



Fairhaven Board of Selectmen

February 27, 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 8:35 a.m.

MARION BIKEWAY COMMITTEE LETTER

Mr. Espindola presented the Board with a draft letter to support the Marion Bikeway Committee in its application for Marion CPC funding to expand the Bike Trail. See Attachment A. Mr. Haworth motioned to approve and submit the letter to the Marion Community Preservation Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

LETTER OF COMMENDATION – 48 GLENHAVEN RESPONSE

Mr. Espindola read a letter from Fire Chief Timothy Francis to Police Chief Michael Myers, commending Dispatcher Michael Sullivan, Sergeant David Sobral, Officer Jason Tavares and Officer Wayne Mello for their response to a kitchen fire at 48 Glenhaven Ave, where the occupant was injured. See Attachment B.

The Board thanked Dispatcher Sullivan, Sergeant Sobral and Officers Tavares and Mello for their quick actions and instructed a copy of Chief Francis' letter be placed in each of their personnel files.

LETTER OF COMMENDATION – ALBERTA ALLEN

Mr. Espindola read a letter from Fire Chief Timothy Francis to Linda Harrison of the Community Nurses of Fairhaven, commending certified home health aide Alberta Allen for pulling over and administering CPR to an unresponsive person on the side of the road until Fairhaven paramedic could arrive at the scene. See Attachment C.

Chief Francis said that the individual was resuscitated and admitted into the ICU and that Ms. Allen's response was instrumental in that outcome.

The Board commended Ms. Allen for her quick and selfless action.

MINUTES

- Mr. Murphy motioned to approve the minutes of the **February 9, 2015** meeting, **open** session. Mr. Espindola seconded. Vote carried. (3-0).
- Mr. Murphy motioned to approve the minutes of the **February 9, 2015** meeting, **executive** session. Mr. Espindola seconded. Vote carried. (3-0).

ASSESSORS FY16 BUDGET

The Board met with Finance Director Wendy Graves and Assistant Assessor Del Garcia to discuss changes to the Assessors requested budget for FY16.

Mr. Garcia said that he would be revoking his request for updated assessing software from the Data Processing line. Mr. Garcia also revoked his request to appropriate money to have Patriot Properties assist in completing reassessments. Mr. Garcia said that there is currently a backlog of parcel reassessments to complete. He estimated that he could complete 25 to 30 a day.

Discussion continued regarding getting Mr. Garcia help in updating the backlog of reassessments. Mr. Osuch and Mr. Murphy said that the Board of Assessors are paid and should be helping in the task. The Board also discussed the possibility of getting a data clerk, but decided it would be better to see if the task could be delegated to existing employees, including the Board of Assessors.

BALLOT LANGUAGE – BPW RESTRUCTURING

Ms. Kakley updated the Board to the need for Town Counsel to review and make recommendations on ballot language for the April 6, 2015 referendum vote asking Town voters if they wish to restructure the Board of Public Works. The Town Clerk did not place the ballot question on the ballot because she said that the ballot language should come from the Selectmen's Office, even though it was petitioned by the Town Government Study Committee and the legislation was sent and received by the Town Clerk's office.

Mr. Osuch said that the ballot question was contained entirely in the petitioned legislation (see Attachment D) but that the average voter may not understand the ramifications of a "yes" or "no" vote. Mr. Haworth said that he did not want to see another election go wrong, so he motioned to approve the use of Town Counsel for the purposes of drafting an explanation to follow the ballot question. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mark Badwey was recognized by the Chairman. He disclosed that he was speaking as a resident and not as a member of the Town Government Study Committee. He said that he asked the Board to review the language before it goes onto the ballot to make sure that the average voter would be able to make an informed vote. He also asked to be placed on an upcoming meeting to discuss the appointment of an interim Town Administrator. Ms. Kakley will schedule Mr. Badwey to discuss the appointment of a Town Administrator at a later meeting.

FY16 BUDGET REQUESTS AND CUTS

The Board reviewed the FY16 requests and compiled a listing of their recommended cuts. See Attachment E.

The Board will compile their recommended cuts to reach their FY16 budget goal of \$46,750,000. The proposed Selectmen's budget will be presented to the Finance Committee at their joint meeting on March 5.

At 11:50 a.m., Mr. Haworth motioned to enter Executive Session, pursuant to MGL 30A § 21:

1. Town Hall Personnel
2. Executive Session minutes

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,

Anne O'Brien-Kakley
Administrative Assistant
Minutes approved 03/16/2015



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

February 19, 2015

Dear Members of the Marion Community Preservation Committee:

The Town of Fairhaven has learned that the Marion Pathway Committee voted on February 4th 2015 to apply to the Community Preservation Committee for funds to pay to pay for the studies, engineering design, permit application submittal and limited construction oversight of Phase 1 of the Marion Pathway. We understand that these funds will help the Town of Marion become eligible for Massachusetts Department of Transportation (DOT) funding for construction related costs down the road.

As you are aware, the town of Fairhaven has enjoyed the benefit of the Phoenix Bike Path for many years and we now enjoy being connected to the Mattapoisett Rail Trail. Each new segment of new bike/pedestrian pathway substantially increases the value of the miles of already constructed pathway.

In Fairhaven, we have witnessed, first hand, the way our neighboring communities benefit from the path that runs through our Town and we know that our residents often use the Mattapoisett Rail trail to extend their walk, ride, roller blade, etc. With each new off road pathway project built, our entire region realizes many benefits, ranging from health and wellness, economic benefit to the local business community, increased property values and social benefits.

We encourage you to support this very worthwhile endeavor.

Sincerely,

Robert Espindola
Chairman

Geoffrey A. Haworth, II

Charles K. Murphy, Sr.



TOWN OF FAIRHAVEN

MASSACHUSETTS

FIRE DEPARTMENT / EMERGENCY MEDICAL SERVICE

146 Washington Street, Fairhaven, MA 02719

Emergency # 911



TIMOTHY P. FRANCIS
Chief of Department

Tel: (508) 994-1428
Fax: (508) 994-1515
Email: chief.francis@verizon.net

February 26, 2015

Chief Michael Myers
1 Bryant Lane
Fairhaven, MA 02719

Dear Chief Myers,

On February 9, 2015, we received a 911 call from the occupant of 48 Glenhaven Ave. This occupant was reporting that her kitchen was on fire. The dispatcher on duty, Michael Sullivan, did an extraordinary job in attempting to have the occupant to get out of the house. After several unsuccessful attempts by Dispatcher Sullivan to try and convince the women to leave the building, he then proceeded to establish the occupant's location in the house and began to lead rescuers to her.

On their arrival, Sergeant David Sobral, Officer Jason Tavares, and Officer Wayne Mello attempted to make entry into the building through the side door. Being faced with fire and smoke, the officers retreated and were able to make entry into the front door at which point they were able to locate the occupant.

It is in my opinion that the occupant would have received far greater injuries if not death, if it was not for great dispatching and the heroic efforts of your officers. I feel that they should all be acknowledged and respectfully request that a citation be placed in their files.

Again, we would like to thank your department for their assistance and congratulate the team on a successful rescue.

Respectfully,

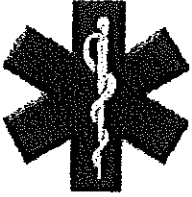
Timothy Francis
Chief of Department

cc: Fairhaven Board of Selectmen ✓

BOARD OF SELECTMEN
FAIRHAVEN MASS

2015 FEB 27 A 8:21

RECEIVED



TOWN OF FAIRHAVEN

MASSACHUSETTS

FIRE DEPARTMENT / EMERGENCY MEDICAL SERVICE

146 Washington Street, Fairhaven, MA 02719
Emergency # 911



TIMOTHY P. FRANCIS
Chief of Department

Tel: (508) 994-1428
Fax: (508) 994-1515
Email: chief.francis@verizon.net

BOARD OF SELECTMEN
FAIRHAVEN MASS

February 26, 2015

Ms. Linda Harrison
Community Nurses of Fairhaven
62 Center St.
Fairhaven, MA 02719

Dear Ms. Harrison,

On February 25, 2015, we received a 911 call from a bystander reporting that a victim was found on the side of the road and not breathing. While in route, we received several 911 calls reporting the status of the patient and that CPR was being performed by a bystander.

The bystander was later identified as Alberta Allen, a certified home health aide with the Fairhaven Community Nurses. Ms. Allen while in her personal vehicle stopped and helped a person in need. She was able to quickly identify that he was seriously ill, make the necessary calls to get help and perform CPR.

The patient care was eventually transferred to the Paramedics of Fairhaven Fire/EMS who were able to successfully resuscitate the patient. I am sure you are aware the initiation of CPR in a timely manner and being performed adequately gives our patients the best chance of survival. It is without a doubt that the successful resuscitation of this patient is directly linked to the recognition and the CPR administered by Ms. Allen.

Currently the patient long term diagnosis is unknown but at the time of this letter the patient is still alive and admitted into the ICU. We would like to take this opportunity to acknowledge Ms. Alberta Allen for her efforts and would like to thank her for being part of a team that was able to save a life and give this patient another chance.

Respectfully,

Timothy Francis
Chief of Department

cc: Fairhaven Board of Selectmen ✓

BOARD OF SELECTMEN
FAIRHAVEN MASS

2015 FEB 27 A 8:27

RECEIVED

H 4128

Chapter 389

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Fourteen

AN ACT RELATIVE TO THE BOARD OF PUBLIC WORKS IN THE TOWN OF FAIRHAVEN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be established in the town of Fairhaven, a board of public works, referred to in this act as the board, consisting of 5 members elected at large. Upon the expiration of the term of any member, a successor shall be elected at an annual town election to serve for a term of 3 years. In all cases, the members of the board shall serve until their successors are qualified. The members of the board shall, after the annual town election, elect from among its members a chairperson and a clerk for the ensuing year. In the case of a vacancy, the board of selectmen shall, within 30 days, fill the vacancy until the next annual town election, at which point a member shall be elected to fill an unexpired term resulting from the vacancy. No person shall serve on the board who holds an elected or appointed office in the town other than a town meeting member and no employee of the town shall serve on the board.

SECTION 2. The town administrator shall have the powers and duties which, prior to the effective date of this act, were vested in the board of public works, and such powers and duties as have been, or may, from time to time be, vested by general or special laws, town charter or town by-laws in the following boards, departments and offices having corresponding powers and duties in the town of Fairhaven: highway department, water and sewer commissioners, park commissioners, cemetery commissioners, refuse and garbage collection, and with respect to construction and maintenance only, the town landfill, notwithstanding that such boards, offices and departments have been abolished. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition, but the town administrator shall in all respects be the lawful successor of the board of public works.

Notwithstanding any general or special law to the contrary, the town administrator shall have such additional powers with respect to the furnishing of engineering services, the maintenance and repair of town buildings and property and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a board of public works, as the town may, from time to time, by by-law provide.

Notwithstanding any provision of this act to the contrary, those duties previously vested in the board of public works for the setting of rates and

fees, for the negotiation of collective bargaining agreements and for the issuance of licenses, permits, variances and similar forms of regulatory approval, shall be vested in the board of selectmen for the town of Fairhaven.

SECTION 3. The town administrator, subject to review and approval by the board of selectmen, shall appoint and fix the compensation of a superintendent of public works, referred to in this act as the superintendent, who shall exercise and perform, under the supervision and direction of the town administrator, such powers, rights and duties transferred to the superintendent under sections 2 and 3 as the town administrator may, from time to time, designate. The superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the town administrator, with the review and approval of the board of selectmen, and shall not be subject to chapter 31 of the General Laws. The superintendent shall be specially fitted by education, training and experience to perform the duties of the office and need not be a resident of the town. During the superintendent's tenure, the superintendent shall not hold elected office or be engaged in any other business or occupation. The superintendent shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of the superintendent's duties, in such sum and upon such conditions as the town administrator may require, and shall, subject to the approval of the town administrator, appoint and may remove such assistants, agents and employees as the exercise and performance of the superintendent's powers, rights and duties may require. The superintendent shall keep full and complete records of the doings of the office and render to the town administrator as often as the town administrator may require a full report of all operations under the superintendent's control during the period reported upon; provided, however, that annually, and, from time to time, as required by the town administrator, the superintendent shall make a synopsis of such reports for publication. The superintendent shall keep the town administrator fully advised as to the needs of the town within the scope of the superintendent's duties, and shall furnish to the town administrator each year upon the town administrator's request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

SECTION 4. In the performance of town administrator duties under this act, the town administrator shall consult with the board on such proposed actions as the town administrator deems appropriate and, except in the case of an emergency, shall submit a written proposal to the board at least 14 days in advance, for its review and comments, on the following proposed actions:

- (a) contracting for engineering or other design services;
- (b) contracting for public works or public building;

(c) hiring or removal of the superintendent or of an assistant superintendent;

(d) contracting for goods or services in excess of \$100,000.

The superintendent of public works and town administrator shall consult with the board of public works to receive advice and assistance in the preparation of the department's budget and developing policy guidelines for the operation of the department of public works. The board of public works shall perform such other advisory functions related to the department of public works as the town administrator or superintendent may request. In addition to the foregoing duties, the board shall serve as a citizen advocacy board. The board shall hold regularly scheduled public meetings to hear requests for assistance and information from the public and the board shall advise the town administrator, superintendent or board of selectmen, as appropriate, as to the resolution of such requests in a timely manner.

SECTION 5. A reference to the board of public works for the town of Fairhaven in any collective bargaining agreement relating to an appeal, review or hearing in any grievance, disciplinary or similar process shall be deemed to refer to the board of selectmen for the town of Fairhaven, and any other reference to the board of public works for the town of Fairhaven, in any such collective bargaining agreement shall be deemed to refer to the town administrator.

SECTION 6. This act shall be submitted to the registered voters of the town of Fairhaven at any annual or special town election, and shall take effect upon its acceptance by a majority of the voters voting thereon. The vote shall be taken in precincts by ballot in accordance with the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special election, upon the ballot to be used for the election of town officers: "Shall an act passed by the general court in the year 2014, entitled "An Act relative to the board of public works in the town of Fairhaven", be accepted by the town?"

SECTION 7. If this act is rejected by the registered voters of the town of Fairhaven when submitted to the voters pursuant to section 6, it may again be submitted for acceptance in like manner from time to time to the voters at any annual town election in the town within 3 years thereafter, but not more than 3 times in the aggregate.

House of Representatives, November 26, 2014.

Passed to be enacted,

Paul J. Donato

Acting Speaker.

In Senate, November 20, 2014.

Passed to be enacted,

Anthony P. ...

Acting President.

3 December, 2014.
Approved,

[Signature]
Governor