee took a vote against appointing Mr. Taylor.

Mr. Haworth motioned to table Mr. Taylor's appointment to the Boat Ramp/Shellfish Advisory Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **NSTAR GAS PERMITS**

Mr. Haworth motioned to approve NSTAR gas permits for: 31 Bay St, 332 Sconticut Neck Road, 480-551 Sconticut Neck Road, Long Road from Adams Street easterly to 21 Long Road, 26 Water Street, 208 Main Street, Intersection of Day Street and Sconticut Neck and 28 Smith Street. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **DOG PARK COMMITTEE APPOINTMENTS**

The Board reviewed two letters of interest from Nancy Santoro and Sheila Dolan, both expressing interest in being appointed to the Dog Park Committee.

Mr. Haworth motioned to appoint both Ms. Santoro and Ms. Dolan to the Dog Park Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **REASSIGNMENT – COA**

The Board reviewed a letter from COA Director Anne Silvia asking to consider the reassignment of Christine Alfonse from Social Day employee to Volunteer Coordinator for the Council on Aging. Additionally, she asked the Board to consider a pay scale change from Level A to Level 1, Step 2.

The Board supported the change, which reflected a nominal pay increase. Mr. Haworth motioned to appoint Christine Alfonse to Volunteer Coordinator and set her pay at Level 1, Step 2. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **ANIMAL SHELTER DONATIONS**

Mr. Haworth motioned to accept \$156 in donations to the Animal Shelter. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **CDBG-DR ENGINEERING DESIGN AND CONSULTANT CONTRACTS**

The Board reviewed contracts for grant administrative services from Breezeway Farm and engineering design from CLE Engineering for work related to CDBG.

Mr. Haworth motioned to approve the contracts with Breezeway Farm and CLE Engineering. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **BENOIT SQUARE BEAUTIFICATION**

At 6:59 p.m., the Board met with Fred Raphael of the North Fairhaven Improvement Association to hear the NFIA's continuing beautification plans for Benoit Square.

Mr. Raphael reviewed the upcoming improvements to the square, including the installation of underground electric conduits, weatherproofed electrical outlets, LED spotlights and floodlights to illuminate the flags, perennial plantings and handicap accessibility to the new gazebo.

Mr. Raphael said that the group was always accepting new donations for the project, both monetary and donation of materials. He specifically thanked David Darmofal for all his help in the project.

The Board thanked Mr. Raphael for the NFIA's ongoing work.

### **UNION CONTRACT NEGOTIATOR**

Per Mr. Murphy's request, the Board discussed the possibility of hiring a professional union contract negotiator for future collective bargaining.

Mr. Murphy said that having a contract negotiator could speed up the process of negotiations and actually save the Town money in the form of legal fees and time.

Mr. Haworth agreed, saying that the contracts are getting more and more detailed and that, as much as the Selectmen try and research, sometimes the negotiations go beyond their scope. He said that a union contract negotiator could reduce errors and could save the Town money.

### **TAX TITLE REQUEST**

At 7:09 p.m., the Board met with Daniel Bartlett to hear his request regarding a parcel of land (770 Sconticut Neck Rear) that was taken from him by the Town through tax title.

Mr. Bartlett explained that his wife had taken ill and he was her sole care provider. As a result, he suffered financial hardship and could not make the tax payments on the parcel. Mr. Bartlett said that his financial situation has stabilized but the appeals process in Land Court was complete and the only way he could repossess the parcel would be through the authorization of the Board of Selectmen. The total owed on the parcel, after legal fees, back taxes, insurance, etc. was \$3,480.72. Mr. Bartlett presented the Board with bank checks totaling \$3,500.

The Board acknowledged Mr. Bartlett's troubles and thanked him for his explanation.

Mr. Haworth motioned to vacate the Land Court order and allow Mr. Bartlett to take back 770 Sconticut Neck Rear with the payment of all monies owed (\$3,480.72). Mr. Murphy seconded. Vote was unanimous. (3-0).

### **NON-UNION EMPLOYEE JOB DESCRIPTION REVIEWS**

Mr. Espindola said that an article for the appropriation of \$8,000 for the review of Non-Union personnel job description and compensation was defeated at Town Meeting. As a result, he suggested that the Board should consider going to the department heads and ask for job

descriptions to be updated in their departments for non-union personnel. He added that updating job descriptions was a part of the DOR's recommendations.

Mr. Haworth agreed. Mr. Murphy said that job descriptions were in need of updating.

Mr. Haworth motioned to send out a memo to department heads requesting the update of job descriptions for all non-union personnel positions. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **UNION WHARF RULES AND REGS**

At 7:20 p.m., the Board met with Dave Darmofal and Tim Cox to discuss revised rules and regulations for Union Wharf. As a part of the discussion, Mr. Darmofal said that he would like to request that the Board terminate a Union Wharf contract with lessee Eric Moniz. Per a Selectmen's vote on April 28, Mr. Moniz had removed his vessel until further notice. He said that there were bait barrels left uncovered at Mr. Moniz' slip and that it was attracting seagulls and was in direct violation of the terms of their lease with Mr. Moniz. Mr. Darmofal further stated that he thought the measurements of Mr. Moniz' vessel, "Slave Driver" was inaccurate. Although Mr. Moniz registered the vessel as 44 feet, Mr. Darmofal said it was likely closer to 47 to 49 feet.

Mr. Haworth said that he thought the Board should address the proposed changes to the Union Wharf rules and regulations first. Mr. Haworth said that it looked like the revision would tighten the rules and remove "gray areas". He said he was in favor of the updated rules because they left "less room for interpretation". Mr. Haworth motioned to approve the updated Union Wharf rules and regulations. Mr. Murphy seconded. Vote was unanimous. (3-0). Mr. Darmofal said that he would send a copy of the updated document to Ms. Kakley for posting to the Town website. Additionally, Mr. Darmofal and Mr. Cox will issue the changes in hard copy to all current Union Wharf lessees, and will ask for a signature from the lessees, stating that they have received the changes.

## **ERIC MONIZ**

The Board re-addressed the issue of Eric Moniz and the possible termination of his contract. Mr. Moniz submitted to the Board a letter from his attorney stating that he was unable to attend the meeting and that the Board should wait until he could represent his client before they deliberate a contract termination.

There was discussion on whether or not the meeting agenda sufficiently indicated that Mr. Moniz' contract would be discussed.

Mr. Haworth suggested that they should still address the bait barrel. Mr. Moniz said that he is not lobster fishing right now and that the bait barrel left at his slip was not his. The Board told Mr. Darmofal that he may remove the bait barrel. Through the Board Chairman, Mr. Darmofal asked Mr. Moniz if his vessel, "Slave Driver", was longer than 44-feet. Mr. Moniz stated that he wanted his lawyer present.

Mr. Darmofal asked the Board to include his request to terminate Mr. Moniz' contract on the May 27 agenda, along with a request to deny the use of the "Slave Driver" at the leased Union Wharf slip if the contract is not terminated.

### **UPWELLER**

Mr. Darmofal presented plans to the Board for Vocational students to produce a sign for the Town's Upweller. He said that the materials would be purchased at a wholesale rate. Mr. Haworth motioned to approve the Upweller sign. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Murphy thanked Mr. Cox for teaching him more about the upweller owned by the Town.

### **DISPATCHER COVERAGE**

At 7:46 p.m., the Board met with Police Chief Michael Myers to discuss coverage for dispatcher shifts. Currently, one dispatcher is on sick leave and the extra shift has been a burden for the dispatchers to carry alone. With the new Emergency Medical Dispatch (EMD) State regulations, only seven of the Police officers are qualified to serve as dispatchers. Additionally, Executive Secretary Jaunna Adesso has completed the training for EMD and is certified to operate as a dispatcher.

Chief Myers explained that by contract, the dispatcher shifts are offered to the members of the Dispatcher's Union first, then to the Police officers, then Ms. Adesso. He stated that the Dispatchers Union was "fine" with the arrangement. He said that they were "just trying to provide the public with a safe scenario".

Mr. Haworth asked about the cost difference of overtime (time-and-a-half) pay for a Police officer on overtime versus the Administrative Assistant (Ms. Adesso) on overtime. Chief Myers answered that, on overtime, Ms. Adesso makes one dollar an hour more than a dispatcher would, but that the Police officer on overtime makes about \$20 an hour more than Ms. Adesso to work dispatch overtime. He said that he has not been able to obtain a dispatcher from another municipality because the straight pay is not worth the overtime work for them. As a result, he has determined that having Ms. Adesso cover some of the dispatcher shifts is the most economic approach to a temporary situation.

Mr. Osuch said that he thought that the Town needs to look into having a part-time dispatcher.

Chief Myers answered that hiring a part-time dispatcher would be difficult because training is 100 hours and that the full-time dispatchers would have all rights to the shifts first. He said it was possible that the Town would pay to have a person train for 100 hours and then they would never get to the dispatchers' desk, or would be so infrequently dispatching that he/she would not be suitable to work the desk.

No action was taken.

## **REGIONAL MUTUAL AID**

The Board asked Chief Myers for an update on the Regional Mutual Aid. Chief Myers said that he had not yet spoken with Town Counsel. The Board asked Chief Myers to get in contact with Town Counsel and to obtain Regional Mutual Aid agreements from other Towns in Southeastern Massachusetts to see if they had made any changes to the agreement. The topic was tabled to May 27.

## **CAPITAL PLANNING COMMITTEE**

The Board discussed the formation of a Capital Planning Committee, as established by Town Meeting vote on May 3, 2014. Mr. Haworth said that he would like to be considered to be the Selectmen's representative on the Committee. Mr. Murphy said that he would be supportive of making Mr. Haworth the Selectmen's representative. Mr. Murphy motioned to appoint Mr. Haworth to the Capital Planning Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

Ms. Kakley said that she would create a press release looking for letters of interest for the Capital Planning Committee and would post it to the website. Mr. Haworth will work with Ms. Kakley to develop deadlines for submission of interest.

## **OPEN DISCUSSION**

Mr. Espindola presented a proposal to allow open comment from the public at the end of meetings. With the use of a sign-up sheet, limited slots and a time limit, Mr. Espindola said that he thought the measure would improve open government.

Mr. Haworth said that he was very supportive of open government but that he did not support open comment at the end of meetings. He said that he would be supportive of a web form that would allow people to easily request agenda items, but that an open comment forum could lead to open meeting law issues and would reduce the Board's control over appointment timing.

Mr. Murphy also did not support open comment at the end of meetings. He said that when he was Chairman, he required a request in writing, either in hard copy or email.

Robert Hobson was recognized by the Chairman. Mr. Hobson said that he did not support open comment. He said that people would abuse the system and it would "open a can of worms".

Ms. Kakley said that she could create a website form that would make it easy for residents to make agenda item requests. Mr. Haworth motioned to authorize the creation of said web form. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **TOWN MEETING LEGISLATION**

Mr. Osuch said that the four legislative articles approved by Town Meeting – one for a 5% Medical Marijuana Sales Tax, one for the creation of the Town Administrator position, one for



the Restructuring of the BPW and one for the changes to Aquaculture license limits – were being reviewed by Town Counsel and being sent to the State for approval in the House and Senate. He said that the BPW article would have to go to Town-wide referendum vote and that the final version of the Town Administrator acceptance will have to go to Town Meeting vote again.

### **MEMORIAL DAY PARADE**

The Board reviewed a letter from Kathleen Clement, Secretary to the Memorial Day Parade Committee, asking for the Selectmen's presence at the annual Memorial Day Parade, to take place on Monday, May 27 at 8:30 p.m.

All three Selectmen said that they would be in attendance. Ms. Kakley will RSVP.

### **OTHER BUSINESS**

In Other Business:

- Mr. Murphy said that there would be a "Celebrity Bartending" event at the Town Crier to benefit Rotary Club scholarships on May 16
- Mr. Murphy said that there was a dedication on May 10 for the Matthew Rodriguez playground. Mr. Espindola delivered words at the event. Members of his platoon on leave attended the event, stopping there before they went home to their families
- Mr. Espindola said that the Boy Scouts visited his most recent office hours and displayed some of their skills, including knot tying
- Mr. Murphy extended condolences on behalf of the Board of Selectmen to the Sinko family on the death of John Sinko, usher at St. Mary's Church
- Mr. Murphy said that the General Court ruled, 5-4, to allow prayer at local meetings. He said that he would like the Board of Selectmen to consider opening meetings with prayer
- Frank Coelho was recognized by the Chair. He asked why the Board was entering Executive Session to discuss an aquaculture license with Rod Taylor. The Board explained that the contract would be public when it was agreed upon, but the actual negotiations justified Executive Session
- Robert Hobson was recognized by the Chair. He asked if the Board was going to negotiate the already existing contract with Mr. Taylor or if they were going to negotiate his expansion request. The Board said that they would be negotiating the already existing contract

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

- To discuss strategy with respect to contract negotiations – Taylor Seafood

- To discuss strategy with respect to health insurance negotiations – PEC agreement
- To discuss strategy with respect to Non-Union personnel – Town Planner

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 5/27/2014)