



Fairhaven Board of Selectmen

August 4, 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 6:31 p.m. The meeting was video-recorded and telecast by the Government Access channel and audio-recorded by Anne Kakley.

MINUTES

- Mr. Haworth motioned to approve the minutes of the **July 22, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **July 22, 2014** meeting, **executive** session. Mr. Murphy seconded. (3-0).

EXECUTIVE SECRETARY'S REPORT

Mr. Osuch did not have any upcoming meetings to report, as he had a scheduled vacation in the next week or so.

87 MAIN STREET

Mr. Osuch advised that the asbestos has been removed from the structure at 87 Main Street and Peter DeTerra will begin with demolition work in the next week.

JMBA CONTRACT

Mr. Osuch presented to the Board a contract with JMBA + Architects to design a replacement roof for the Police and Fire Headquarters Roof for \$22,000, to include bidding and construction services. Mr. Haworth motioned to approve and sign the contract. Mr. Murphy seconded. Vote was unanimous. (3-0).

CAPITAL PLANNING COMMITTEE

The Board reviewed a letter from Drew Tillet, requesting appointment to the Capital Planning Committee. The Board reviewed the current membership of the Capital Planning Committee and determined that there was only room for Mr. Tillet to be a non-voting associate member.

Mr. Espindola suggested transferring Mr. Haworth to a non-voting ex-officio member to free up a voting position for Mr. Tillet. Mr. Haworth agreed, and motioned to appoint Mr. Haworth to a non-voting, ex-officio member, and appoint Mr. Tillet to serve as the voting, construction representative on the Capital Planning Committee. Mr. Murphy seconded. Vote was unanimous. (3-0). The Board will discuss rotating terms for the Capital Planning Committee at the next meeting on August 18.

LORETTA ALLISON – PROCLAMATION

The Board read and signed a proclamation for Loretta Allison, a Fairhaven resident who turned 105 on July 21, 2014. Ms. Allison was born in 1909 and resides at Alden Court Nursing Home.

DOG PARK COMMITTEE APPOINTMENT

The Board read a letter of interest from Suzanne Collins, who requested appointment to the Dog Park Committee. Mr. Haworth motioned to appoint Ms. Collins. Mr. Murphy seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

The Board voted to approve NSTAR gas permit for 396 Alden Road; 111 Huttleston Ave and 3 Suvency Drive, previously approved by the BPW. Mr. Haworth motioned to approve. Mr. Murphy seconded. Vote was unanimous. (3-0).

ONE-DAY, ALL-ALCOHOL PERMIT – VARSITY CLUB

The Board reviewed an application from the Fairhaven Varsity Club for a one-day, all-alcohol license for an event on August 23, 2014. Mr. Haworth motioned to approve. Mr. Murphy seconded. Vote was unanimous. (3-0).

BUZZARD’S BAY COALITION WATERSHED RIDE

The Board reviewed a letter from the Buzzard’s Bay Coalition for their annual Watershed Ride to benefit the BBC on October 5, 2014. Mr. Haworth motioned to approve the event to pass through Fairhaven. Mr. Murphy seconded. Vote was unanimous. (3-0).

WENDY GRAVES CONTRACT

The Board reviewed a final draft of a contract with Finance Director/ Town Treasurer/Collector Wendy Graves, to be effective August 1, 2014 to July 31, 2017. Mr. Haworth stated that the Board was confident it had negotiated a fair contract for Ms. Graves and for the Town.

Mr. Osuch noted that the contract reflected Ms. Graves’ new title of Finance Director/Treasurer/Collector.

Mr. Haworth motioned to approve and sign the employment contract with Ms. Graves. Mr. Murphy seconded. Vote was unanimous. (3-0).

PLACING PACKETS ONLINE

Mr. Espindola asked the Board to consider placing open session documents, letters, etc., on the Town's website prior to Selectmen's meetings for the public to review. Mr. Haworth expressed concerns for personal information on some documents and said that he did not think that they should be uploading it for everyone to see. Mr. Murphy also expressed concern about privacy issues and the possibility for confusion related to making the packet public. No action was taken.

CABLE ADVISORY LEGAL COUNSEL REQUEST

The Board reviewed a request, via Mr. Espindola, to authorize the use of the legal budget in the amount of \$800 to hire Epstein and August to research the possibility of creating a non-profit organization to manage a Cable Access Channel. Mr. Espindola said that they cannot use PEG access funds for legal counsel purposes. Mr. Haworth motioned to approve the use of Town Counsel funds, in the amount of \$800. Mr. Murphy seconded. Vote was unanimous. (3-0). Mr. Haworth asked Mr. Espindola to put together an Authorization for Legal Services form, which is typically used for Legal Counsel requests. Ms. Kakley will arrange the necessary paperwork for Mr. Espindola to sign.

ROGERS-OXFORD RFP AND TOWN COUNSEL

At 7:03 p.m., the Board met with Atty. Thomas Crotty to discuss the disposal of the Rogers School and the Oxford School and the required 30b procurement practices.

Atty. Crotty said that whether the Town opted to dispose of the buildings via an RFP, an auction, or through a realtor, it would have to first appraise the buildings. Additionally, he added that the Town would have to officially transfer the buildings from the ownership of the School Department to the Town through a Town Meeting vote, but he said that this step could be handled at the same time the Town holds a Town Meeting for the sake of actually selling the properties.

If the Town hires a realtor to sell the properties, said Atty. Crotty, it would have to take the agent's commission, the appraised value of the building(s) and calculate what the realtor's commission would be. If the commission would be under \$35,000, the Town can obtain three written/verbal quotes for best practice. If the commission would be over \$35,000, then the job needs to go through the formal, sealed bid process. Atty. Crotty estimated that, in order to cross that \$35,000 threshold, the schools would likely need to appraise for about \$500,000 or less, each. He said that the Town needed to decide what would be included in the sale, including paper streets, and consider the need for easements depending on what is included. If paper streets are included in the sale or absorbed by the parcel, then the streets would need to be discontinued by the Planning Board. A portion of Union Street (from Pleasant Street to Chestnut Street) would have to be discontinued at Town Meeting. Mr. Osuch added that there would have

to be an easement kept on the Union Street section of the Rogers School property, as the Town has utilities crossing through there.

Atty. Crotty added that the Town could put into a contract with a realtor that the realtor would not receive payment unless the Town accepted the terms of a Purchase and Sale Agreement. He said that selecting an appraiser would not require a competitive bidding process.

Doug Brady was recognized by the Chairman. He asked if the Board had the authority to go forward with the Purchase and Sale without Town Meeting approval. Atty. Crotty said that the Board could go through the process of committing to a sale with a sale to be finalized by Town Meeting.

Mr. Murphy motioned to authorize an appraisal to be done on the Rogers School and Oxford School properties. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Espindola said that the Board could make a decision that night with how it wanted to proceed with the disposal of the buildings – RFP, sale, or auction. Mr. Osuch said that the Board needed to have a definitive, final document for potential buyers to work with, and he said that the Town would have to be realistic in its limitations and expectations.

In regards to the finalization of an RFP document, Mr. Espindola suggested blending the two drafts documents currently in the Selectmen’s Office – one submitted by Jim Muse of Elements Management and one submitted by the Rogers-Oxford Study Committee. The resulting RFP could be used to solicit bids or find a realtor.

Atty. Crotty said that if the Town finds a realtor who has sold a similar municipal building in the past, it may be helpful to the Town’s efforts.

John Roderiques was recognized by the Chairman. He asked how the Town could select a realtor without the procurement first.

Atty. Crotty said that it was “fluid dynamics” and that a lot would depend on the realtor’s proposed commission rate. He said that there could be a great deal of variation between realtor commission rates and that they might need to meet with a lot of different realtors. Again, he said that it could be helpful for them to meet with other towns who have disposed of similar municipal buildings and see what kinds of realtor commission quotes they received.

Mr. Espindola recommended selecting a date for a special Selectmen’s Meeting. They agreed to select a date later in the meeting.

CHANGE OF OFFICERS/DIRECTORS AT PUB 99

At 7:36 p.m., the Chairman opened a Public Hearing for a Change of Officers/Directors at Pub 99. Mr. Espindola asked if there was anyone present to represent Pub 99. There was no representative. Mr. Espindola opened the hearing to public comment. There was none. Mr.

Haworth motioned to approve the Change of Officers/Directors at Pub 99. Mr. Murphy seconded. Vote was unanimous. (3-0).

OFFICER DORGAN PROMOTION

At 7:39 p.m., the Board met with the Police Chief and Officer Daniel Dorgan for Officer's Dorgan's promotion to Sergeant. Officer Dorgan was the only officer qualified by the Civil Service list for the promotion, and Chief Myers said that he was a "very intelligent and commanding officer". Officer Dorgan graduated #1 in his class at Police Academy.

Mr. Haworth motioned to appoint Officer Dorgan to Sergeant. Mr. Murphy seconded. Vote was unanimous. (3-0).

COASTAL COMPASSION MEDICAL MARIJUANA

At 7:43 p.m., the Board met with Tim Keogh, JoAnne Leppanen and Melanie Dixon of Coastal Compassion to hear of their plans to establish a medical marijuana dispensary in Fairhaven.

Mr. Keogh said that their effort to expand into the area began about 24 months ago. He said that their objective is to provide high-quality, low-cost project to the area. He said that the Coastal Compassion staff was local to the SouthCoast, and were the only remaining local residents still qualifying for a license from the Department of Public Health.

Ms. Leppanen is the Executive Director of the Rhode Island Patient Advocacy Coalition. Ms. Dixon is a chef, specializing in "infusion" products containing marijuana, including edibles, salves and tinctures. Mr. Keogh's background is in real estate development. They are working with Forefront Advisors for best practices in dispensary operations, taking tips from large scale retain operations with regimented policies and procedures. Mr. Keogh said that they take security very seriously and will be working with Police departments and a third-party security provider.

Mr. Keogh said that 181 teams applied for Phase 1 of the dispensary process and 100 teams applied for Phase 2. Coastal Compassion's original application was in New Bedford, for a cultivation facility and dispensary. Mr. Keogh said that Coastal Compassion received support from the City Council but did not receive support from the Mayor. In June, 28 teams were advanced to the final phase. Mr. Keogh said that some teams were removed for "misrepresenting local support and financing irregularities".

Mr. Keogh said that Coastal Compassion had been invited to apply in "open counties", including Bristol County, and that he would like the support of the Board of Selectmen in order to advance forward with a license. He said that the next wave of applicants would not be invited until summer 2016 at the earliest and encouraged the Selectmen to take advantage of the opportunity. Mr. Keogh said that they had a potential location at 67 Alden Road, in a business plaza within the Medical Marijuana Overlay District, and that they would only be looking to dispense at that location, as there is not a location in Fairhaven yet that would be large enough for cultivation. Mr. Keogh said that they have spoken with Town Planner Bill Roth, Fire Chief Timothy Francis,

Police Chief Michael Myers, Health Agent Patricia Fowle, and “several business owners” who have locations in the business district near 67 Alden Road.

Mr. Espindola asked what the reaction of the business owners had been. Mr. Keogh answered “very positive”. He said that they are on a very short timeline and had plans to meet with additional stakeholders in the condo association. He added that they will continue outreach efforts with the community and that they expected a very positive reaction from the community. He said that they would enter a “host agreement” with the Town with a PILOT agreement, with the intention of the PILOT money going to fund health and safety initiatives. Additionally, Coastal Compassion has plans to donate to charities. Mr. Murphy asked the percentage that Coastal Compassion was willing to donate. Mr. Keogh said that was negotiable, but that they wanted to still be able to keep their product affordable.

Mr. Espindola asked if Coastal Compassion was in negotiations with any other SouthCoast towns. Mr. Keogh said that they were mainly looking to dispense in Fairhaven and cultivate elsewhere, possibly Attleboro.

Mr. Haworth asked if Mr. Keogh had looked elsewhere in Fairhaven for a facility, adding that 67 Alden is heavily traveled. Mr. Keogh said that they have looked at the 124 Alden Road property and have spoken to Compassionate Care Clinics about the “Lottery Building” on Pequod Street.

Mr. Murphy expressed concern for the security of cultivating the marijuana and then delivering it to the site. He asked if Compassionate Care intended to deliver to residents as well. Mr. Keogh told the Board that they would have “robust security” and did intend to deliver to residents. Ms. Leppanen said that most of their clients preferred home delivery.

Mr. Espindola thanked Coastal Compassion for their presentation, but noted that the Board was uncertain where the original applicant – Compassionate Care Clinics – stood with the DPH and their appeal. He said that the Board may need more information on that appeal before making any decisions. Mr. Keogh said that he had a contact over at DPH that may be able to answer their questions in that regard.

Mr. Keogh stated that if the Compassionate Care Clinics appeal process fails, the possibility of a Fairhaven dispensary could become questionable, with more competing towns and counties. Ms. Leppanen said that she is receiving calls from people in the SouthCoast area who are desperate for medical marijuana to relieve their conditions and symptoms. Mr. Murphy answered that he believes strongly in medical marijuana but that he had reservations about the confidentiality of having patients go to a public plaza for their medicine. Mr. Keogh answered that the “Lottery Building” on Pequod Street was too small to serve as a cultivation location and too large to use as a dispensary.

Jim Vieira of the Alden Road Condo Association was recognized by the Chairman. He said that he was not notified of the possibility of Coastal Compassion coming into the condo until that previous Thursday. He met with Mr. Keogh. He said that the business owners in the association “strongly oppose” this location – 67 Alden Road – for the medical marijuana dispensary. He said that they did not think that the parking there was suitable for the dispensary’s needs. Mr.

Espindola stated that Mr. Vieira was welcome to state his opinion, but that the building was within the Medical Marijuana overlay district and would be suitable for the dispensary – any parking issues could be addressed when Coastal Compassion went before the Planning Board.

Mr. Keogh apologized to the Condo Association representative for the short notice, adding that he intends to meet with all the stakeholders soon.

Chapman Dickerson was recognized by the Chairman. He said that he has visited many dispensaries throughout the country and they are typically located in strip malls, similar to the location at 67 Alden Road.

Mel Antonio was recognized by the Chairman. Mr. Antonio identified himself as the realtor working with Mr. Keogh. He said that he wanted Mr. Keogh to speak with the association but they had to work quickly, and that is why there is already a signed purchase and sale agreement in place for 67 Alden Road.

John Roderiques was recognized by the Chairman. He said he was speaking as a citizen and not in his municipal capacity. He asked when Coastal Compassion's deadline would be for submission to the DPH. Mr. Keogh answered that the application was due August 29. A letter of support would need to be executed no later than the Selectmen's next meeting on August 18. Mr. Roderiques answered that he supported the district and medical marijuana, but that the Board had worked for months with Compassionate Care Clinics and should not be expected to rush into a decision with Coastal Compassion. Mr. Keogh answered that the "plans and programming" between Compassionate Care Clinics and Coastal Compassion would not be that different.

John Lally was recognized by the Chairman. Mr. Lally said that he owned the property next door at 69 Alden Road. He said that he had not been approached by Mr. Keogh at all, despite Mr. Keogh's comment that he visited surrounding businesses. Mr. Lally said that it was a small plaza with small businesses, and questioned how a marijuana dispensary would fit in there.

Mr. Haworth said that Mr. Keogh would have to get the support of the businesses surrounding the location if he wanted his support.

The Board decided to table the matter until they could get an update from DPH on where Compassionate Care Clinic's application stands in the appeals process.

DOG PARK COMMITTEE – LONG ROAD

At 8:27 p.m., the Board met with Laurie Traudt, Carol Tyson, John Jorgensen and Donna Baldwin of the Dog Park Committee.

Ms. Traudt said that the Committee now has nine voting members and would like to propose a location for a Dog Park on Long Road. For various reasons, the Dog Park Committee had ruled out locations on Bernese Street, Mill Road and Bridge Street.

Mr. Osuch said that Long Road is isolated, near the skating rink and abuts 195. He said that the BPW is responsible for the property and as such, the BPW would need to approve any changes to the property. He said that the area is conservation and wetlands, which would need to be considered.

Ms. Tyson said that the group was looking to just get a provisional approval from the Board of Selectmen for the location before they went forward with a plan and maintenance.

Mr. Haworth said it looked like an appropriate location, but that the BPW would have to vote to authorize the use of the land. Mr. Murphy agreed, saying that the BPW may have ideas on what they can do with the land.

Robert Hobson was recognized by the Chairman. He said that, as a member of the Board of Public Works, he would be happy to work with the Dog Park Committee on the park.

COMPASSIONATE CARE CLINICS

At 8:37 p.m., the Board met with Shelley Stormo, Chief Executive Officer of Compassion Care Clinics, and Holly Carroll, Vice President of CCC.

Ms. Stormo updated the Board of Selectmen to the status of their appeal to the Department of Public Health for a “RMD” (Registered Medical Marijuana Dispensary). Ms. Stormo said that they met with the DPH in the previous week to review their decision. The DPH cited the reasons for a dismissal of RMD applicants, including misrepresentation of municipal support and inconsistent financial statements. Ms. Stormo said that these charges against CCC were false and unfounded. Ms. Stormo said that she felt confident that DPH would overturn their decision once they realized their mistake.

Mr. Espindola asked Ms. Stormo if DPH indicated when they would notify CCC of an appeals decision. Ms. Stormo said that they indicated they would issue a letter, but did not say when they would submit that letter. She asked the Board to send a letter of support for CCC while the DPH considers the appeal.

Mr. Haworth said that he thought DPH should aid the Town in making a decision in a time-sensitive situation. He expressed frustration that DPH was leaving “Town leadership out of the loop” and not supplying them with information that they needed to make informed decisions.

Mr. Espindola supported sending another letter, adding that he supported being persistent in their request to DPH to learn more about CCC’s status. Mr. Murphy offered to call DPH to see if he could get an answer quickly, as the process was moving quickly and the Board would need to make a decision at the August 18 meeting regarding their support for an RMD. Discussion ensued regarding the possibility of a conference call with the DPH. Mr. Haworth told Mr. Murphy that he would like him to mention to the DPH in that phone call that they have given one applicant (Coastal Compassion) a deadline and another applicant (CCC) no deadline, and that was creating difficulty for the Selectmen.

TAYLOR SEAFOOD

At 8:51 p.m., the Board met with Rod Taylor of Taylor Seafood to review a final version of the Taylor Seafood aquaculture lease and MOU.

After some discussion of the MOU, which requires Mr. Taylor to maintain and improve his building located at 56 Goulart Memorial Drive, both the Board and Mr. Taylor indicated that they were satisfied with the terms of the agreement and were ready to sign the MOU.

Frank Coelho was recognized by the Chairman. He said that he hoped the Selectmen would reconsider and make Mr. Coelho clean up his building at 56 Goulart Memorial Drive before signing any agreements. He said that he did not think that Mr. Taylor was going to clean up the building.

Bruce Norlund was recognized by the Chairman. He said that he thought the roof of 56 Goulart Memorial Drive, and the plywood patch Mr. Taylor had applied to the roof, would be a danger in a bad storm. He urged the Board not to sign any agreement with Mr. Taylor until the building was improved.

William Yukna was recognized by the Chairman. He said that the grounds at 56 Goulart Memorial Drive needed to be cleaned up, not just the building. He added that the current lease with Mr. Taylor requires flashing markers to outline the aquaculture site. He said that they were not visibly flashing. The Board indicated that the flashing lights were for the Harbormaster to review.

Mr. Taylor explained that he did not want to completely tear down the building because he was afraid it would create problems for permitting later on when he wants to rebuild. He said that he would make efforts to improve the building and grounds. Mr. Espindola suggested getting a list of suggested improvements from the Conservation Commission and the Building Inspector. Mr. Haworth said that, as of November 1, 2015, if the building and grounds are not cleaned up, he would not be receptive to any additional provisions for Mr. Taylor. With that, Mr. Murphy motioned to authorize the Chairman to sign the MOU with Mr. Taylor. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Haworth motioned to renew the three-year lease with Mr. Taylor based on the MOU, updated acreage and adjusted fees. Mr. Murphy seconded. Vote was unanimous. (3-0).

POLICY – CAR DEALERSHIP INSPECTIONS

Mr. Espindola asked the Board if it would like to create a policy that requires sold cars on lots to be labeled with Town-issued “SOLD” stickers. Discussion ensued. Mr. Murphy and Mr. Haworth did not favor having Town-issued stickers but agreed that the cars should be marked “SOLD” to make it clear how many cars are on the lot for sale. Mr. Haworth motioned to send a letter to the car dealership license holders regarding this requirement. Mr. Murphy seconded. Vote was unanimous. (3-0). The Board also requested that the Selectmen’s Office include in the October license renewal letters, the license-holders’ car limit.

CLERICAL STAFFING – TOWN HALL

The Board reviewed a change in Clerical staffing at the Town Hall. Helen DaCunha gave her notice that she would be taking a new job, which created an opening in the Tax Collector's office. Kelly Ferranti was the only internal applicant for the Tax Collector's position, which created a vacancy in the Assessor's Office. After changing her mind about leaving, Ms. DaCunha decided that she would like to apply internally for Ms. Ferranti's position in the Assessor's Office, as Ms. DaCunha had not yet officially left the Town's employment. Both positions are Senior Clerks.

Mr. Haworth motioned to appoint Ms. Ferranti to Senior Clerk in the Collector's Office and Ms. DaCunha to Senior Clerk in the Assessor's Office. Mr. Murphy seconded. Vote was unanimous. (3-0). This change will be effective August 18.

TELEPHONE/CELL PHONE POLICY

The Board reviewed a proposed Telephone/Cell Phone Use policy, based on the Commonwealth of Massachusetts' Cell Phone Use Policy. See Attachment A.

Mr. Haworth said that he wanted to include language to prohibit sending or receiving ("checking") text messages while driving a Town vehicle or driving a vehicle on Town business. Additionally, the Board asked to see an exemption of cell phone use while driving for "public safety responding to an emergency". Changes will be made and the policy will be added to an upcoming agenda.

OTHER BUSINESS

In Other Business:

- Mr. Murphy offered condolences from the Board to Anne Silvia upon the passing of her father-in-law, Daniel Silvia.

At 10:21 p.m., Mr. Haworth motioned to adjourn. Mr. Murphy seconded. Vote to adjourn was unanimous.

Respectfully,

Anne Kakley

Administrative Assistant
Board of Selectmen
(Minutes approved 8/18/2014)



Robert Espindola, Chairman
Geoffrey Haworth
Charles K. Murphy

**Town of Fairhaven
Massachusetts
Office of the Selectmen**

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
Fax: (508) 979-4079
selectmen@Fairhaven-MA.gov

**TOWN OF FAIRHAVEN
EMPLOYEE TELEPHONE/CELL PHONE USE POLICY**

Purpose: To require a standard for the use of Personal Cell Phones, Town Telephones and Town-issued Cell Phones

Responsibility: All Employees and Department Heads

Personal Cell
Phone Policy:

- While at work, employees are expected to exercise discretion in using cellular phones. Personal calls during the work day can interfere with employee's work and be distracting to others. Employees must restrict their personal calls during work time and only use their personal cell phones during scheduled lunch periods or breaks. Family and friends need to be made aware of the Town's cell phone policy. The Town of Fairhaven will not be held liable for the loss of personal cell phones brought into the workplace.
- Use of personal cell phones in an emergency must be with the supervisor's/department head's permission.
- Use of cell phones while driving a Town vehicle is prohibited. In an emergency, pull over and stop the Town vehicles before using a Town-issued or a personal cell phone. (EMS responding to an emergency is exempt from this policy).

Town-issued Telephone and Cell Phone Policy:

LOCAL CALLS

Town-issued telephones and cell phones are to be used to conduct official Town business. Employees should limit personal telephone calls: this includes incoming and outgoing telephone calls. Personal calls should not interfere with an employee's duties or other employee's duties and should not impact an employee's productivity.

Certain personal phone calls on Town-issued telephones and cell phones is allowed as follows:

- Calls to notify family members of a scheduling change or travel delay that is a result of Town business including calls to make alternate child care or transportation arrangements;
- Brief calls to an employee's residence or family members;
- Brief calls to local businesses (including government agencies, physicians, auto or home repair) that can only be reached during working hours; and
- Calls to notify or contact family members and/or physician in the case of an emergency

These calls should always be kept to a minimum and only be made on Town-owned telephones if they could not be reasonably made on a non-Town owned telephone, for example, personal cell phones or pay telephones.

LONG DISTANCE CALLS

Long distance telephone calls using Town-owned cell phones or telephones should only be made for official Town business.

Long distance calls should not be made for personal reasons unless they are made for an appropriate reason as discussed above, are approved by a supervisor, and the employee agree to:

- Charges the call to a third number (such as the employee's home phone number); or
- Makes the call collect; or
- Charges the call to a personal prepaid calling card or to a personal credit or debit card; or
- Places the call to a toll free (800, 877, 888) number

Costs incurred by employees making any long distance calls not related to Town business must be reimbursed to the Town.

TOWN-OWNED CELLULAR PHONES

Some Town employees are provided with cellular phones to conduct business when not in the office. The policies listed herein applies for cellular phones owned by the Town. Cellular phones should only be used to conduct official Town business. Personal calls should be limited to the greatest extent possible. **While operating Town vehicles, or while operating any vehicle on Town business, personnel are prohibited from using their personal or Town-issued cell phones to place calls, receive calls, text message, or receive ("check") text messages. The only exception to this rule is public safety personnel en route to emergencies.**

Employees receiving Town-issued cellular phones will be required to sign that they have received the equipment and understand the usage policies. Employees will be responsible for recharging the equipment. Employees should report service and maintenance issues, including the need for new batteries, to the department head as soon as possible.

REIMBURSEMENT

Town-owned equipment:

This cellular phone usage policy requires any Town employee using a Town-issued cell phone for personal calls to reimburse the Town for the cost of the calls made. Monthly review of cell phone calls/charges will be made.

Employee-owned equipment:

Reimbursement should be made to employees for business calls that are made on an employee's personal phone. Reimbursement will be made to the employee for expenses incurred while conducting official Town business. Employee will provide the Town with a copy of the personal phone bill, highlighting Town business calls made and the cost of those calls. The Town will reimburse the employee for the cost of calls made conducting Town business.

EMPLOYEE RESPONSIBILITY

It is the responsibility of the Town employees to familiarize themselves with Fairhaven's telephone/cell phone usage policy. Employees will be required to sign a form acknowledging that they have read and understand Fairhaven's telephone/cell phone policy. It will be the employee's responsibility to make sure that they follow these policies.

TOWN OF FAIRHAVEN RESPONSIBILITIES

The Town will be responsible for:

- Ensuring employee compliance with the policy;
- Reviewing telephone bills for irregular calls or unusual usage;
- Collecting reimbursements from employees for personal calls;
- Distributing reimbursements to employees for business calls made on personally owned phones;
- Reviewing and evaluating requests for telephone services and equipment such as cellular phones.

Accepted by a vote of the Board of Selectmen on August 4, 2014:

Robert Espindola, Chairman

Geoffrey A. Haworth, II

Charles K. Murphy, Sr.

TOWN OF FAIRHAVEN
EMPLOYEE TELEPHONE/CELL PHONE USE POLICY

I have received the Town’s Telephone/Cell Phone Use Policy and agree to abide by the policies therein.

Employee Signature

Date

Please return this sheet to the Selectmen’s Office.