



Fairhaven Board of Selectmen

April 8, 2015 Meeting Minutes

Present: Chairman Robert J. Espindola, Vice-Chairman Geoffrey Haworth, Clerk Charles K. Murphy, Sr., 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 6:31 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded and telecast by the Government Access channel.

MINUTES

- Mr. Haworth motioned to approve the release of the Executive Session minutes of the **September 29, 2014** meeting as redacted. 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:

- **Thursday, April 9**
 - 9:00 a.m. – BBAC meeting - Wareham
 - 11:30 a.m. – COA volunteer luncheon
 - 7:00 p.m. – Finance Committee
- **Monday, April 13**
 - 9:30 a.m. – COA meeting
- **Tuesday, April 14**
 - 1:00 p.m. – BBAC meeting - Mattapoisett
 - 3:30 p.m. – MRV Advisory Meeting at BPW
 - 4:30 p.m. – MRV Water District Meeting at BPW
 - 6:30 p.m. – Board of Selectmen meeting
- **Thursday, April 16**
 - 8:00-9:30 a.m. – New Bedford Forum meeting
 - 7:00 p.m. – Finance Committee

REORGANIZATION

Mr. Osuch congratulated Mr. Espindola on his re-election. Mr. Osuch asked for a nomination for Chairman. Mr. Murphy nominated Mr. Haworth to Chairman. There were no other motions for Chairman. Mr. Haworth was unanimously voted to Chairman (3-0).

Mr. Espindola nominated Mr. Murphy to Vice Chairman. Mr. Haworth seconded. Vote was unanimous. (3-0).

Mr. Murphy nominated Mr. Espindola to Clerk. Mr. Haworth seconded. Vote was unanimous. (3-0).

JOSEPH BATES HOUSE

At 6:40 p.m., the Board met with Don Sahly of the Seventh Day Adventists Church and David Despres, Chairman of the Historical Commission, to discuss a request from the Seventh Day Adventists to obtain a portion of Town-owned land at the rear of their property at 191 Main Street, the Joseph Bates boyhood home. According to Mr. Sahly, the sliver of land they are looking to acquire (Lot 149) via purchase or deeded easement will clear up their deed, give them legal access to their sewer pumping line. The lot includes the remains of a crumbled 17th century structure (mainly a wall/fire place of the Taber House), considered the oldest remaining structure in Fairhaven. Mr. Sahly said that their proposal was to hire a surveyor to straighten out the property lines. He said that his organization understood the Historical Commission's desire to not sell the land containing the wall outright, though he said that if they did, the Seventh Day Adventists would make efforts to secure the crumbling wall structure and prevent additional decay. Instead, his organization proposed an exchange of a 26-foot by 27-foot section of land where the sewer line is located, in exchange for the same square footage to the east, or a purchase of said section.

Mr. Despres said that it was the desire of the Historical Commission to maintain ownership over the section of land containing the 17th century wall structure for the Town.

Mr. Murphy said that a lot of compromising seemed to be possible and that he supported a scenario where the Seventh Day Adventists get access to the sewer pump line and the Town maintains ownership of the wall.

Mr. Sahly said that public access would continue to be offered via the Bates house driveway, and the organization would be willing to put that access agreement in writing. If they purchase the parcel of land, the purchase price could be earmarked for the Historical Commission for use on the wall restoration.

Mr. Despres said that he did not think the Town had need to gain additional land, as long as they could keep ownership of the wall. He said that he suspected the Historical Commission would support selling the land where the sewer line is located with the Town's retention of the wall.

Mr. Osuch said that he did not think the Board could authorize a land sale without a vote of Town Meeting.

Al Benac was recognized by the Chairman. Mr. Benac identified himself as the Vice President of the Fairhaven Historical Society. He clarified a statement made previously in the meeting when Mr. Sahly stated that they had worked with the Historical Society. Mr. Benac noted that the Historical Commission had worked with Mr. Sahly and that the Historical Society had not been involved.

Mr. Haworth said that they would focus on getting the survey done and place the matter onto a later agenda.

Karen Vilandry was recognized by the Chairman. Ms. Vilandry said that it would be helpful to the public to know who Taber (of the Taber House) was, so the Town can know its significance. Ms. Vilandry said that she would like to see a plan from the Historical Commission for outreach and restoration purposes regarding the Taber structure.

Mr. Despres said that it was possible the Historical Commission could apply for Community Preservation Committee funding for the wall's restoration and/or upkeep.

SELECTMEN APPOINTMENTS

The Board reviewed their current appointment listing. After some deliberation, the Board opted to maintain the current appointments.

Mr. Murphy motioned to set the following appointments:

- Contract Compliance Officer – Charles Murphy
- Affirmative Action Officer – Charles Murphy
- Fair Housing Coordinator – Charles Murphy
- Millicent Library Board of Trustees – Bob Espindola
- Bristol County Advisory Board – Geoffrey Haworth
- Sister City Committee – Charles Murphy
- Personnel Board – Charles Murphy
- Fire Apparatus Study Committee – Charles Murphy
- Historical Commission – Bob Espindola
- Marine Resources Committee – Geoffrey Haworth
- Southeastern Regional Transit Authority (SRTA) alternate – Bob Espindola
- Cable Advisory Committee – Bob Espindola
- Harbor Advisory Committee – Geoffrey Haworth
- Local Emergency Planning Committee – Geoffrey Haworth
- SRPEDD Advisory Council alternate – Bob Espindola
- Rogers-Oxford Study Committee – Bob Espindola

Mr. Espindola seconded. Vote was unanimous. (3-0).

ANNUAL TOWN MEETING WARRANT

The Board reviewed the differences in recommendations between the Board of Selectmen and the Finance Committee.

- Article 4 – 25a Police Department Salary and Wages – Mr. Murphy motioned to reconsider the Board’s recommendation for line item 25a. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to recommend \$2,877,395. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Article 4 – 28e Building Department Capital Outlay – Mr. Murphy motioned to reconsider the Board’s recommendation for line item 28e. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to recommend \$487. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Article 4 – 42 School Department – Mr. Murphy motioned to reconsider the Board’s recommendation for line item 42. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to recommend \$18,737,194. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Article 13 – Ambulance Stabilization fund – Mr. Murphy motioned to reconsider the Board’s previous vote to Pass Over ATM Article 13. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to recommend the balance of the Ambulance Fund: \$48,771.96. Mr. Espindola seconded. Vote was unanimous. (3-0).

SPECIAL TOWN MEETING

Mr. Osuch advised that four items had been added to the Special Town Meeting warrant since the previous meeting:

- Article 1 – Town Charges – Town Clerk Eileen Lowney had requested \$372 for FY15 line 8, b. Salary-Other. Mr. Murphy motioned to support the request. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Article 1 – Town Charges – Assistant Harbormaster Timothy Cox requested \$70 to cover a deficit in utilities as a result of increased electricity rates in FY15 for line 30, b1. Utilities. Mr. Murphy motioned to support Mr. Cox’s request. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Article 12 – CPC Appropriations - \$20,000 for the Whitfield-Manjiro Friendship Society Carriage House restoration project. Mr. Murphy motioned to recommend Article 12 and the appropriation of \$12,000 from CPC funds. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Article 13 – Bills of Prior Year – Mr. Osuch said that bills for an Injured-on-Duty case had been submitted by the police officer using his medical card to Blue Cross/Blue Shield instead of the Town. The mistake was caught in an audit and BCBS is requiring vendors return the money; in turn, the vendors are billing the Town. A 9/10 vote will be required.
 - A. Mr. Murphy motioned to recommend the payment of \$275 to Parakrama Ananta, MD. Mr. Espindola seconded. Vote was unanimous. (3-0).
 - B. Mr. Murphy motioned to recommend the payment of \$825 to Parakrama Ananta, MD. Mr. Espindola seconded. Vote was unanimous. (3-0).
 - C. Mr. Murphy motioned to recommend the payment of \$175 to Parakrama Ananta, MD. Mr. Espindola seconded. Vote was unanimous. (3-0).

- D. Mr. Murphy motioned to recommend the payment of \$295 to RAD Associates, New Bedford. Mr. Espindola seconded. Vote was unanimous. (3-0).
- E. Mr. Murphy motioned to recommend the payment of \$24 to Coastal Imaging Association, Inc. Mr. Espindola seconded. Vote was unanimous. (3-0).
- F. Mr. Murphy motioned to recommend the payment of \$44 to University Pathologists. Mr. Espindola seconded. Vote was unanimous. (3-0).
- G. Mr. Murphy motioned to recommend the payment of \$2,201.60 to Shield MRI. Mr. Espindola seconded. Vote was unanimous. (3-0).

GOVERNMENT ACCESS COVERAGE

Mr. Espindola said that there has been an issue with getting consistent coverage and camera operators in the Government Access department. Mr. Espindola has spoken with the Cable Advisory Committee (CAC) about working with the Government Access director to hire additional camera operators

Mr. Murphy noted that there were funds in the PEG account and he would like to see a plan in place for the expansion of Cable offerings.

Mr. Haworth supported the idea of telecasting additional meetings, and said that he would like to see the BPW building set up for live telecasting.

Mr. Espindola said that the CAC had discussed filling an interim position for a programming director that would report directly to the Government Access director. Such a position would have to be approved by the Personnel Board. Per recommendation, Mr. Espindola will work with the Government Access director to draft a job description and will report back to the Board with a plan.

STRATFORD GROUP – OXFORD SCHOOL PROPOSAL

At 7:30 p.m., the Board met with Keith MacDonald, Richard Hayden, and Donald Rose of the Stratford Group, and Janis Mamayek of Icon Architecture, to discuss the Stratford Group's \$325,000 proposal for an "workforce housing" complex at the Oxford School. Town Counsel Thomas Crotty was also present.

Mr. Hayden gave a brief overview to the project, which would include the restoration of the historic original structure of the Oxford School and the demolition of the addition. The addition would be replaced with a three floor structure with parking underneath. There would be a total of 50 units, 85 parking spaces and 99 bedrooms, with on-site property management.

Mr. Murphy asked what the impact of the housing would be on the school system, in terms of student influx. Mr. Hayden said he could get that information to the Board at a later date.

Mr. Murphy asked what threshold a family would have to meet to obtain housing in the complex. Mr. Hayden said that "affordable" was defined as 60 percent of the median income. The housing complex would be on the tax rolls, but rent would be restricted.

John Roderiques was recognized by the Chairman. He asked why the proposers would seek a PILOT agreement. Mr. Hayden said that if they were taxed on their assessed value, they would see no profit. Mr. Roderiques replied that the organization would already be getting a tax break for the reduced rent. Mr. Hayden said that the question the Town would have to answer would be if it wants to have workforce housing and a restoration of the Oxford building. Stratford Group representatives estimated an annual PILOT of \$7,500.

Mr. Espindola asked Mr. Hayden to explain “Friendly 40B”. Mr. Hayden explained that an organization like the Stratford Group comes into towns and tries to work with the community to achieve workforce housing. 40B developers are able to circumvent local permitting to force an affordable housing project on the Town to force affordable housing availability compliance.

Ed Rose was recognized by the Chairman. Mr. Rose said that he did not think the PILOT would offset the increased use of infrastructure and services.

Mr. Haworth asked if there was a residency limit. Mr. Hayden answered that two residents would be allowed in a one bedroom unit, three residents in a two bedroom unit, and four in a three bedroom unit.

Kevin Swain was recognized by the Chairman. He asked if the application process for housing included a criminal background check. Mr. Hayden confirmed that all applicants are screened with a CORI check. Mr. Swain asked if “Section 8” applicants would be included. Mr. Hayden answered that it was affordable housing and that some applicants “could have vouchers”. Mr. Swain asked if Stratford Group had conducted a traffic study of the Oxford School area, or a study on the housing project’s impact on Town services. Mr. Hayden answered that the project was “very preliminary” and that they had yet to study those issues. He said the organization wanted to first determine if the Town would be receptive to the project. Mr. Swain asked how many projects the Stratford Group had done, similar to the proposed Oxford School project. Mr. Hayden answered “40 to 50”. Mr. Swain asked if there had been any studies on the Stratford Group projects’ impact on local crime. Mr. Hayden said no.

Fred Raphael was recognized by the Chairman. Mr. Raphael said that Fairhaven has five affordable housing complexes that seem to be concentrated in North Fairhaven. He said that he rented out units in North Fairhaven and never got a property tax break.

Karen Vilandry was recognized by the Chairman. Ms. Vilandry said that Fairhaven was a “quaint town” that does not want to be a city. She expressed concern about the Town waiting two years for Stratford to obtain financing on the project. She asked if the funding fell through, what Stratford’s plan would be. She proposed other potential uses for the location, including medical or professional use. Mr. Hayden answered that the process is “long and frustrating” and the financing issue and the Town’s maintenance of the building in the interim period was a negotiable term. He added that a medical or professional building was not likely in the Oxford School location, because it is residentially zoned.

Mr. Murphy expressed concern about the impact 85 cars would have at that location. Mr. Hayden answered that the traffic was dispersed throughout the day and they would conduct a traffic study first.

Doug Brady was recognized by the Chairman. He asked if their rental rates were set by the State, and asked how a person would qualify. Mr. McDonald answered that the threshold for a family of four was \$59,600. Mr. Brady asked if an easement for the NFIA had been considered. Mr. McDonald answered that an easement would be something placed in writing.

Tony Medeiros was recognized by the Chairman. Mr. Medeiros asked, once funding was received, how long it would take to build the complex. Mr. Hayden said it would take about a year. Mr. Medeiros asked about landscaping. Mr. Hayden answered that they would hire a local company to take care of landscaping.

John Medeiros was recognized by the Chairman. He asked how much State funding the project would receive. Mr. Hayden answered about \$11 million.

Mr. Brady asked if they do anything other than historical renovations. Mr. Hayden said that they construct new projects as well.

In response to concerns about the annual PILOT estimate, Mr. McDonald said that the Stratford Group may be able to negotiate a higher purchase price, but could not negotiate the anticipated PILOT.

NORTHEAST MARITIME INSTITUTE – ROGERS PROPOSAL

At 8:34 p.m., the Board met with Eric Dawicki and Heather Correia of the Northeast Maritime Institute to discuss the NMI proposal for the Rogers School. NMI's proposal was \$1 for the school, with a plan to use the school for NMI classrooms and programs.

Mr. Dawicki said that NMI debated on whether or not it would submit a proposal, adding that the decision to submit was out of interest as a neighbor and abutter. He said that the Town did a disservice to the gift from Henry Huttleston Rogers by allowing the school to deteriorate to its current condition. Mr. Dawicki gave an overview to NMI's programming, achievements, and standing in the maritime community. Mr. Dawicki said that NMI will look to expand in the coming years and will need additional space.

Mr. Dawicki said that the original section of the Rogers School would need a lot of work, but that NMI would be able to occupy the addition in the short term with some work. Mr. Dawicki said that NMI's possession of the building would create tax revenue for the Town, and indirect revenue from an influx of students seeking various Town businesses and resources. Mr. Dawicki said that he would be happy to disclose his finances to Town Counsel, but that he did not intend to publicly divulge NMI's finances.

Mr. Espindola asked Atty. Crotty if the NMI proposal was responsive to the RFP and valid. Atty. Crotty said that the Town could sell as it chose, but that he would not be the right person to review NMI's financials.

Mr. Dawicki said that the process of restoring the original historical structure would be a long term project that could take up to five years for occupancy and 10 to 15 years for completion. NMI's proposal included a lot to the south for off-street parking.

Mr. Haworth said that the building had been appraised for \$285,000. Mr. Dawicki answered that there was so much work needed on the original structure that it was actually worthless. Mr. Haworth asked about parking, and the school's impact on the neighborhood. Mr. Dawicki said that NMI would have to work with the Town to come up with a solution to that issue, and would consider bussing.

Mr. Espindola asked if NMI would be willing to reserve a portion of the building for Town use. Mr. Dawicki said NMI would allow Town/community use.

Karen Vilandry was recognized by the Chairman. Ms. Vilandry asked if a portion of the building could be used for the School Administration, to allow the Town to sell the current School Administration building on Washington Street to compensate for the \$1 purchase price. Ms. Vilandry said that Mr. Dawicki's previous restoration projects have been successful and thought the transfer for \$1 was better than leaving the building unoccupied.

Nils Isaksen was recognized by the Chairman. He agreed with Ms. Vilandry, saying that the transfer of Rogers to NMI would be a good fit for the Town.

John Medeiros was recognized by the Chairman. Mr. Medeiros asked if NMI paid taxes. Mr. Dawicki answered yes – NMI is a for-profit business.

Ed Rose was recognized by the Chairman. He said that he did not think \$1 was a fair offer, but that a deal could be struck if NMI allowed Town use of Rogers School for School Administration.

Mark Badwey was recognized by the Chairman. Mr. Badwey said that the NMI proposal did not appear to be a fiscally sound option for the Town. He did not favor accepting the NMI proposal for Rogers School.

Barbara Acksen was recognized by the Chairman. Dr. Acksen said that she had not read the entire proposal and she understood the concerns expressed, but that she favored Mr. Dawicki's proposal.

Tony Medeiros was recognized by the Chairman. Mr. Medeiros said that he works at the Fairhaven Shipyard and they always need skilled employees – he said that the expansion of NMI would be a good thing for the Town.

The Board deliberated the NMI proposal and its adherence to the RFP. Mr. Murphy asked Atty. Crotty if the acceptance of a \$1 offer would impact their ability to negotiate with Stratford Group if they chose to. Atty. Crotty said that the Town was free to accept the offer and place details and sanctions in the written agreement.

Mr. Osuch said that the Board was considering the disposal of a public building. He said that the Oxford School proposal was viable and the Board had to consider its options to accept the proposals, throw the proposals out and reissue a new RFP, or auction. He said that the Board would have to convince Town Meeting to consider their disposal plan too.

COMMUNITY VISIONING PROPOSAL

Mr. Espindola said that a revised proposal had been received by Chuck Sherwood (see Attachment A). The Board deliberated the expansion of Government Access to Cable Access.

Drew Furtado was recognized by the Chairman. Mr. Furtado, the Educational Cable Access director, argued in favor of the Community Visioning proposal to create a 501(3)c corporation. He agreed with having a consultant help develop a plan.

Mr. Haworth asked Mr. Espindola to quantify how many trips Mr. Sherwood would have to take to Fairhaven for the purposes of travel expenses.

Mr. Espindola said he would have Mr. Sherwood again revise the proposal and have its approval considered at the next meeting on April 14.

Barbara Acksen was recognized by the Chairman. Dr. Acksen, a member of the Cable Advisory Committee, said that all of the consultants the CAC has met with has indicated that a Cable Access corporation would be sustainable with PEG access funds.

HATHAWAY BRALEY

Atty. Crotty gave a background to a consent order entered into by the Town with Hathaway Braley, owner of the Atlas Tack property. A few years ago, he said, the Town entered a tax-taking for the property, but it is not in the best interest of the Town to own the property with all of its environmental issues and liability.

Mr. Murphy motioned to approve a subordination request from Hathaway Braley for the Atlas Tack Property, and authorize the Chairman to sign the associated paperwork. Mr. Espindola seconded. Vote was unanimous. (3-0).

ANIMAL CONTROL SURVEILLANCE

The Board again reviewed a request from the Animal Control Officer for the installation of a surveillance system at the Animal Shelter to help catch and prosecute anyone who abandons animals at the shelter. Mr. Haworth said that he had followed up with some questions for the Animal Control Officer and felt confident that the system would be beneficial. Mr. Murphy

motioned to approve the request to purchase and install the surveillance system out of the Animal Shelter Gift Account. Mr. Espindola seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

- Mr. Murphy noted that there would be a SouthCoast Toy Show that weekend at the Seaport Inn
- Mr. Espindola said that the Fairhaven Improvement Association dinner would feature Kyle Bueno for his efforts in getting young people to go out and vote. Mr. Espindola asked if the Board would be supportive of having Government Access film the ceremony. The Board was supportive.
- Mr. Espindola read a letter from the Fire Chief on the promotion of Firefighter Joy Nichols to Lieutenant.
- Mr. Haworth thanked Mr. Espindola for his work as the Chairman in the last year.

At 10:42 p.m., Mr. Murphy motioned to enter Executive Session, pursuant to MGL 30A § 21:

1. Police Department settlement

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

Respectfully,

Anne O'Brien-Kakley
Administrative Assistant
Minutes approved 04/27/2015

COMMUNITY MEDIA VISIONING

“Services for Managing the Telecommunications Transition”

96 Kings Row Drive

South Dennis, MA 02660

(508) 385-3808 (voice)

chuck.sherwood @verizon.net (email)

April 1, 2015

Bob Espindola, Selectman
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Proposed CAC Consulting Services Memo

Dear Bob:

It was a real pleasure to meet with you and the other members of the Fairhaven Board of Selectmen on Monday, March 30th to discuss the consulting needs of the Cable Advisory Committee that William H. Solomon, Special Cable Counsel and I could provide to the Town.

Based on our discussion, I have put together a series of tasks regarding the needs the committee outlined.

- Provide help to the CAC in organizing an Outreach and Education Event for the Community and Business Leadership of Fairhaven so they will work with the CAC to have the Board of Selectmen approve the creation of a Public Access organization.
- Work with the CAC to decide on the Equipment package for the cablecast of video and Community Bulletin Board content to the start-up of the Public Access Channel
- Work with CAC to establish the Operating Rules and Procedures of Public Access Channel

My consulting fee for providing these services is billed at \$90 per hour and my drive time fee is billed at \$45 per hour. The time necessary to complete each of these separate tasks will vary from task to task but should take approximately 14 hours and the cost will not exceed \$1,260.

Sincerely,

Chuck Sherwood
Principal
Community Media Visioning