



# Fairhaven Board of Selectmen

## November 3, 2014 Meeting Minutes

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

Chairman Robert J. Espindola called the meeting to order in the Town Hall Banquet Room at 6:06 p.m. The meeting was telecast and video recorded by Government Access and audio recorded by Anne Kakley.

### MINUTES

- Mr. Haworth motioned to approve the minutes of the **October 21, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **October 21, 2014** meeting, **executive** 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 and events:

- **Tuesday, November 4**
  - Election Day – polls open 7:00 a.m. to 8:00 p.m.
  - 11:00 a.m. – Blue Cross/Blue Shield Wellness Program presentation
  - 4:00 p.m. – Capital Planning Committee
- **Wednesday, November 5**
  - 11:30 a.m. – Veteran's Luncheon at the Council on Aging
- **Thursday, November 6**
  - 7:30 a.m. to 9:00 a.m. – Forum meeting at the BBC office in New Bedford
- **Friday, November 7**
  - Community Preservation Committee applications are due
- **Monday, November 10**
  - 9:30 a.m. – Council on Aging Board meeting
- **Tuesday, November 11**
  - Holiday – Veteran's Day – Town Hall offices are closed
- **Wednesday, November 12**

- 3:30 p.m. – Mattapoisett River Valley Water Advisory Committee meeting at the Board of Public Works
- 4:30 p.m. – Mattapoisett River Valley Water District Committee meeting at the Board of Public Works
- 6:30 p.m. – Commission on Disability meeting at the Council on Aging
- **Friday, November 14**
  - 11:00 a.m. – Economic Summit meeting at the Town Hall

### **NSTAR GAS PERMITS**

The Board reviewed several NSTAR gas permits. Mr. Haworth motioned to approve NSTAR gas permits for 11 Lawton Street; 60 Ocean Ave; 80 Fort Street; 82 Bridge Street; 214 Main Street; 118 Laurel Street; 43 and 46 Hedge Street; Intersection of Castle Ave and North Street; 23 Welcome Street; 362 Main Street; and 372 Main Street. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **MASSACHUSETTS CULTURAL COUNCIL – FY15**

The Board reviewed an annual application to apply for Cultural Council funding from the State. Mr. Haworth motioned to approve and sign. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **FIRE/POLICE STATION ROOF CONTRACT**

The Board reviewed a memo from Architect Joseph Booth, regarding a recent bid process for the Fire/Police Station Roof Replacement Project. Mr. Booth said that he recommended the Board award the bid to P.O. Roofing, of Oxford, MA. P.O. Roofing was the lowest qualified bidder, with a base bid of \$188,000 and an alternate of \$4,900, with a total bid of \$192,900.

Mr. Osuch added that he would like to see the Board make a vote to authorize the Chairman to sign the contract and Notice to Proceed once the contract and performance bond was received from the contractor, as the winter was approaching and the work could start sooner if the process could be expedited. Mr. Haworth motioned to award the bid to P.O. Roofing in the amount of \$192,900, and furthered motioned to authorize the Chairman to sign the contract and Notice to Proceed once the Selectmen’s Office received all necessary materials. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **PLANNING BOARD VACANCY**

The Board reviewed a letter of resignation from Planning Board member Francis Budryk, and a memo from Town Planner Bill Roth, indicating that the Planning Board had met on October 28, 2014, and announced a vacancy on the Planning Board. In his memo, Mr. Roth requested that the Board of Selectmen announce the vacancy as well, and set a deadline of November 24 for letters of interest for candidates willing to carry the unexpired term until the April Town

Election. The appointment will be made by a joint meeting of the Planning Board and the Board of Selectmen on December 1, 2014.

Mr. Haworth motioned to declare a vacancy on the Planning Board and follow Mr. Roth's recommendations to give a deadline of November 24, to fill the position at the December 1 meeting. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **SRPEDD VACANCY**

The Board reviewed a letter from SRPEDD commissioner (Selectmen's representative) William Roth, stating that for personal reasons, he would be temporarily unable to serve on the SRPEDD Commission. Mr. Roth recommended his term be completed by Jaime DeSousa, who serves on both the Planning Board and the Zoning Board of Appeals.

Mr. Haworth motioned to accept Mr. Roth's resignation from the SRPEDD Commission and to appoint Mr. DeSousa to complete the Selectmen's designee term to SRPEDD, with a term ending on May 31, 2015. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **DISPATCHERS UNION CONTRACT**

The Board reviewed a final contract with the Dispatchers Union, for FY14 to FY16. The contract reflected the same increase that the other Town unions negotiated: half a percent in FY14, one percent in FY15, and one percent in FY16. Additionally, the Dispatchers negotiated five (5) cents an hour additional for advanced 911 certifications that are now required for their position.

Mr. Haworth motioned to sign the Dispatcher's contract for FY14 to FY16. Mr. Murphy seconded. Vote was unanimous. (3-0). The contract will be on the December 9, 2014 Special Town Meeting warrant, for Town Meeting to consider.

### **CLOUD 9 – REQUEST FROM NB CITY COUNCIL FOR BAN**

The Chairman recognized a letter received from the New Bedford City Council regarding a vote taken by that City Council, going on record as being against the sale of "Cloud 9" liquid synthetic drug, and further voting to recommend an ordinance banning the sale of the same. In the letter, the council requested Fairhaven, along with other area municipalities, join the City Council in their mission to ban the sale of the liquid synthetic drug.

The Board agreed that Cloud 9 was a health threat to Fairhaven, particularly young people. The Board discussed forwarding the letter onto the Board of Health for their review.

Mr. Haworth motioned to issue a letter of support to the New Bedford City Council in their efforts to ban the sale of Cloud 9, and to send a memo to the Board of Health asking them to consider taking a stance on the sale of Cloud 9 as well. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **JJ MANNING**

At 6:28 p.m., the Board met with Justin Manning to discuss the auction of the Town-owned tax title property at 124 Alden Road.

Mr. Manning said that they have had several discussions regarding the auction at this point, and that he realized that Rogers and Oxford Schools were “off the table” and would not be considered for auction by the Board of Selectmen at this time. Mr. Manning commented that 124 Alden Road was a great location with many potential uses. The landfill located behind the property could be a “turn off”, he said, but the environmental status of the property is “not dire”. He said that he would like the opportunity to auction 124 Alden Road, to demonstrate to the Town the value of a J.J. Manning auction. He said that his firm could cap their commission to keep under \$35,000 for the sake of the 30B process, regardless of the final auction price. He said that he would have the ability to execute the sale quickly with no contingencies. He estimated the process would take two to two-and-a-half months to complete.

Mr. Haworth asked about the timing of the auction. Mr. Manning said that December 15 to January 15 was a bad time for auctions because it does not generate as much interest as the rest of the year. Mr. Manning added that the auction could take place anywhere, even the Town Hall. A spring auction would give Mr. Manning plenty of time to advertise, he said.

Mr. Manning discussed advertising. He said that there would be \$3,000 to 5,000 spent in advertising and that money would be fronted by Mr. Manning. Publications used by Mr. Manning include the Boston Globe, Boston Herald, Standard Times; additionally, Mr. Manning uses targeted mailings and social media to advertise the auction.

Mr. Haworth said that if they cannot auction between December 15 and January 15, it may be best for the Board to hold off on a formal vote until after the December 9 Special Town Meeting. Mr. Manning said that he would only need five to six weeks lead time. Mr. Manning asked if the Board would be interested in preemptive offers received prior to the auction. The Board indicated that it would prefer going to a true auction, because of possible 30B implications.

The Board agreed that if 124 Alden Road goes to auction, they will select Mr. Manning to be auctioneer.

## **211 MILL ROAD**

Mr. Espindola stated that the Police and Fire Chief had been scheduled to appear before the Board of Selectmen regarding the potential purchase of 211 Mill Road but did not receive the plans prior the meeting so the appointment was postponed.

## **SPECIAL TOWN MEETING – DECEMBER 9**

Article 1 – Audit Expenses - \$4,000 – Finance Committee has voted to recommend. Mr. Haworth motioned to recommend \$4,000 for the same. Mr. Murphy seconded. Vote was unanimous. (3-0).

*Article 1 – Police Purchase of Services* - \$11,700 – to send three cadets to Police Academy – Finance Committee voted to recommend. Mr. Haworth motioned to recommend \$11,700 for the same. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 1 – Harbormaster boat deductible - \$2,000 – the Finance Committee has voted to recommend, contingent upon the receipt of three quotes. Mr. Haworth motioned to recommend the \$2,000 for this deductible. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 2 – Dispatchers’ Contract - \$2,761 for FY14 and \$2,990 for FY15. The sums reflect a settlement of half a percent in FY14, one percent in FY15 and one percent in FY16. The Finance Committee voted to support the contract. Mr. Haworth motioned to recommend the contract. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 3 – Bills of Prior Year –

- A. LexisNexis - \$372.30 – Mr. Haworth motioned to recommend. Mr. Murphy seconded. Vote was unanimous. (3-0).
- B. MediaImage - \$30.00 – Mr. Haworth motioned to recommend. Mr. Murphy seconded. Vote was unanimous. (3-0).
- C. Veteran’s bill - \$101.39 – A veteran’s bill was not paid by insurance. Mr. Haworth motioned to recommend. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 4 – Rogers School Transfer of Custody – Mr. Haworth motioned to recommend adoption. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 5 – Oxford School Transfer of Custody – Mr. Haworth motioned to recommend adoption. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 6 – Rogers and Oxford School Disposition Proposals – The Board discussed blending this topic into one article. They agreed that the disposition article should include both schools to allow for flexibility in the appropriation. Mr. Haworth said that he thought \$19,000 would be reasonable to request for legal expenses, recording, easements, advertising, surveying, and related expenses.

Bill Roth said that deeds and research can be more difficult when dealing with older properties, so ascertaining an estimate can be difficult until the process gets started.

Mr. Haworth motioned to combine the disposition of Rogers and Oxford Schools into one article. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Haworth motioned to recommend adoption and the appropriation of \$19,000 for Article 6: Rogers and Oxford School Disposition Proposals. Mr. Murphy seconded. Vote was unanimous. (3-0).

## **TOWN GOVERNMENT STUDY COMMITTEE**

At 7:15 p.m., the Board met with the members of the Town Government Study Committee (TGSC) to discuss the recent activities and discussions of the same. Present were TGSC members: Chairperson Phil Washko, Mark Badwey, Dick Douglass, Bernard Roderick, Pattie Pacella, and Rich Griffiths; Siobhan Henebury was not present.

Mr. Washko said that he had requested the meeting with the Board of Selectmen to discuss the impending passage of the Town Administrator article in the Senate and the Board of Public Works article. The House of Representatives missed a paragraph of the article that would lead to a BPW dissolution referendum vote, and now must be revisited and amended by the House.

The TGSC discussed the hiring process of the Town Administrator, and has met recently with the Collins Center for Public Management of U Mass Boston. The Collins Center provides recruitment services for positions like Town Administrator, for about \$15,000. That total includes brochures, outreach, etc. Another option would be the formation of a study committee to make recommendations on the hiring process. Mr. Washko said that the TGSC had met with a representative of the Collins Center and found him to be very knowledgeable. He said that the \$15,000 was in line with typical recruitment fees. Mr. Haworth asked Mr. Washko if the TGSC had taken a formal vote on the preferred method of hiring a new Town Administrator. Mr. Washko said they had not.

Mr. Badwey said that there was a concern over just advertising the position in the Massachusetts Municipal Association's publication. He said that the TGSC was concerned it would not reach enough potential candidates.

The TGSC recommends holding off on the Town Administrator hiring process until the BPW article goes to a referendum vote.

Mr. Haworth asked if the TGSC has put together an alternate plan in the event the BPW dissolution fails. Mr. Washko said that has not yet been discussed.

Mr. Washko said that other issues being explored by the TGSC include:

- The size and appointment of the Finance Committee – possibly to reduce the size from 13 members to nine and have the Town Moderator be the appointing authority.
- Civil Service – the TGSC is researching whether or not it is in the Town's best interest to continue the use of Civil Service for hiring.
- Strong Chiefs – some towns are moving away from having "strong" chiefs, in favor of a pyramid structure of authority.
- Elected versus appointed positions – it may be advantageous to change some elected positions to appointed, in the interest of obtaining the most qualified and experienced candidates.
- Green Community Designation – the TGSC is researching the "Green Community Designation" possibilities for the Town of Fairhaven. Mr. Roth asked the TGSC to invite him to the next meeting they discuss this topic, as he has been involved with many discussions relative to the same.

- Term Limits – The TGSC said that the idea of Term Limits has been discussed in the past, and that the Town voters may want to weigh in on this possibility.
- Town Meeting – the size of Town Meeting, and quorum may be addressed by the TGSC. Some towns even require an attendance record in order to be re-elected. Changing the day of Town Meeting may be considered as well.

The Board thanked the members of the TGSC for the update and for their ongoing hard work.

### **SPECIAL TOWN MEETING, CONTINUED**

Article 8 – 211 Mill Road Purchase – \$1,465,000 – This article will be discussed at the next Selectmen’s meeting on November 17.

Article 9 – Municipal Aggregate article – The Finance Committee has not yet voted on this article. The article will be discussed at the Finance Committee meeting on November 20. Mr. Espindola will be present at that meeting to discuss the article with the Finance Committee.

#### Article 10 – Sewer Betterment

- A. Sconticut Neck - \$170,761.68 – Mr. Haworth motioned to recommend transferring \$170,761.68 to the Sconticut Neck Sewer Betterment account. Mr. Murphy seconded. Vote was unanimous. (3-0).
- B. West Island - \$33,288.00 – Mr. Haworth motioned to recommend transferring \$33,288.00 to the West Island Sewer Betterment account. Mr. Murphy seconded. Vote was unanimous. (3-0).
- C. Nancy Street - \$8,723.98 – Mr. Haworth motioned to recommend transferring \$8,723.98 to the Nancy Street Sewer Betterment account. Mr. Murphy seconded. Vote was unanimous. (3-0).
- D. Boulder Park - \$966.00 – Mr. Haworth motioned to recommend transferring \$966.00 to the Boulder Park Betterment account. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 11 – Sconticut Neck Debt – Mr. Haworth motioned to recommend \$1,850,000.00 to reduce the principal amount. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **CGBG 2015 APPLICATION – COMMUNITY DEVELOPMENT STRATEGY**

At 7:55 p.m., the Board met with Town Planner/CDBG Administrator Bill Roth to discuss the Town’s 2015 CDBG application and Community Development Strategy

Mr. Roth said that, based on the amount awarded to the Town last year, the potential award for CDBG work this year would be limited. Activities will likely be housing rehab and then some infrastructure improvements like sidewalk work, handicap accessibility, etc. The application will have to reflect two separate activities as a part of the project (e.g. housing rehab and infrastructure). The application is also dependent upon a satisfactory score for community-wide needs.

The Board thanked Mr. Roth for the update and wished him luck in the application.

### **ERIC MONIZ – UNION WHARF**

At 8:00 p.m., the Board met with Eric Moniz and his attorney, Stephen Salon regarding his possible return to Union Wharf.

The Harbormaster issued via email, a list of conditions upon which he would be amenable to Mr. Moniz' return to Union Wharf. See Attachment A.

Atty. Salon said that Mr. Moniz understood the requirements for his return to Union Wharf and that he wanted to cooperate.

Mr. Haworth noted that the Harbormaster did not want Mr. Moniz to return to Union Wharf but had offered the stipulations to guide the Selectmen in making their decision. He informed Mr. Moniz that he expected no more trouble.

The Board agreed to have the Harbormaster's stipulations reviewed by Town Counsel, have an agreement drafted and then place Mr. Moniz on a probationary period. Mr. Haworth motioned to have Town Counsel review and change the document in Attachment A as needed and, contingent upon a suitable, signed document, have Mr. Moniz return to Union Wharf for a six-month probationary period, starting January 1, 2015. Any incidents with the Harbormaster, breach of contract, or trouble with other Union Wharf lessees, will be grounds for Mr. Moniz' immediate contract termination. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **OYSTER RESTORATION PROJECT – LITTLE BAY**

At 8:23 p.m., the Board met with Matt Pelikan of the Nature Conservancy, Sara Quintal of the Buzzard's Bay Coalition, Neil Churchill of the Division of Marine Fisheries, Frank Coelho of the Marine Resources Committee and Shellfish Warden Tim Cox.

Mr. Pelikan presented plans for an oyster restoration project in Little Bay. The project serves to increase the oyster population there, to increase biological diversity and eventually produce a sustainable oyster population. The method is currently being successfully employed on Martha's Vineyard. The process involves the placement of 100 cubic yards of culch on the bottom of Little Bay to be naturally colonized by oysters. The placement of the culch is a two-day project with only monitoring needed afterward. The Nature Conservancy will purchase the culch, provide the equipment to move the culch, and will just need in-kind help from the Town's Natural Resources office and the nominal contribution of man hours and fuel to complete the project.

Mr. Cox said that the culch would not be a navigation hazard to other waterway users.

Mr. Coelho said that the Marine Resources Committee supported the project.



Ms. Quintal said that the project would help with the oyster population and the water quality of the bay. The project would serve as a test for future, similar endeavors. Little Bay was selected because it still has a small oyster population that may be boosted and expanded by the addition of the culch.

The Board expressed support for the project. Mr. Haworth motioned to support the project. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **SPECIAL TOWN MEETING, CONTINUED**

Article 12 – Nancy Street Debt – Mr. Haworth motioned to recommend \$195,000.00 to reduce the principal amount. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 13 – Community Preservation Committee \$10,000 transfer – State funds received exceeded estimates and there is not enough in housing portion of FY14. The Finance Committee voted to recommend this article. Mr. Haworth motioned to recommend the same. Mr. Murphy seconded. Vote was unanimous. (3-0).

Article 14 – Union Wharf Lighting – The Board discussed a request from the Harbormaster to move lights from the MacLean Seafood building to another location at Union Wharf, using the Waterway Account. The Board discussed the request and said that it would like to see how much it would cost to place new LED lights there instead. The Board indicated that the lighting project may have to wait for the Annual Town Meeting.

Article 15 – Town Administrator – The Selectmen’s Office has not heard from the Senate on when the 2014 Annual Town Meeting article will be read.

### **ROGERS-OXFORD DISPOSITION RFP**

The Board reviewed a Town Counsel edit of the Rogers-Oxford Schools Disposition RFP. The Board accepted all the edits from Town Counsel and an additional lot sketch of the Oxford School will be included in the final document. The Selectmen’s Office will put together a final version of the document based on the edits.

### **PAYROLL – TIME SHEETS FOR NON-UNION**

Mr. Osuch said that at the last meeting, the Board had requested that a memo be sent to non-union employees under the Board of Selectmen’s purview – namely, the Harbormaster, Shellfish Warden, Animal Control Officer and Tourism Director – regarding payroll sheets and lunch breaks. See Attachment B.

Based on feedback from the Tourism Director, the topic was placed back on the agenda by the Board Chair.

Mr. Haworth said that he still supported the use of the time sheets with a brief description of duties throughout the week. He noted that the positions aforementioned have minimal

supervision and that the Board needs to have an idea of what their tasks include all day. He added that they are concerned with adhering to federal and state labor laws, as some employees were skipping their lunches and leaving early. He said that they are supposed to be taking their lunches if they are working over six hours.

Mr. Murphy agreed, noting that the employees included in the memo do not punch time cards the way the other non-union employees do.

Mr. Osuch said that the workday is 8:00 to 4:30 for non-union full-time employees, with some variation for the Natural Resources department to cover shifting tides.

Tourism Director Christopher Richard was recognized by the Chairman. Mr. Richard said that he was not opposed to submitting a time sheet, but that he was already submitting a monthly report of his activities and that the addition of a weekly report of activities was unnecessary. He said that he does “lots of little things” that are difficult to document throughout the day. He added that in his 19 years with the Town, he has never been asked to document his activities.

Mr. Espindola said that because Mr. Richard does not have a direct supervisor on a daily basis, it would be appropriate to document his hours and activity. Mr. Haworth added that he was looking for consistency and accountability among departments.

Mr. Richard said that he was a “one person department” and that it was difficult for him to advertise Visitor’s Center hours of 8:30 a.m. to 4:30 p.m. and then leave the Center closed for a half-hour lunch. Additionally, he said that he felt the narrative of activities should have been reviewed and approved by the Personnel Board.

Mr. Espindola advised Mr. Richard to start advertising a half-hour closure for a lunch break.

In reviewing Mr. Richard’s advertised hours and time sheet, it was noted that he was arriving at the Visitor’s Center about an hour before its opening and then taking time off on Saturday afternoons in fall, winter and spring. Mr. Richard explained that he arrived early at work because he had to drop his daughter off at school early in the morning and did not want to have to drive home to wait 45 minutes for work to start. Mr. Haworth said that a deviation from work hours should have been ordered by the Board of Selectmen, and that Mr. Richard should not be making his own hours.

The Board took no vote and the previously submitted memo (Attachment B) stands.

### **TOWN HALL ART RESTORATION**

The Board reviewed a memo submitted by Town Art Curator and Archivist Al Benac, requesting the creation of a Town Hall Art Restoration Gift Account for the purposes of accepting donations to restore various Town artwork housed in the Town Hall. Mr. Haworth motioned to approve the request and create said account. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **SOUTHCOAST RAIL GRANT**

The Board received a letter from the State saying that it was the recipient of a \$25,000 SouthCoast Rail Grant for a corridor plan. See Attachment C. The Board asked Ms. Kakley to place the letter online.

### **108 HOWLAND ROAD – TREE COMPLAINT**

The Board reviewed a complaint from Sharon Wilson of 108 Howland Road, regarding a Town chestnut tree that is dropping chestnuts on her property. Ms. Wilson indicated in her letter that she has tried to get the Tree Warden to address the situation and has not heard from him. Mr. Haworth motioned to forward her correspondence to the Tree Warden, Tony Medeiros, and request written comment regarding the tree. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **VOKE ON-THE-JOB TRAINING CHANGES**

The Board read a letter from the New Bedford Regional Vocational Technical High School regarding changes made to on-the-job training for Plumbing and Gas students. See Attachment D.

The Board agreed with the concerns raised by GNBRVT. Mr. Haworth motioned to write a letter to the Massachusetts Board of State Examiners asking them to reconsider the changes made to the on-the-job permitting requirements. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **OTHER BUSINESS**

Under Other Business:

- Mr. Espindola noted that Vicki Paquette of the Town Hall was conducting another warm clothing drive at the Town Hall for “Mobile Loaves and Fishes”
- Mr. Murphy said that he had a wonderful trip to Japan for the Manjiro Festival
- Mr. Espindola reminded the public that the next day, November 4, was the State Election
- Mr. Espindola said that he had the opportunity to attend the annual Father’s Day Road Race banquet, and that several volunteers were recognized this year
- The Board reminded the public that the annual Veteran’s Day parade would be November 11 at 10 am and would start at Livesey Park

At 10:08 p.m., Mr. Haworth motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss Town Hall personnel issues
- To discuss the Union Wharf Land Swap
- To discuss 61A – 211 Mill road
- To discuss an ambulance waiver request

Mr. Murphy seconded the motion to enter Executive Session for the aforementioned reasons, not to reconvene into open session afterward. Vote was unanimous. (3-0). Roll call vote: Mr. Haworth in favor. Mr. Murphy in favor. Mr. Espindola in favor.

Respectfully,

A handwritten signature in black ink that reads "Anne Kakley". The signature is written in a cursive, flowing style.

Anne Kakley  
Administrative Assistant  
Minutes approved 11/17/2014

# Attachment A

**From:** [Timothy Cox](#)  
**To:** ["ssalon@sassoocymrot.com"](mailto:ssalon@sassoocymrot.com)  
**Cc:** [Anne Kakley](#); [Bob Espindola](#); [Jeff Osuch](#); [Timothy Cox](#)  
**Subject:** Eric Moniz/ Union Wharf  
**Date:** Monday, September 22, 2014 10:40:53 AM

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Mr. Salon,

This e:mail was sent from Mr. Cox's e:mail address however it was composed by David S. Darmofal, Harbormaster, Fairhaven, MA. My e:mail address is [harbormaster@fairhaven-mass.gov](mailto:harbormaster@fairhaven-mass.gov). All replies and or question should be sent to that address.

Per our conversation with Selectman Espindola please find attached stipulations that in my opinion have to be attached to any decision by the Selectmen to allow Eric to dock at Union Wharf again.

If the Select Board decides to allow Eric docking privileges at Union Wharf there should be attached the following stipulations:

1. Mr. Eric Moniz or any person associated with Mr. Eric Moniz **not be allowed** to bring the F/V Slave Driver into slips at the Union Wharf Lobster Basin complex under any circumstance.
2. Mr. Eric Moniz is required to dock any and all vessels he is allowed to dock at the Union Wharf Lobster Basin with the stern in first.
3. Mr. Eric Moniz bring any new vessel that has not previously docked at the basin to the Harbormaster for approval to dock at the basin. The criteria for approval shall be the rules and regulations as presented in his contract and amendments applied, the effect it may have on the operation of other vessels using the basin and the operation of the pump-out boat in regards to off loading sewerage to the Town's sewer system. This approval will be monitored by a third party selected by the Board of Selectmen and if that party agrees with the Harbormaster's or Mr. Eric Moniz's position in regards to docking privileges that opinion will prevail.
4. Mr. Eric Moniz understands that he must abide by the rules and regulations set forth in his contract and applied amendments. Failure to do so will result in a complaint being issued by the Harbormaster to the Select Board seeking his contract termination. He also agrees that after a hearing with the Select Board on this complaint and if they agree to terminate his contract any legal expenses incurred by the Town of Fairhaven and their agents shall be the responsibility of Mr. Eric Moniz in regards to any attempt by Mr. Eric Moniz to have that decision to terminate over turned.
5. Mr. Eric Moniz acknowledges the authorities as established by Mass General Laws and CMR's of the duly appointed Harbormaster and Assistant Harbormasters within the Town of Fairhaven. This is applicable to all dealings with Mr. Eric Moniz in regards to operations at sea or at the Union Wharf Lobster Basin.
6. Mr. Eric Moniz acknowledges as does the Harbormaster/ Assistant Harbormaster that from time to time there may be conditions brought forth that may require a slight variance be applied to rules and regulations. In these incidences which should be few in numbers upon mutual agreement be allowed. In all cases communications between Mr. Eric Moniz and the Harbormaster shall be before and not after the event takes place.

Again in cases of emergency this can and will be modified with proper and timely communications between involved parties.

7. It is imperative that Mr. Moniz understand that he keep his dock space free of equipment, petroleum products and that all bait must be securely covered while on the dock or on the vessel while docked.
8. Mr. Eric Moniz acknowledge his past behaviors were not reasonable or in line with what would be expected of him in regards to the operation of his business at Union Wharf Lobster Basin. He should/shall pledge this behavior is inappropriate and it will not continue.
9. Mr. Eric Moniz understands that any dockage time lost during this process to negotiate his return shall not be reimbursable to him or his company and that any and all sums paid for dockage during this period is not contestable. Mr. Eric Moniz also holds harmless the Town of Fairhaven in regards to this process to remove or allow his return and further indemnifies the Town of Fairhaven for any and all damages that may be litigated.

The above is what I as the Harbormaster of Fairhaven think should be attached to any agreement of the Town of Fairhaven's Select Board that allows Mr. Eric Moniz to return with any vessel to Union Wharf Lobster Basin Dockage. This documents is a product of a meeting between Mr. Salon representing Mr. Eric Moniz , Selectmen Robert Espindola and the Harbormaster David S. Darmofal. It should not be construed in any manner that the Harbormaster agrees to the return of Mr. Eric Moniz.

If you should have any questions or suggestions please feel free to contact me at 508 951-3576 or the e:mail address listed above.

*David S. Darmofal*  
*Harbormaster*  
*Town of Fairhaven*  
*40 Center Street, Fairhaven, MA 02719*  
*(508) 984-4529 - Office*  
*(508) 951-3576 - Cell*



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

**Attachment B**

MEMO

Date: October 23, 2014

From: Selectmen's Office

To: Tourism Director  
Animal Control Officer  
Harbormaster  
Shellfish Warden

Re: Time Sheets

Effective November 1, 2014, the Board of Selectmen will require all Town employees under the jurisdiction of the Board of Selectmen who do not currently punch a time clock to submit a detailed time sheet in order to receive a paycheck. (This requirement excludes Police and Fire personnel). The Town must be able to audit the payroll that is issued on a weekly basis.

The time sheet should include the starting and ending time for any days that you have worked during the prior work week, including the time a lunch break was taken. All employees are required by State Labor Law to take a 30 minute unpaid lunch break during any day on which they work six or more consecutive hours. Lunch breaks are to be taken during the mid-day period (example: 11:30 a.m. to noon, noon to 12:30 p.m., 12:30 to 1:00 p.m.) The Town does not provide paid lunch periods. (Excludes Police Officers and Firefighters).

Time sheets, besides reporting the date and time you worked, must provide a brief narrative of what work you performed during the work day. Signed time sheets must be submitted by Monday morning (preferably by 9:00 a.m.). If Monday is a holiday, or if the Town Hall is closed, please submit by Tuesday morning.

The Board also is reminding all 40-hour per week employees that the workday begins at 8:00 a.m. and ends at 4:30 p.m. with a 30-minute mid-day lunch period. All 35-hour per week employees are entitled to a 60-minute unpaid lunch period during the mid-day period. Any variations from the typical workday hours must be with the approval of the Board of Selectmen.

Any time to be taken off during the work week, such as Vacation days, Personal days, Comp Time, etc., must be requested prior to being taken. Notify the Selectmen's Office 48 hours in advance of the time to be taken off for approval.

Time Sheet Memo  
October 24, 2014  
- Page 2 -

On days when an employee is sick and not able to work, the Selectmen's Office must be notified prior to the beginning of the workday, no later than 8:30 a.m. (508) 979-4023 ext. 2 (Leave a message on the Selectmen's answering machine if no one is available to answer your call).

If an emergency arises and you cannot work or need to leave early, please notify the Selectmen's Office as soon as possible.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Espindola". The signature is written in a cursive style with a large, prominent "R" and "E".

Robert Espindola  
Chairman





Deval L. Patrick, Governor  
Richard A. Davey, Secretary & CEO

Attachment C  
**massDOT**  
Massachusetts Department of Transportation

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OCT 23 2014



BOARD OF SELECTMAN  
FAIRHAVEN MASS  
**EOHED**

FAIRHAVEN PLANNING &  
ECONOMIC DEVELOPMENT  
DEPARTMENT  
MASSACHUSETTS EXECUTIVE OFFICE OF  
HOUSING & ECONOMIC DEVELOPMENT

10/21/2014

Eileen M. Lowney  
Town Clerk  
Town of Fairhaven

Dear Eileen M. Lowney,

The Massachusetts Department of Transportation (MassDOT) and the Massachusetts Executive Office of Housing & Economic Development (EOHED) are pleased to announce the award of the seventh round of technical assistance grants to South Coast communities. These grants will assist communities in preparing for South Coast Rail while advancing land use plans. Communities whose applications aligned with the *South Coast Rail Economic Development and Land Use Corridor Plan* were given priority. The *Corridor Plan* calls for smart growth initiatives with more jobs, better housing, multi-modal transportation and preserved farms, fields and forests. We want to thank you for responding to this opportunity.

In accordance with Executive Order 525 signed by Governor Deval Patrick in 2010, our review gave priority to communities whose applications for technical assistance were to advance planning and zoning efforts consistent with the *Corridor Plan*. We are pleased to offer the Town of Fairhaven \$25,000 to develop a corridor plan for the Benoit Square neighborhood and propose zoning changes to allow for a mix of uses in the area.

Your regional planning agency will be touch with you soon to kick off this project. If you have questions about this program, please contact Jean Fox (MassDOT) at 857-368-8853 or Victor Negrete (EOHED) at 617-788-3601.

Sincerely,

Jean C. Fox  
Project Manager, South Coast Rail  
Massachusetts Department of Transportation

Victor Negrete  
Regional Planning Manager  
Executive Office of Housing and  
Community Development

CC: Southeast Regional Planning and Economic Development District

Ten Park Plaza, Suite 4160, Boston, MA 02116  
Tel: 857-368-4636, TTY: 857-368-0655



# Attachment D GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL

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1121 Ashley Boulevard, New Bedford, MA 02745-2496  
Tel.# 508-998-3321 Fax # 508-995-7268 <http://www.gnbvt.edu>

October 23, 2014

Dear Mr. Espindola:

On August 6, 2014 the Massachusetts Board of State Examiners of Plumbers and Gas Fitters amended their policy regarding On-the-Job Training Programs Provided by Vocational Students.

While the policy contains eleven distinct requirements, two have been identified as negatively impacting the ability of vocational schools to provide meaningful training experiences to students, especially on projects in public parks and in public facilities.

The amended policy requires that the licensed plumbing instructor of the school travel to Boston to meet with the Board before a permit can be issued. The requirement to travel to Boston is onerous for many schools and their instructors. While the instructor is at the Board the school must hire a substitute teacher who, usually, is not licensed. Not only does this provision incur extra cost to the school, it deprives students of a licensed instructor for the day

The second change to the policy that we object to is the change in the teacher to student ratio from 8 students to 1 teacher on public projects to 6 students to 1 teacher. We have been operating at the 8 to 1 level since 2008 with excellent results. Additionally, the CVTE division of the DESE recommends up to 8 students to 1 teacher. Many schools will be unable to perform outside work for our communities due to a limited number of instructors.

Vocational Directors and instructors met with the Plumbing Board on October 6<sup>th</sup> to discuss the new policy. There was no indication either policy requirement would be changed as requested.

Therefore, I respectfully request that you contact your State Senator and State Representative alerting them to the negative impact the policy will have on your community. Ask them to support changing these two provisions in the policy.

Thank you for you continued support of vocational education. Please contact me if I can provide any further information.

Sincerely,

Linda Enos  
Superintendent

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Greater New Bedford Regional Vocational Technical High School does not discriminate on the basis of race, disability, color, national origin, sex, religion, sexual orientation or age in its education programs and activities, including admission to or employment in such programs or activities.

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Linda Enos  
*Superintendent-Director*

Rosanne Franco  
*Principal*

Robert J. Watt  
*Principal*

Paula A. Gendreau  
*School Business Administrator*

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**\* Proudly Serving the Towns of Dartmouth and Fairhaven and the City of New Bedford \***