

# Fairhaven Board of Selectmen

# **January 12, 2015 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 6:32 p.m. The meeting was telecast and video recorded by Government Access and audio recorded by Anne Kakley.

### **MINUTES**

- Mr. Murphy motioned to approve the minutes of the **December 22, 2014** meeting, **open** session. Mr. Espindola seconded. Vote carried. (2-0-1).
- Mr. Murphy motioned to approve the minutes of the **December 22, 2014** meeting, **executive** session. Mr. Espindola seconded. Vote carried. (2-0-1).
- Mr. Haworth motioned to approve the minutes of the **December 29, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **December 29, 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, **January 13** 
  - 9:30 a.m. COA Board Meeting
  - 1:30 p.m. Capital Planning Committee
  - 3:30 p.m. Mattapoisett River Valley Advisory Committee
  - 4:30 p.m. Mattapoisett River Valley Water District
- Wednesday, **January 14** 
  - 1:00 p.m. Job Meeting Fire/Police Headquarters Roof
- Monday, January 19
  - Holiday Martin Luther King Jr.
- Tuesday, January 20
  - 8:30 a.m. Retirement Board
- Wednesday, January 21
  - 9:00 to 11:00 a.m. Open House at Rogers School
  - 1:00 to 3:00 p.m. Open House at Oxford School

- Thursday, January 22
  - 9:00 a.m. Buzzard's Bay Action Committee meeting Wareham
  - 7:00 p.m. Finance Committee

Mr. Osuch reminded departments and the public that FY16 budget are due January 15 and articles are due January 22. Additionally, he noted that an auction for 124 Alden Road was scheduled by JJ Manning Auctioneers for February 18.

# 2015 RENEWAL LISTING

There were no additional 2015 license renewals. Brian's Garage has reportedly closed and Full Throttle has not yet completed the renewal application.

### WEST ISLAND 5K

The Board read a letter from Lyle Drew requesting permission to hold the Fourth Annual West Island 5K Run/Walk and Kids Mile Fun Run for April 26, 2015 and for no-fee use of Hoppy's Landing for parking on race day.

The Board reviewed the letter and noted that the event is successful and well-organized. Mr. Haworth motioned to approve the event and use of Hoppy's Landing for no-fee parking on that date. Mr. Murphy seconded. Vote was unanimous. (3-0).

### INSPECTOR OF ANIMALS

Mr. Haworth motioned to appoint Kelly Massey to the Inspector of Animals until a permanent Animal Control Officer would be appointed. Mr. Murphy seconded. Vote was unanimous. (3-0).

# MUNICIPAL AGGREGATION OF ENERGY – SRPEDD

The Board reviewed communication with Philip Carr, an attorney for Good Energy, regarding changes Town Counsel recommended to the Agreement for Municipal Aggregation of Energy. The Board will await a finalized document from Good Energy to sign.

# REQUEST FOR USE OF TOWN HALL AUDITORIUM

The Board reviewed an application to use the Town Hall Auditorium on February 26 and 27. Applicant Howe Allen will use the Town Hall for a film series on those days and will further apply for a two-day liquor license. The proceeds will benefit the Wounded Warrior project.

Mr. Haworth motioned to approve the Use of the Town Hall Auditorium for February 26 and 27 contingent upon approval from necessary departments. Mr. Murphy seconded. Vote was unanimous. (3-0).

The liquor license portion of Mr. Allen's application will be considered once proof of liability is provided.

### MELANSON AND HEATH – RETIREMENT AUDIT

The Board reviewed a change in the Town's current agreement with Melanson and Heath for a Retirement audit. The audit fee has been reduced from \$7,000 to \$5,000. Mr. Haworth motioned to approve and authorize the Chairman to sign the agreement. Mr. Murphy seconded. Vote was unanimous. (3-0).

## TOWN REPORT – SELECTMEN'S OFFICE

The Board reviewed a draft copy of a 2014 Town Report for the Selectmen's Office. See Attachment A. Mr. Haworth motioned to approve the document for inclusion in the 2014 Town Report. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **HEALTH INSURANCE POLICY**

The Board reviewed a Town Counsel edited draft of the proposed Town of Fairhaven Health/Life/Dental Insurance Payment Policy. See Attachment B. Mr. Haworth motioned to approve and sign the Policy into effect. Mr. Murphy seconded. Vote was unanimous. (3-0).

# BOARD/COMMITTEE/COMMISSION OPEN HOUSE

Mr. Espindola referenced a distribution from the Massachusetts Municipal Association, in which the MMA recommended municipalities conduct Open Houses for Boards and Committees to share their missions with the public. Ms. Kakley is willing to coordinate the Open House. Mr. Haworth motioned to support the Open House effort. Mr. Murphy seconded. Vote was unanimous. (3-0).

# ROGERS-OXFORD RFP SELECTION COMMITTEE

The Board informed the public that it would be appointing a selection committee to review and make a recommendation on the RFPs received by the Town for the disposal of the former Rogers School and the former Oxford School. Letters of interest should be submitted to the Selectmen's Office by Thursday, January 22, 2015.

# **SRPEDD TRANSPORTATION PLAN**

At 7:00 p.m., the Board met with Shayne Trimbell and Lisa Estrela-Pedro regarding the SRPEDD Regional Transportation Plan. Ms. Estrela-Pedro said that representatives of SRPEDD where traveling to the 27 Towns and Cities it serves to gather input that will help in the plan update. Part of the effort involves a public survey; the Board asked Ms. Kakley to link the survey to the Town website.

Mr. Haworth said that there was a traffic safety concern with Sconticut Neck Road, despite some improvements that have been made. He said that he would like to see an effort made to improve lighting and markers.

Mr. Murphy agreed, and added that he had several concerns about the Fairhaven/New Bedford Bridge.

Mr. Osuch added that they have been addressing the issue with the morning delay at the intersection of Route 240 and Bridge Street, which is caused by start times of the Acushnet Company, SouthCoast Hospitals Group and AT&T.

Discussion continued on delineation of bike lanes and a regional bike plan. The Board expressed interest in improving crossing opportunities for pedestrians and cyclists on Route 6.

Ms. Estrela-Pedro said that they would incorporate their concerns and needs into the plan and then come before the Board again at a later stage in the process.

# **CAPITAL PLANNING COMMITTEE**

At 7:13 p.m., the Board met with the Capital Planning Committee. Capital Planning Committee members present were: Bill Roth, Robert Baldwin, Wendy Graves, Chairman Drew Tillett, Cathy Melanson, and Jeff Osuch. Absent: Vinnie Furtado, who had a conflict with a BPW meeting occurring at the same time.

Mr. Tillett gave a brief overview to the formation and charge of the Capital Planning Committee. All capital needs in excess of \$20,000 must be placed before the Capital Planning Committee for a recommendation to Town Meeting. The Committee is in the process of creating a five-year capital plan document. The first year of the document is complete (Attachment C). Discussion continued on the General Fund portion of the document, the Water Enterprise, the Sewer Enterprise, and the creation of a Capital Stabilization Fund, separate of the current Stabilization Fund.

Mr. Tillett reviewed the current Capital Planning Committee recommendations with the Board of Selectmen in Attachment C.

Mr. Roth added that the Capital Planning Committee would like to see their articles immediately follow Article 4 in the Annual Town Meeting.

Mr. Espindola thanked the Committee members for their ongoing efforts.

# **COLLINS CENTER FOR PUBLIC POLICY**

At 7:40 p.m., the Board met with Richard Kobayashi, Senior Associate for the UMass Boston Collins Center for Public Policy. Mr. Kobayashi gave a brief background to the legislature that created the Collins Center in 2008. Since that date, the Collins Center has assisted in 35

recruitments similar to the Town Administration recruitment that the Town of Fairhaven will consider in the upcoming year.

Mr. Kobayashi said that their methodology involves two phases. In the first phase, he and his associate (Mary Aicardi) research the client community by interviewing the Selectmen and other elected and appointed officials to help in the creation of a Town profile. The Selectmen approve the profile for use in the marketing of the Town and the job. The second phase usually involves the creation of a Screening Committee to aid the Board of Selectmen in maintaining the confidentiality of qualified candidate in the interview process. The goal of the process, he said, is to find three to five excellent candidates. The fee for the service is \$14,000.

Mr. Haworth asked how long the process would take from the first step to the last. Mr. Kobayashi said that it would take about 120 days. Mr. Haworth followed up with a question about advertising. Mr. Kobayashi answered that the Town Administrator field has only about 5,000 to 6,000 professionals nationwide who are all monitoring the same two publications. Additionally, the Collins Center has a database of qualified and interested candidates.

Mr. Haworth asked if the \$14,000 fee was all inclusive. Mr. Kobayashi said that the fee does not include "reimbursable expenses", such as advertising, travel costs, and background checks. The background check (estimated at \$2,000) includes a criminal, credit, and educational credentials check.

Mr. Murphy asked if the Collins Center had ever had a negative outcome in its recruitment processes. Mr. Kobayashi that none of the appointees failed in their positions, but in one circumstance, an appointee was replaced after appointment.

Mr. Murphy asked if other restructuring communities had appointed their Executive Secretary to Town Administrator in the interim. Mr. Kobayashi said that the only other similar scenario was when another town transitioned a position prior to a vacancy and the position was filled temporarily by a town employee during the structural change and recruitment process.

Mr. Osuch asked how long it usually took for a selected candidate to start from the point of hire. Mr. Kobayashi said one to three months.

Mr. Kobayashi said that he realized the Town wanted to wait for an Annual Town Meeting appropriation, but that some towns choose to expedite the process with a Reserve Fund Transfer.

The Board thanked Mr. Kobayashi for his time and presentation. See Attachment D.

# LIQUOR LICENSE PUBLIC HEARING

At 8:11 p.m., the Chairman opened a public hearing for Gene's Seafood for a transfer of a Restaurant Beer and Wine license. Applicant Jeffrey Giovannini was present with his attorney, Michael Medeiros.

The Board reviewed the application. Mr. Giovannini has been in the food service industry for 17 years. The business will be a seasonal restaurant with eight employees at first and all current employees are TIPS certified.

The Chairman opened the hearing to public comment. There was none.

Mr. Haworth motioned to approve the Restaurant Beer and Wine license transfer. Mr. Murphy seconded. Vote was unanimous. (3-0).

### **BUDGET/FINANCIAL POLICIES**

The Board discussed the possibility of a combined meeting with the Finance Committee to discuss budgeting for FY16. Mr. Espindola recommended that the Board consider compiling recommendations in advance of that meeting. Mr. Haworth said that having copies of the budget would help in the budgeting process.

Mr. Osuch recommended creating a goal and then adjusting appropriations to meet that goal. He advised that the Board include OPEB in Article 4 and spend time finalizing financial policies. Mr. Osuch further recommended that the Board delegate at least a half hour at an upcoming meeting for discussion of financial policy making.

Mr. Espindola added that the Board should schedule a financial policy meeting with Mr. Osuch and Finance Director Wendy Graves.

# CAPITAL PLANNING STABILIZATION ARTICLE

The Board reviewed the recommendation from the Capital Planning Committee to have an article on the Annual Town Meeting warrant to establish a Capital Planning Stabilization Account. Mr. Haworth motioned to support the article and the creation of said account. Mr. Murphy seconded. Vote was unanimous. (3-0).

# WELLNESS STEERING COMMITTEE UPDATE

Mr. Espindola gave a brief update to the Board in regards to a steering committee charged with researching the initiation of a wellness program for Town of Fairhaven employees. Mr. Espindola said that he would be submitting an article for Annual Town Meeting for consideration in regards to a wellness program, and may propose use of medical marijuana PILOT income to offset the effort.

### TIME SHEETS - NON-UNION

In an update to the issue of time sheets for non-union personnel not currently using a time punch (Animal Control Officer, Tourism Director, Harbormaster, and Shellfish Warden), the Board reviewed the effectiveness of the time sheets and compliance with schedule. It was noted that there was still some issues with clarity in the activities listed on the time sheets but the Board noted some improvement.

Mr. Murphy said that all the time sheets being used were different. For the sake of consistency, he suggested having all four employees use the same time sheet. Ms. Kakley will draft the spreadsheet and distribute accordingly.

### PERSONNEL BOARD RECOMMENDATIONS

The Board reviewed two memos from the Personnel Board making recommendations to the reclassifications of Health Agent, Building Commissioner, Veteran's Administrative Assistant; COA Assistant Coordinator, Accounts Payable Clerk, Sewer Superintendent, and Water Superintendent. See Attachment E.

Mr. Haworth said that he thought that the Board would have to look at the budgets of these departments as a whole before it could consider going forward with the recommended increases, especially in regards to whether or not the departments could absorb the increases within the requested one to two percent increase.

Mr. Murphy said that at the previous Town Meeting, the Town Meeting had rejected a chance to evaluate all non-union personnel positions and job descriptions. As a result, he said that the Personnel Board would be the only resource to perform such a review. He said that the personnel requesting increases have not been reviewed in a long time and that they know the vote has to be passed by Town Meeting.

Mr. Espindola agreed that all of the personnel referenced in Attachment E are good employees, but said that there needs to be a systematic approach to the reclassification of non-union positions, per the DOR report.

Mr. Haworth asked Mr. Osuch to arrange to have a document prepared by Ms. Graves that would show what a two percent increase for all non-union employees would look like. He said while he was not committing to a vote for such an increase, he would like to know what the figure would be for his reference.

Additionally, the Board reviewed a request from the Personnel Board to create a Non-Union Level 21 and reclassify the Water and Sewer Superintendents to said Level 21.

Town Accountant Anne Carreiro was recognized by the Chairman. She said that her Accounts Payable clerk is part-time when most towns have a full-time Accounts Payable clerk, and that the clerk has not received an increase or review in years.

Mr. Haworth asked to have all job descriptions for the personnel being reviewed included in the next agenda packet.

The Board agreed to review submitted budgets and revisit the matter of the Personnel Board reclassification recommendations at the next meeting on January 26.

# RESTRUCTURING OF THE TREASURER/COLLECTOR OFFICES

The Board read a memo from Treasurer/Collector/Finance Director Wendy Graves requesting a review of the Treasurer and Collector offices. When the Board learned that Ms. Graves intended to eliminate position(s) to achieve this goal, it agreed to discuss the matter in Executive Session.

# HANDICAP PARKING REQUEST – 29 HOWLAND RD

The Board tabled a request from Grace Zuendel for a designated handicap parking space in front of her home at 29 Howland Road. The Board awaits correspondence from the Safety Officer. It will place the request on the next agenda.

# CITY OF NEW BEDFORD – SOUTH COAST RAIL SERVICE

The Board read a letter from the City of New Bedford regarding an initiative to request the Massachusetts Lottery Council to create a "Temporary Issue Lottery Ticket" to financially support the region's effort to develop a SouthCoast Rail. Mr. Espindola said that he would call City Hall and see what the Fairhaven Board of Selectmen could do to support the effort.

# LOBSTER BASIN SLIP VACANCY

At 9:50 p.m., Mr. Espindola recused himself, citing familial relationship to the subject of the correspondence.

Mr. Haworth read a letter from Shellfish Warden/Assistant Harbormaster Timothy Cox stating that there would be an additional vacancy at the Union Wharf Lobster Basin, as Thomas Allaire would not be returning to his slip.

Mr. Espindola returned to the meeting at 9:50 p.m.

### OTHER BUSINESS

Under Other Business:

• Mr. Espindola said that the ribbon cutting for the Northeast Maritime Institute two-year Associates in Applied Nautical Science program was well attended and successful.

At 10:00 p.m., Mr. Haworth motioned to enter Executive Session, pursuant to MGL 30A § 21:

- Vote to consider release of Executive Session minutes
- Open Meeting Law Complaint Selectmen's Office
- Town Hall Personnel
- Restructuring of Town Collector and Treasurer offices

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. Haworth in favor. Mr. Murphy in favor. Mr. Espindola in favor.

Respectfully,

Anne Kakley Administrative Assistant Minutes approved 01/26/2014

## **BOARD OF SELECTMEN**

### ANNUAL REPORT

### 2014

The Selectmen began the year 2014 with a renewed pledge to improve the economic wellbeing and quality of life for the residents of Fairhaven.

During the past few years, Massachusetts Cities and Towns have faced many financial constraints, mostly due to the slowing of the national economy and cutbacks by the State in the funding of mandated and existing programs. The Town of Fairhaven has been impacted by the reduction in State Aid since 2008 and little increase in the past year. Fairhaven has been able to absorb revenue shortfalls by making adjustments in spending while still maintaining personal and service levels. Unfortunately, with the continued growth in wages, retirement costs, health insurance, electricity and other operating expenses, a financial revenue problem looms on the horizon. Balancing the Town's budget in FY2016 and beyond will become more of a challenge. Fixed expenses and salary increases cannot be funded without an increase in revenue sources or cutback in personnel and services. The Board of Selectmen is committed to do everything possible to reduce expenses, and identify potential new sources of revenue while maintaining service levels for Town residents.

With limited resources, the Town was required to tighten its belt. Even with financial constraints, the Board and their staff worked on a wide range of projects to improve the infrastructure of the Town of Fairhaven.

The year 2014 began on the cold side with above average snowfall. The year in general was wet with a dry summer.

The annual April Town Election resulted in Charles Murphy, Sr. being re-elected to his third term.

On February 12, 2014, a Special Town Meeting was held. Town Meeting members approved a three-year Police contract and appropriated \$53,411 for the first year. Funds were appropriated to demolish the MacLean Seafood Building (\$150,000 State grant and \$25,000 from the Waterways Account). Additional \$150,000 was appropriated as a match for a \$2 million grant from the State to replace the bulkhead on the south side of Union Wharf.

Town Meeting also approved a zoning bylaw change to establish a Medical Marijuana facility in the Alden Road/Bridge Street area. Funds were also approved to maintain the Oxford and Rogers School, which are vacant until a final determination is made as to how to dispose of the two school buildings.

The Annual Town Meeting in May began with numerous articles in a Special Town Meeting. Highlights from the Special Town Meeting included funding a three-year contract for the Fire Department with an appropriation of \$47,149 for year one. Funds were also appropriated to demolish the three Rogers School portables, Oxford School portable and a dilapidated tax title

structure at 87 Main Street. Additional passed articles included a proposed land swap on Union Wharf to facilitate the MacLean Seafood building demolition, the appropriation of \$16,500 for Millicent Library west chimney repairs, \$197,000 for exterior restoration to the Millicent Library and \$17,000 to replace the Academy Building roof.

Following completion of the Special Town Meeting, members moved quickly through the Annual Town Meeting articles. The Town adopted a \$50 million operating budget for FY2014. Articles of the Annual Town Meeting included \$253,717 to replace the roof at both the Police and Fire Stations, \$45,644 to replace exterior doors at the Public Works building, \$300,000 in road reconstruction projects, \$425,000 for Sewer system collection repairs, \$575,000 for Pump Station repairs at both the South Street and Taber Street sewer stations.

Numerous Community Preservation Projects were funded, including \$50,000 for Fairhaven High School window repairs, \$136,000 for Town Hall sidewalk repairs, \$60,000 for Livesey Skate Park rehabilitation, and \$12,000 for Bike Path crossing at Sconticut Neck Road.

Other major Articles that were approved included proposals from the Government Study Committee to change the administration of the Town. After a spirited debate, Town Meeting members voted to approve the creation of the Town Administrator form of government, and the elimination of the Elected Board of Public Works, subject to a Town-wide vote. The Town Meeting also voted to create a Capital Planning Committee.

On December 9, 2014, a Special Town Meeting was held. The highlights included the funding of the Police Dispatchers contract, and the transfer of custody of the Rogers and Oxford Elementary Schools from the School Department to the Board of Selectmen. The Selectmen will be issuing Requests for Proposals (RFPs) to sell the two schools. Town Meeting members voted to indefinitely postpone the opportunity to purchase 31.7 acres on Mill Road. The Town did vote to investigate and possibly join a Municipal Electricity Aggregate with other communities, to group purchase energy at lower rates. The Town Meeting members also transferred Sewer Betterment Stabilization money to reduce the principal loan payment that will allow the Town to refinance Sewer Debt and obtain a much lower interest rate on the remaining Sewer loan.

In the calendar year of 2014, the Board continued to work on improving the Town website. Efforts were made to expand the agendas and minutes available on the website to include smaller boards and committees as well. New sections of the website were added, including a section for Job/Volunteer postings and a form application for residents wishing to request a Selectmen's Agenda item.

The Board of Selectmen would like to welcome the following new businesses to Fairhaven and wish them good luck: Frontera Grill, The Barn Finds, E.J.'s Restaurant and Deli, Southcoast Hospital Pharmacy, Let's Talk About Pets, Four Paws Up/Dream Land Arts and Crafts, Peaceful Paws Grooming, Mystic Café, The Shack, Mellisa's Pet Depot, Fairhaven Smoke Shop and Brick Oven Pizzeria. Additional business permits were obtained in 2014 by: Home Estimating Services; Feeney Photography; Jennis Landscaping; Ruby Zephyr Marketing Group; Life's Epiphany; Wicked Estates; Michael Rotondo Electrician; Vas Electric; Crowley Farms; Bob

Fitts Electrician; Veterinary Purchasing Group; Mosquito Squad; Totally Wireless; Mary Joe At Rituals; Wales Tales; The V; Coastal Kids; Hal Ozcan.

Many positive events occurred during 2014. The Board of Selectmen are committed to using every possible means to stay within spending limits authorized by Proposition 2 ½ to find ways to reduce the tax burden and to continue improvements to services provided to Town residents. The 2016 Fiscal Year will not be easy. It will be extremely difficult to continue to provide current services to the Town.

The Board of Selectmen once again asks for assistance from each citizen in helping with the effort to improve the quality of life for all Fairhaven residents. The Town needs to continue to attract new businesses to Fairhaven. All Town residents must be involved in the decision-making process to have a successful community.

The Board would like to thank Town Officials, both elected and appointed, Town employees and the numerous volunteers who serve on committees and who contributed to the many positive accomplishments that occurred during 2014. Because of their dedication and efforts, the Town has greatly benefitted. It will be a difficult task to maintain service levels, but with the help of all residents, the Board of Selectmen believes we can continue to provide Town services. The Board needs you to become involved. While there may not always be agreement between parties, your input is critical. Each resident's opinion is valued. Please get involved and make a difference.

Respectfully,

Robert Espindola – Chairman Geoffrey A. Haworth, II Charles K. Murphy, Sr.



# 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

# HEALTH/DENTAL/LIFE INSURANCE PREMIUM PAYMENT POLICY

<u>Date revised</u>: January 2015

<u>Pertains to</u>: All current and retired employees and elected officials paying for their health/dental/life

insurance "over the counter" at the Selectmen's Office.

All participants on the Town's Blue Cross/Blue Shield health and dental plans who do not have payroll deductions sufficient to pay the full amount of their share of the monthly health, dental, and life insurance premium costs must submit payment to the Selectmen's Office prior to the first of the month for coverage in the following month. For example:

| Premium due by: | For coverage month: |
|-----------------|---------------------|
| January 1       | February            |
| February 1      | March               |
| March 1         | April               |
| April 1         | May                 |
| May 1           | June                |
| June 1          | July                |
| July 1          | August              |
| August 1        | September           |
| September 1     | October             |
| October 1       | November            |
| November 1      | December            |
| December 1      | January             |

The Town will send a written notice of non-payment to anyone who fails to pay his or her monthly premium by the first of the month. If payment is not received by the seventh day following issuance of that notice, the Town will issue a second and final notice. If payment is not received within seven days following issuance of the second notice, the participant will be dropped from the plan.

Any person who fails to pay his/her monthly premium by the first of the month and is issued two written notices of non-payment will be dropped from the Town's Blue Cross/Blue Shield health plan upon the third such occurrence within a twelve month period.

Once a participant has been dropped from the Town's health plan, he or she will not be eligible for reenrollment until the next open enrollment period. Any costs incurred by the Town as a result of the participant's non-payment, including the cost of notice, will be owed by the participant and will be added to his or her bill.

This policy was accepted by vote of the Board of Selectmen on December 29, 2014:

| Robert Espindola, Chairman |  |
|----------------------------|--|
| Geoffrey A. Haworth, II    |  |
| Charles K. Murphy, Sr.     |  |

|                             | FY16                    | FY17                          | FY18                     | FY19                               | FY20               |
|-----------------------------|-------------------------|-------------------------------|--------------------------|------------------------------------|--------------------|
| 2 Police Cars               | 70,400.00               |                               |                          |                                    |                    |
| Highway Equipment           | 144,000.00              |                               |                          |                                    |                    |
| Roadwork                    | 300,000.00              |                               |                          |                                    |                    |
| Hastings Floors             | 151,440.00              |                               |                          |                                    |                    |
| Town Hall Floors            | 20,000.00               |                               |                          |                                    |                    |
| Police Pick-up              | 36,928.00               |                               |                          |                                    |                    |
| TOTAL (1)                   | 722,768.00              |                               |                          |                                    |                    |
| Borrow principal interest - |                         |                               |                          |                                    |                    |
| Capital Equip/Repairs       | 400,000.00              |                               |                          |                                    |                    |
| TOTAL (2)                   | 400,000.00              |                               |                          |                                    |                    |
| TOTALS (1) and (2)          | 1,122,768.00            |                               |                          |                                    |                    |
|                             |                         |                               |                          |                                    |                    |
| FY16                        | only for Capital equipm | ent/projects in excess of \$1 | million (ex. High School | ol exterior repairs, Police/Fire S | tation renovation) |
| Water Enterprise            |                         |                               |                          |                                    |                    |
| Water Main WI Engineer.     | 40,000.00               |                               |                          |                                    |                    |
| Water Main WI Construc.     | 150,000.00              |                               |                          |                                    |                    |
| Tinkham Lane Well Emer.     | 60,000.00               |                               |                          |                                    |                    |
| Truck                       | 44,000.00               |                               |                          |                                    |                    |
|                             | 294,000.00              |                               |                          |                                    |                    |
| Sewer Enterprise            |                         |                               |                          |                                    |                    |
| Pilot Study                 | 50,000.00               |                               |                          |                                    |                    |
| Pump Station Emer. Updat    | 140,000.00              |                               |                          |                                    |                    |
| Sewer Rehab Phase 2         | 80,000.00               |                               |                          |                                    |                    |
| Sewer Rehab Phase 3         | 65,000.00               |                               |                          |                                    |                    |
| Francis St Sewer            | 50,000.00               |                               |                          |                                    |                    |
| Truck #48                   | 44,000.00               |                               |                          |                                    |                    |
|                             | 429,000.00              |                               |                          |                                    |                    |

# ARTICLE \_\_\_ - FY16 GENERAL FUND CAPITAL PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the following Capital Equipment/Projects from the General Fund for FY2016 or take any other action relative thereto:

| A. Re   | eplac | \$70,400.00 |               |                           |        |      |              |
|---------|-------|-------------|---------------|---------------------------|--------|------|--------------|
| B. Hi   | ighw  | ay Ec       | quipment      |                           |        |      |              |
|         | 1.    | Repl        | ace 1991 Fo   | rd 350 #13                |        |      | \$55,000.00  |
|         | 2.    | Repl        | ace 1994 GN   | MC C1500 #3:              | 5      |      | \$45,000.00  |
|         | 3.    | EZ S        | Screen XL     |                           |        |      | \$44,000.00  |
| C. Ha   | astin | gs Mi       | ddle School   | 8 <sup>th</sup> Grade Win | ng Fl  | oors |              |
| Al      | bate  | and re      | eplace VCT    | Flooring                  | Ü      |      | \$151,440.00 |
| D. To   | own ] | Hall F      | Refurbish Flo | oors                      |        |      | \$20,000.00  |
| E. Po   | olice | Pick-       | up Truck      |                           |        |      | \$36,928.00  |
|         |       |             | •             | ]                         | Total  | •    | \$422,768.00 |
|         |       |             |               | 7                         |        |      |              |
| Petitio | oned  | by:         | Capital P     | lanning Comn              | nittee |      |              |
| Reque   | est:  | •           | -             |                           |        |      | Request:     |
| •       |       |             | A.            | \$70,400                  | 0.00   | A.   |              |
|         |       |             | B1.           | \$55,000                  | 0.00   | B1.  |              |
|         |       |             | B2.           | \$45,000                  | 0.00   | B2.  |              |
|         |       |             | B3.           | \$44,000                  | 0.00   | B3.  |              |
|         |       |             | C.            | \$151,440                 | 0.00   | C.   |              |
|         |       |             | D.            | \$20,000                  | 0.00   | D.   |              |
|         |       |             | E.            | \$36,928                  | 8.00   | E.   |              |
|         |       |             |               | Ψυσ,ν=0                   |        |      |              |

# ARTICLE \_\_\_ - WATER ENTERPRISE CAPITAL PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Water Enterprise Account to fund the following Capital Equipment/Projects for FY2016 or take any other action relative thereto:

| A. Engineering – Water Main Replacement – West Island Causeway | \$40,000.00        |
|--|--------------------|
| B. Water Main Construction – West Island Causeway              | \$150,000.00       |
| C. Tinkham Lane Well Improvements                              | \$60,000.00        |
| D. Replacement of 1997 Ford Utility Truck #132                 | <u>\$44,000.00</u> |
|  | \$294,000.00       |

| Petitioned by: | Capital Planning Committee |                 |  |  |  |  |
|----------------|----------------------------|-----------------|--|--|--|--|
| Request:       |                            | Request:        |  |  |  |  |
| _              | A.                         | \$40,000.00 A.  |  |  |  |  |
|                | B.                         | \$150,000.00 B. |  |  |  |  |
|                | C.                         | \$60,000.00 C.  |  |  |  |  |
|                | D.                         | \$44,000,00 D   |  |  |  |  |

# ARTICLE \_\_\_ - SEWER ENTERPRISE CAPITAL PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Sewer Enterprise Account to fund the following Capital Equipment/Projects for FY2016 or take any other action relative thereto:

|                | Wastewater Treatment Plant Nitrogen Pilot Study                      |                        |                 |              |  |  |  |
|----------------|--|------------------------|-----------------|--------------|--|--|--|
| B. Abbey/Manl  | nattan/Margu   | erite/Pilgrim/Railroad |                 |              |  |  |  |
| Pump Statio    | n Equipment  | Evaluation             |                 | \$140,000.00 |  |  |  |
| C. Engineering | Sewer System   | m Phase 2              |                 | \$80,000.00  |  |  |  |
| Howland Ro     | ad south to P  | ilgrim Ave, Alden Road | west to Acushne | t River      |  |  |  |
| D. Engineering | Sewer System   | m Phase 3              |                 | \$65,000.00  |  |  |  |
| Howland Ro     | Howland Road south to Pilgrim Ave, Alden Road west to Acushnet River |                        |                 |              |  |  |  |
| E. Replace Sev | ver – Francis  | Street                 |                 | \$50,000.00  |  |  |  |
| F. Replacemen  | t of 2000 For  | d Pickup #48           |                 | \$44,000.00  |  |  |  |
|                |  |                        |                 | \$434,000.00 |  |  |  |
| Petitioned by: | Capital Pla  | nning Committee        |                 |              |  |  |  |
| Request:       |  | Rec                    | ommend:         |              |  |  |  |
|                | A.   | \$50,000.00 A.         |                 |              |  |  |  |
|                | B.   | \$140,000.00 B.        |                 |              |  |  |  |
|                | C.   | \$80,000.00 C.         |                 |              |  |  |  |

\$65,000.00 D.

\$50,000.00 E.

\$44,000.00 F.

# ARTICLE \_\_\_ - ROADWORK

D.

E.

F.

| Petitioned by: | Board of | Public Works and Others |
|----------------|----------|-------------------------|
| Request:       |          | Recommend:              |
|                | A.       | A.                      |
|                | B.       | B.                      |
|                | C.       | C.                      |
|                | D.       | D.                      |
|                | E.       | E.                      |
|                | F.       | F.                      |

# ARTICLE \_\_\_ - CAPITAL STABILIZATION FUND

A. To see if the Town will vote to create a Capital Stabilization Fund for the purpose of funding any capital-related project or piece of equipment or debt service payment related thereto, as authorized by Chapter 40, Section 5B of the General Laws or to take any other action relative thereto.

Petitioned by: Capital Planning Committee

Request: Adoption

# Recommend:

B. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be deposited in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws, or take any other action relative thereto.

Petitioned by: Capital Planning Committee

*Request:* \$400,000.00

Recommend:





# **Scope of Services**

Recruitment for the Town Administrator Town of Fairhaven, MA November 12, 2014



100 Morrissey Boulevard Boston, MA 02125-3393 P: 617.287.4824 F: 617.287.5566 mccormack.umb.edu/centers/cpm collins.center@umb.edu

November 12, 2014

Board of Selectmen Town Hall Fairhaven, MA

via email

Dear Members of the Board,

The Edward J. Collins, Jr. Center for Public Management is pleased to provide this proposal detailing its proven approach and experience in recruiting municipal leaders for organizations in transition. The Center has a great deal of sensitivity to the pressures of such transitions, and how they can impact public organizations and the communities and constituencies they serve.

The Collins Center was established in July 2008 at the McCormack Graduate School of Policy and Global Studies to further the public service mission of the University of Massachusetts Boston. The Center is a vehicle to provide assistance to municipalities and state agencies to help improve public management. As part of the Center's work it has established an executive recruitment practice in the belief that helping public organizations select the best leaders will result in increased organizational effectiveness.

I will provide overall engagement oversight. Dick Kobayashi, former President of Bennett Associates, a national recruitment firm based in Plymouth, MA, leads this practice. The Collins Center has also retained Mary Flanders Aicardi, an experienced Massachusetts municipal human resources specialist as an integral member of its recruitment team.

This Recruitment Team has carried out over thirty successful recruitments in Massachusetts for Town Managers and Administrators as well as key Department Heads. A comprehensive list of Collins recruitments is listed on the last page of this document. Mr. Kobayashi has lead searches for positions as varied as cabinet officers for the District of Columbia and the executive director of the Metropolitan Area Planning Council, the largest regional planning agency in New England. Mr. Kobayashi also led the search for Springfield's first Chief Administrative and Financial Officer. This position was created by state law as a condition for terminating the State Financial Control Board that controlled the City's finances for five years.

Following is a comprehensive proposal to provide recruitment services for Fairhaven's Town Administrator. A careful definition of the challenges that the Town will face and the organizational environment that the new Town Administrator will engage and manage is a key component of the

recruitment process. To be successful the Town needs to be clear about these matters and the recruitment team needs to fully understand them in order to attract the best candidates. Typically a considerable amount of effort is invested in gaining a thorough understanding of the client system before the Center engages in the actual recruitment of candidates.

All of the Center staff has substantial knowledge of local and state government in Massachusetts. Center staff does not merely collect resumes; rather they learn the client's organization from the inside out and help the client identify the key characteristics that will lead a new incumbent to a successful tenure.

We understand that the manner in which this search is carried out as well as the outcome will serve as a signal to Fairhaven residents of the Town's open and transparent approach to governance.

We want to advise the Town that transactions with the Commonwealth, including the University, are exempt from the provisions of Chapter 30B, the Uniform Municipal Procurement Act (Section 1 (b)(4)).

A comprehensive list of Collins recruitment projects is on page 9.

Sincerely,

Stephen McGoldrick

Director

# How the Collins Center Will Assist Fairhaven Recruit a Town Administrator

The Collins Center works with public organizations to understand the most critical issues they are facing, as well as the culture and the leadership styles that would be best suited to move them forward. Only after gaining an understanding of the client's critical needs does the Center proceed to recruit quality candidates for the position.

In implementing this approach, the Center will:

- Carefully consider Fairhaven's legal structure, which sets the parameters for the Town Administrator's powers and duties.
- Carefully consider the challenges a new Town Administrator will face, particularly in Fairhaven's somewhat unique circumstances.
- Develop a Profile of the community and the Town Administrator position with particular
  attention to identifying Fairhaven's priority issues. The Profile will specify the
  professional and personal qualities needed to succeed as Town Administrator. It is
  important that the Profile represent the views of key Town officials, not the recruitment
  team. Accordingly, extensive interviews will be conducted with Fairhaven's key officials
  and other stakeholders during the preparation of the Profile. The recruitment team will
  not proceed to seek candidates until the Board approves the Profile.
- Confirm and refine the schedule for this project to meet Fairhaven's specific requirements. Most recruitments take approximately 120 days from the date the engagement is authorized.
- Build a competitive pool of candidates utilizing the Center's extensive network as well as traditional advertising; and
- Support the Town's evaluation of candidates. The recruitment team will help plan the interview process and help the Town close the deal, if requested.

# **Project Approach**

The following information is provided to illustrate the Center's approach to executive recruitment and what it believes are successful outcomes of each stage of a search. The Center believes that a significant risk in selection is choosing the best person from a mediocre pool of candidates. The Center's principal effort is directed at giving its clients a pool of well-qualified candidates, thereby reducing this risk.

# Task One: Understanding Fairhaven and Preparing a Profile

The recruitment team begins the search with a simple question. What criteria would the organization use to determine that the appointment was successful?

The recruitment team needs to learn how the organization works from the inside out. It wants to see the organization from the viewpoint of major stakeholders, and it wants to understand and document the major challenges facing the organization. It can then determine what type of experience, technical skills, and personal style candidates will need to be effective in the position. Major stakeholders will be asked their views on the characteristics required for a new Town Administrator to be successful.

A common statement is that when organizations chose a leader they chose a path. The recruitment team needs to understand the path Fairhaven desires to follow in order to identify and recruit a pool of candidates that can meet Fairhaven's needs.

Outcome: A Profile Statement will be prepared for the Town's approval. Once approved, the recruitment will commence using the Profile Statement as a marketing tool for the Town Administrator position.

# Task Two: Networking, Screening, and Presentation of Paper Candidates

Standard advertising will be prepared and placed in various venues. At the same time, the recruitment team also engages in extensive network recruitment activities using electronic means and personal contacts. Often the best person for a job is not looking for a job; so networking is a critical part of the process. To attract candidates, the unique challenges of the employment opportunity will be stressed. Work is conducted to find candidates that have faced challenges that are of similar magnitude and importance to those faced by Fairhaven. At the conclusion of networking, the applications from a pool of prospective candidates who best meet the Profile will be presented to the Screening Committee.

The recruitment team will review the applications of recommended paper candidates with the Screening Committee to help it reach a decision on which candidates should be invited for first round interviews. Typically the Collins Center presents six to twelve candidates to the Screening Committee based on the team's professional judgment of the "fit" between candidates and the requirements specified in the Profile.

Assumption: The Center's primary contact will be with a Screening Committee.

Outcome: Candidates to be invited for a preliminary interview will be identified.

Task Three: Interviewing and Reference Checking

After candidates are selected for an interview, the recruitment team will design an interview process for the Screening Committee and assist the Screening Committee in implementing the process. During this Task the recruitment team may conduct more intensive telephone interviews, solicit and document references, and reconfirm candidates' interest.

Personal interviews and reference checks are extremely thorough. The recruitment team will speak with employers, professional peers, and subordinates, systematically posing the same questions to references for each potential finalist.

At the Town's request the Center will arrange for credit, criminal history, and verification of educational credentials for the finalists. At the conclusion of Task Three, the Screening Committee will make recommendations of finalists for consideration by the Board of Selectmen.

Outcome: Presentation of qualified well-vetted candidates to the Board of Selectmen

**Task Four: Selection** 

The recruitment team will help the Town plan its interview process by providing written and oral guidance. The Center recommends that all candidates be interviewed on the same day or weekend to facilitate a fair comparison. The recruitment team can help structure the discussion, suggest questions, and offer a format for comparison.

Negotiating the conditions of employment is the sole responsibility of the Town, but the recruitment team will work to clarify issues, establish a framework, and facilitate communication. At the end of the search, all finalists will be notified of the result by Center staff.

Outcome: A selection for Town Administrator that meets the standards defined in the Profile.

## **Timetable**

The following table illustrates the typical sequence of a recruitment of a municipal or public sector professional.

| Week                                    | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 1: Profile                         |   |   | x |   |   |   |   |   |   |    |    |    |
| Task 2: Networking/<br>Paper Candidates |   |   |   |   |   |   | х |   |   |    |    |    |
| Task 3: Interviews and References       |   |   |   |   |   |   |   |   |   | х  |    |    |
| Task 4: Selection                       |   |   |   |   |   |   |   |   |   |    |    | х  |

In the Center's experience, in a well-organized and structured recruitment process there are typically two main points of intensive interaction with the client. Specifically, during Tasks One (Profile Development) and during Task Three (Interviewing and reference checking). This Scope assumes that the Center's team will make three trips to Fairhaven: Profile Development, Review of Paper Candidates, and Preliminary Interviews.

The Center will begin the recruitment within 10 days of receiving a signed agreement. The generic schedule above is dependent on personal schedules with most delays caused by holidays, vacations, and professional schedules. The Center will develop a specific schedule for Fairhaven at the commencement of the engagement.

# **Professional Fees, Expenses and Payment Schedule**

The professional fee for carrying out Tasks One through Four is \$14,000.

Collins will bill the Town \$3500 when the Profile is submitted and an additional \$3500 when Task Two is complete. Collins will bill \$7000 when Task Four is complete.

Reimbursable expenses will be billed when the engagement is complete. The Town will be responsible for candidates' expenses, advertising, background checks requested by the Town and the Center's out of pocket expenses (printing, mileage, lodging, etc.). These costs are not included in the Professional Fee. The Center may also recover certain administrative fees where that is consistent with UMass Boston policy. The Center will arrange to have these expenses submitted to the Town.

# **Qualifications of Project Staff**

**Richard Kobayashi has** over thirty years of public management experience including service as the leader of a development agency in Massachusetts, planning and development director for an economically distressed Massachusetts city, chief planner for a major water/wastewater utility and as chief aide to the Mayor of a densely populated urban city. He has also served as an elected official in his hometown of Belmont, Massachusetts.

He worked with Bennett Associates, a national recruitment firm, for a decade and served as its President in 2007-2008. Mr. Kobayashi holds a Masters degree in Public Administration and was a Loeb Fellow at Harvard University. Mr. Kobayashi will serve as the Project Manager for this recruitment.

Mary Flanders Aicardi has twenty years of municipal human resource experience. She has served as human resources director for Watertown, human resources consultant to Braintree during its transition from a town meeting to city form of government, and is an independent human resources and labor relations consultant.

Ms. Aicardi holds undergraduate and graduate degrees from the University of Massachusetts Amherst. She currently serves as a member of the Commonwealth's Joint Labor Management Committee and serves as Project Manager for most Collins Human Resource projects

# **REFERENCES**

Cohasset, MA

Contact: Fred Koed, Chair, Board of Selectmen

617 710-7512

Position: Town Manager (2013)

South Hadley, MA

Contact: John Hine, Chair, Board of Selectmen

413-374-6820 (cell)

Position: Town Administrator (2012)

Chatham, MA

Contact: Ken Sommer, Chair, Screening Committee

650-888-2207

Florence Seldin, Chair, BOS

508 945 4464

Position Town Manager (2011)

Burlington, MA

Contact: Brad Bond, Chair, Screening Committee and Chair, Finance Committee

Home: 781-272-8698 Cell: 617-413-6403

Position: Town Administrator (2012)

Foxborough, MA

Contact: Lorraine Brue, Chair, Board of Selectman

508 369-2183

Town Manager (2013/14)

North Reading, MA

Contact: Robert Mauceri, Chair, Board of Selectmen

508-265-5047

Town Administrator (2014)

### RELEVANT PROJECT EXPERIENCE

### **RICHARD KOBAYASHI**

- Manager of the Collins Center Recruitment practice since inception in 2008.
- President of Bennett Associates 2007-2008, a national public sector oriented retained Recruitment Firm. (See text of proposal for a sample of searches executed)
- Senior Consultant with Bennett Associates 1997 2004
- Resident Municipal Advisor, Kosovo (USAID) 2004 2007
- Independent Public Management Consultant 1995 2004. Served clients in the US and in Central and Eastern Europe under US Government, UN and World Bank auspices. Resident Municipal Advisor in Kosovo 2004 to 2007.
- Senior Program Manager, MWRA 1989 1994
- Director of Planning and Development, Lawrence, MA 1986-1989
- Deputy Assistant Secretary for Municipal Management and Policy
   MA Executive Office of Communities and Development 1976 1986
- Mayor's Aide, Malden, MA 1972 1975
- Elected Water Commissioner in Belmont, MA 1992 2002 and Elected Town Meeting Member 1994 – 2014 in Belmont, MA

## **Education**

- BA in Economics UMASS Amherst
- MPA Northeastern University
- Loeb Fellow Harvard University

# **RELEVANT PROJECT EXPERIENCE**

# **MARY FLANDERS AICARDI**

### **Human Resources & Labor Relations Consultant**

- Collins Center Associate in Human Resources since 2009
- Human Resources Consultant, Town of Braintree, MA 2008 2009, during the transition from a Town to a City government structure.
- Member, Joint Labor Management Committee (current)
- Personnel Director, Town of Watertown, MA 1995-2004
- Assistant Personnel Director, Town of Barnstable, MA 1992-1995
- Hearing officer in Civil Service pre-disciplinary hearings
- Assessor in a Police Chief selection process
- Expert in progressive discipline, performance appraisal and employee conduct, having presented numerous workshops.
- Participated in all Collins Center Recruitments since 2009.

# Education

- Master of Public Administration University of Massachusetts at Amherst
- Bachelor of Arts, Political Science University of Massachusetts at Amherst

# **Collins Center Recruitment Team Experience**

\* Work underway but not complete in September 2014

# **Municipal Managers and Administrators**

Belmont Town Administrator
Bridgewater Town Manager
Burlington Town Administrator

Cambridge Director of Traffic, Parking and Transportation\*

Carver Town Administrator Chatham **Town Manager** Cohasset **Town Manager** Dracut **Town Manager** Framingham **Town Manager** Foxborough **Town Manager Great Barrington Town Manager** Hanover **Town Manager** Longmeadow **Town Manager** Medway Town Administrator North Reading **Town Administrator** Northfield **Town Administrator** Plymouth **Town Manager** Princeton **Town Administrator** Rutland Town Administrator\*

Reading Town Administrator

Reading Town Manager

Sharon Town Administrator

Sherborn Town Administrator

South Hadley Town Administrator

Springfield Chief Administrative and Financial Officer

Topsfield Town Administrator
Walpole Town Administrator\*
Wilbraham Town Administrator\*
Winthrop Town Manager

# **Other Municipal Positions**

Worcester City Auditor and City Treasurer (two positions)

Essex Regional Retirement Board Executive Director
Lawrence Finance Director
Medford Housing Authority Executive Director
New Bedford Chief Financial Officer
Somerville Retirement Board Executive Director

Amesbury Fire Chief and Public Works Director and CFO

Central Mass. Regional. Plan. Council Executive Director\*



100 Morrissey Boulevard Boston, MA 02125-3393 P: 617.287.4824 F: 617.287.5566 mccormack.umb.edu/centers/cpm collins.center@umb.edu

# PROFESSIONAL SERVICE AGREEMENT Town of Fairhaven

| This Professional Service Agreement ("Agreement") is made as of this day of                                       |
|---|
| ("Effective Date") between the Town of Fairhaven, MA ("Town"), and the University of Massachusetts ("UMass        |
| Boston"), represented by its Edward J. Collins, Jr. Center for Public Management ("Center"), having an address of |
| 100 Morrissey Blvd, Boston, MA 02125-3393 ("the Parties").  |

The Center has technical expertise, resources, and capacity available to it, and the Town wishes to engage the Center to provide the Town with technical services. UMass Boston has determined that the proposed services to be provided are consistent with its research, economic development, educational, and public service missions.

Therefore, the Parties hereto mutually agree as follows:

- 1. Professional Services. The Center agrees to provide the professional services described in Exhibit A (Scope of Services dated November 12, 2014), which is attached hereto and incorporated herein by reference ("Services"). Trained personnel or sub-consultants of the Center shall render the Professional Services.
- 2. Term. The Center will use reasonable efforts to provide the Professional Services during the period from the date of this Agreement until June 30, 2015. Unless the parties agree to extend the term in writing, this Agreement shall expire at the end of the term or upon the completion of the Professional Services, whichever shall first occur.
- 3. Confidentiality/Privacy. The Center shall comply with all applicable state and federal laws and regulations relating to confidentiality and privacy.
- 4. Payments. The Town agrees to pay to UMass Boston a professional fee of \$14,000 for these services. This cost shall include all Center staff time and Center overhead. It does not include reimbursable costs as defined in Exhibit A. The Town agrees to make payments upon receipt of invoices. The Center reserves the right to discontinue work if the Town fails to pay invoices within thirty (30) days of receipt. Payments shall be made to "University of Massachusetts Boston" and shall be sent to:

Edward J. Collins Jr. Center for Public Management University of Massachusetts Boston 100 Morrissey Blvd. Boston, MA 02125-3393 Attn: Stephen McGoldrick

- 5. Warranty Disclaimer. The Center shall perform the Services in a professional and workmanlike manner. The Center shall endeavor to perform the Services within the schedule set forth herein, but is not liable for failure to meet the schedule. The foregoing warranties are in lieu of all other warranties, express, implied or statutory, including without limitation any implied or express warranties of merchantability, fitness for a particular purpose, or non-infringement of a patent or other intellectual property right.
- 6. Limitation of Liability. In no event shall UMass Boston be liable for any loss of profits, loss of use, loss of data, cost of cover, indirect, special, exemplary, punitive, incidental or consequential damages of any kind in connection with or arising out of this Agreement or the Services, even if UMass Boston has been advised of the possibility of those damages. Notwithstanding the foregoing, in no event shall its liability arising out of this Agreement or relating to the Services exceed the amounts actually paid.

- 7. Use of Names. The Town agrees that it will not utilize the name or seal of the University in any advertising promotional material or publicity, without the express written consent of UMass Boston. Reciprocally, UMass Boston will not utilize the name or corporate seal of the Town in any advertising promotional material or publicity, without the express written consent of the Town.
- 8. Termination. This Agreement may be terminated by either of the Parties upon thirty (30) days written notice of termination to the other. If either of the Parties defaults in the performance of any of its material obligations under this Agreement, then the non-defaulting party may give written notice of the default to the defaulting party. Unless the default is corrected within thirty (30) days after the notice, the notifying party may terminate this Agreement immediately upon written notice. Upon termination of this Agreement by either party, UMass Boston will be reimbursed for all costs and non-cancelable commitments incurred in performance of the Professional Services prior to the date of termination in any amount not to exceed the total commitment set forth in Section 4 of this Agreement. Provided, however, that if professional services are not complete, then UMass Boston will return any pro rata share of payment to the Town not otherwise expended, to the extent permissible.
- 9. Survival. The obligations of the parties under Sections 3, 4, 5, 6, 7, 8, and 9 survive termination of this Agreement.
- 10. Independent Contractor. Nothing contained in this Agreement shall be construed to constitute the Center or UMass Boston as a partner, joint venture, employee, or agent of the Town, nor shall either party have the authority to bind the other in any respect, it being intended that each shall remain responsible for its own actions.
- 11. Governing Law. This Agreement is governed by the laws of the Commonwealth of Massachusetts without regard to any choice of law rules. The Parties agree to exclusive jurisdiction and venue in the Massachusetts Superior Court in Suffolk County.
- 12. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the Services, supersedes all prior oral and written agreements with respect to the subject matter, and can be modified only by a written instrument signed by both of the Parties which references this Agreement.

UMass Boston and the Town have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

| Town   | <u>UMass Boston</u>                              |
|--------|--|
| BY:    | Stablished. 2                                    |
| TITLE: | BY:Stephen McGoldrick, Director                  |
|        | BY:<br>Ellen O'Connor, Vice Chancellor for A & F |



# TOWN OF FAIRHAVEN

**MASSACHUSETTS** 

THE FRIENDLY TOWN

OFFICE OF DIRECTOR OF FINANCE/ TREASURER

TOWN HALL TELEPHONE (508) 979-4026

December 24, 2014

Dear Honorable Selectmen,

The Personnel Board voted (3-0) at the December 5, 2014 meeting to request that the Board of Selectmen accept a proposed change of classification for the following employees.

Health Agent Pat Fowle from the current level 17-5 to a level 18-5(\$32.14-\$34.07) or \$4,014.40 annual increase).

Building Commissioner Wayne Fostin from the current level 17-5 to a level 18-5(\$32.14-\$34.07) or \$4,014.40 annual increase.

Administrative Assistant Jane Bettencourt from the current level 5- 5 to a level 7-3 (\$15.95-\$16.49) or \$533.52 annual increase.

COA Assistant Coordinator Susan Roderiques from the current level 5-5 to a level 7-5(\$15.95-\$17.94)or \$4,139.20 annual increase.

All increases to be effective July 1, 2015. You should also know that there are 3 additional non-union employees looking for level increases for the next Personnel Board meeting on January 6, 2015 at 4:00.

Respectfully Submitted,

Wendy L. Graves, CMMT CMMC

Wendy L. Kraves

**Director of Finance** 



# FAIRHAVEN

THE FRIENDLY TOWN

**MASSACHUSETTS** 

OFFICE OF DIRECTOR OF FINANCE/ TREASURER

TOWN HALL TELEPHONE (508) 979-4026

January 7, 2015

Dear Honorable Selectmen,

The Personnel Board voted (3-0) at the January 6, 2015 meeting to request that the Board of Selectmen accept a proposed new level of 21 which would consist of 5 steps:

Step 1 \$34.32

Step 2 \$35.80

Step 3 \$37.31

Step 4 \$38.89

Step 5 \$40.55

The Personnel Board also voted (3-0) to request that the Board of Selectmen accept a proposed change of classification for the following employees. All increases to be effective July 1, 2015.

Accounts Payable Clerk Joyce Shepard from the current level 7-5, to a level 9-3(\$17.94-\$18.57) or \$622.44 annual increase.

Sewer Superintendent Linda Schick from the current level 20-5, to a level 21-5(\$38.25.-\$40.55) or \$4,784.00 annual increase.

Water Superintendent John Charbonneau from the current level 20- 5, to a level 21-5 (\$38.25-\$40.55) or \$4,784.00 annual increase.

The Personnel Board also voted (3-0) to request that the Board of Selectmen accept the proposed increase for the water/sewer stipends to what the union currently gets for stipends. In the future, the stipends will increase as the union stipends increase.

Respectfully Submitted,

Wendy L. Graves, CMMT CMMC

Wendy J. Traves

Director of Finance