

Fairhaven Board of Selectmen

May 26, 2015 Meeting Minutes

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

Chairman Geoffrey Haworth called the meeting to order in the Town Hall Banquet Room at 6:35 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded and telecast by the Government Access channel.

MINUTES

- Mr. Murphy motioned to approve the minutes of the **May 11, 2015** meeting, **open** session. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to approve the minutes of the **May 11, 2015** meeting, **executive** session. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to release the Executive Session minutes of the **December 1, 2014** meeting, as redacted. Mr. Espindola seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Selectmen on the following meetings and events:

- Wednesday, May 27
 - 8:30 a.m. Retirement Board meeting
 - 10:00 a.m. Meeting with Jeffrey DuPont LaurelRidge
- Thursday, May 28
- 9:00 a.m. BBAC Meeting Wareham Town Hall
- 2:00 p.m. DEP meeting at the New Bedford Wastewater Plant
- Friday, May 29
- 8:00 a.m. Mattapoisett River Subcommittee meeting at Mattapoisett Water Department
- Monday, June 1
- 12:00 p.m. Buzzard's Bay project at the BBC office
- Thursday, June 4
- Hurricane Plan due
- 9:30 a.m. FEMA representative Ed Hill re: Jan. 26-28 snowstorm to collect information

Mr. Osuch also reminded the Board that it would be conducting a hearing for Spring Street Auto at the next meeting on June 9.

MEMO FROM MA GAMING COMMISSION

The Board reviewed a memo from the Massachusetts Gaming Commission regarding an application to construct a casino on the New Bedford waterfront. Mr. Osuch said the Town would have a limited time to express interest in being involved in the process. The Board agreed to discuss the issue at the next meeting on June 9. Mr. Haworth stated that the Police Chief wanted Fairhaven to be represented in any application process. Mr. Murphy added that he would like to see the Natural Resources department represented as well, as a casino would increase water traffic.

GOOD ENERGY

Mr. Osuch said that there was a conference call in the previous week regarding the status of the Good Energy energy purchase aggregation of 18 communities. The Department of Public Utilities and the Department of Energy Resources are at odds with each other over the legal procedures involved in the application. Mr. Espindola said that he had participated in the conference call as well. The Board will be advised to any progress made in the application at a later date.

MEDICAL MARIJUANA AGREEMENT

Mr. Osuch told the Board that the City of Taunton had negotiated a PILOT host agreement with a medical marijuana facility and that the terms were more advantageous than the terms negotiated by the Town of Fairhaven with Coastal Compassion. Mr. Murphy asked if there had been any communication between the Town and Coastal Compassion since the signing of the agreement. Mr. Osuch said there had not been communication, and that he did not believe that there were any medical marijuana facilities yet up and running in the state yet.

CAR ACCIDENT - TWO FATALITIES

Mr. Haworth took a moment to offer condolences from the Board to the families of Meghan Sargent and Brooklyn Cody Roderigues. The two young Fairhaven residents were killed in a car accident in Mattapoisett the day prior.

ANNUAL REAPPOINTMENTS

Animal Control Officer Mr. Murphy motioned to appoint Kelly Massey to Animal

Control Officer for a one year term. Mr. Espindola seconded.

Vote was unanimous. (3-0).

Asst. Animal Control Officer Mr. Murphy motioned to appoint Rebekah Tomlinson to

Assistant Animal Control Officer for a one year term. Mr.

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

Art Curator Mr. Murphy motioned to appoint Albert Benac to Art Curator

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Assessors

Beautification Committee

Bikeway Committee

Board of Appeals

Building Department

and Historical Archivist for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to appoint Pamela Davis, Ronald Manzone and Ellis B. Withington to Assessors with a one year term each. Mr. Espindola seconded. Vote was unanimous. (3-0). After some discussion on discord between Karen Vilandry and the rest of the Beautification Committee, the Board agreed to review a proposal from Ms. Vilandry to work independently on a project at Cooke Park and not appoint her to the Beautification Committee. Mr. Murphy motioned to appoint Gary Lavalette, Wayne Oliveira, Vicki Paquette, Beverly Rasmussen, Rita Rodericks to the Beautification Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to appoint Joyce Barrett, Lois Callahan, Matthew Coes, Robert Espindola, Rene Fleurent, Gary Lavalette, Joseph Mello, Kenneth Pottel, Devin Soares, Geoffrey Sullivan, Susan Sullivan and Jeffrey Wotton to the Bikeway Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

- Mr. Murphy motioned to appoint Daryl Manchester to a five year term on the Board of Appeals. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Kenneth Kendall to a three year associate member on the Board of Appeals.
 Mr. Espindola seconded. Vote was unanimous. (3-0).

At 6:53 p.m., Mr. Haworth recused himself citing professional conflict for the appointment of Mr. Alphonse and Mr. Bobola.

- Mr. Murphy motioned to appoint William Alphonse, Jr. to Temporary Gas Inspector for a one year term. Mr. Espindola seconded. Vote carried with one abstention from Mr. Haworth. (2-0-1).
- Mr. Murphy motioned to appoint Andrew Bobola to Assistant Building Inspector for a one year term. Mr. Espindola seconded. Vote carried with one abstention from Mr. Haworth. (2-0-1).

Mr. Haworth rejoined the meeting at 6:54 p.m.

- Mr. Murphy motioned to appoint John Cottrill to Chief Wire Inspector for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Henry Daigle to Gas Inspector for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Norman Lussier to Plumbing Inspector for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).

- Mr. Murphy motioned to appoint Roger Poitras to Associate Wire Inspector for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Kevin Vasconcellos to Associate Wire Inspector for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).

Cable Advisory Committee

Mr. Murphy motioned to appoint Barbara Acksen, Ronald Medina, Robert Espindola and John Methia to one year appointments on the Cable Advisory Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

Capital Planning Committee

Mr. Murphy motioned to appoint Robert Baldwin, Jeffrey Osuch and Vincent Furtado to the Capital Planning Committee for three year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

Commission on Disability

- Mr. Murphy motioned to appoint Joseph Borelli to a one year term as Advisor to the Commission on Disability.
 Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Maria DeOliveira, Waldemar DeOliveira and Charles Murphy to three year terms each on the Commission on Disability. Mr. Espindola seconded. Vote was unanimous. (3-0).

Conservation Commission

Mr. Murphy motioned to appoint Edward Dorschied, Daniel Doyle, and Jay Simmons to three year terms each on the Conservation Commission. Mr. Espindola seconded. Vote was unanimous. (3-0).

Constables

Mr. Murphy motioned to appoint Steven Borges, Matthew Botelho, Pamela Bourgault, Michael Bouvier, Richard Ferreira, Timothy Garcia, Robert Jones, Kevin Kobza, Eileen Lowney, Lawrence Machado, Scott McGarty, David Miller, John Serpa, Eugene Thomas, Harve Vandal, Jr., and Milan Whitaker to Constable for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

Council on Aging

- Mr. Murphy motioned to appoint Joseph Borelli, Lee Cummings Allaire, Lindsay Gordon, and Dorothy Reid to the Council on Aging Board. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Jack Oliveira and Elaine O'Neill to Associate members of the Council on Aging Board. Mr. Espindola seconded. Vote was unanimous. (3-0).

Cultural Council

Mr. Murphy motioned to appoint Kristine Daniels, Taylor Butts and Shawn Badgley to the Cultural Council for three year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to appoint Donna Baldwin, Anne Jorgensen, John Jorgensen, Kathy Lopes, Nancy Santoro, Tara

Dog Park Committee

Schryver, Laurel Traudt and Carol Tyson to the Dog Park Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

Emergency Management

Mr. Murphy motioned to appoint Marc Jodoin to the Director of the Emergency Management Agency for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).

<u>Fire Apparatus Study</u> Committee Mr. Murphy motioned to appoint Frank Cruz, Donn Fletcher, Timothy Francis, David Gordon, Bourne Knowles, Brian Messier, Richard Rocha, John Rogers and Todd Correia to the Fire Apparatus Study Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

Fire Building Study
Committee

Mr. Murphy motioned to appoint Timothy Francis, David Hughes, Robert Lincoln, Curtis Lopes, Frank Rezendes and John Rogers to the Fire Building Study Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

Harbor Advisory Committee

Mr. Murphy motioned to appoint Clint Allen, Tim Cox, David Darmofal, Geoffrey Haworth, Michael McNamara and William Roth to the Harbor Advisory Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

Historical Commission

- Mr. Murphy motioned to appoint David Despres to the Historical Commission for a three year appointment. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to appoint Vicki Paquette, Anne O'Brien-Kakley and Dorothy Gammans to Associate positions on the Historical Commission for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

<u>Local Emergency Planning</u> <u>Committee</u> Mr. Murphy motioned to appoint Robert Baldwin, Peter DeTerra, Geoffrey Haworth, Wayne Fostin, Tim Francis, Vincent Furtado, Marc Jodoin, Michael Myers, Jay Simmons, Bryan Wood, and Brian Wotton to the Local Emergency Planning Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

Martha's Vineyard/Nantucket Steamship Authority Mr. Murphy motioned to appoint Frank Rezendes to represent Fairhaven on the Martha's Vineyard/Nantucket Steamship Authority for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0).

Marine Resources
Committee

Mr. Murphy motioned to appoint Frank Coelho, Tim Cox, David Darmofal, Geoffrey Haworth, David Hebert, Robert Hobson, Bruce Ingham, Ronald LaCasse, Ted Lorentzen, Vincent Manfredi, Robert Newett and Peter Nopper to the Marine Resources Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0).

Municipal Hearing Officer

Mr. Murphy motioned to appoint Jeffrey Osuch to Municipal Hearing Officer for a one year term. Mr. Espindola seconded.

Vote was unanimous. (3-0).

Oil Spill Coordinator Mr. Murphy motioned to appoint Timothy Francis to Oil Spill

Coordinator for a one year term. Mr. Espindola seconded. Vote

was unanimous. (3-0).

Open Space and Recreation

Plan Update

Mr. Murphy motioned to appoint Louise Barteau, John Farrell, Vincent Furtado, Barbara Grota, Warren Rensehausen, William Roth and Susan Spooner to the Open Space and Recreation Plan Update for one year terms each. Mr. Espindola seconded. Vote

was unanimous. (3-0).

<u>Parking Control Clerk</u> Mr. Murphy motioned to appoint David Darmofal to Parking

Control Clerk for a one year term. Mr. Espindola seconded.

Vote was unanimous. (3-0).

Parking Clerk Mr. Murphy motioned to appoint Anne O'Brien-Kakley to

Parking Clerk for a one year term. Mr. Espindola seconded.

Vote was unanimous. (3-0).

Registrar of Voters Mr. Murphy motioned to appoint Eileen Lowney to Registrar of

Voters for a three year term. Mr. Espindola seconded. Vote was

unanimous. (3-0).

Rogers-Oxford RFP Review

Committee

Mr. Murphy motioned to appoint Albert Benac, Doug Brady, Robert Espindola, Nils Isaksen, Susan Loo, Jeffrey Osuch and John Roderiques to the Rogers-Oxford RFP Review Committee for one year terms each. Mr. Espindola seconded. Vote was

unanimous. (3-0).

Rogers-Oxford Building

Study Committee

Mr. Murphy motioned to appoint Thomas Alden, Albert Benac, Doug Brady, Stephen Desroches, Robert Espindola, Gail

Isaksen, Nils Isaksen, Pamela Kuechler, Susan Loo, John

Medeiros, Beverly Rasmussen, Gayla Reilly and Karen Vilandry to the Rogers-Oxford Building Study Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-

0).

Sealer of Weights and

Measures

Mr. Murphy motioned to appoint Theodore Machado to the Sealer of Weights and Measures for a one year term. Mr.

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

<u>Harbormaster/Wharfringer/</u> Mr. Murphy motioned to appoint David Darmofal to

<u>Assistant Shellfish Warden</u> Harbormaster/Wharfringer/Assistant Shellfish Warden. Mr.

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

Shellfish Warden/Assistant Mr. Murphy motioned to appoint Timothy Cox to Shellfish

Warden/Assistant Harbormaster. Mr. Espindola seconded. Vote

was unanimous. (3-0).

Shellfish Deputy/Assistant

Harbormaster

Harbormaster

Mr. Murphy motioned to appoint Edward Normand, Todd Cox, Amanda Blais, Justin Dube, Richard Dube, Don Gifford, Cliff

Patenaude, Barry Starr, Paul Sylvia, Bryan Rood and Steve Riley to Shellfish Deputy/Assistant Harbormaster for one year terms

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

Mr. Murphy motioned to appoint Lois Callahan, Lisa Elliot, Bill

Elliot, Jennifer Forbes, Deirdre Healy, Laurie Hellstrom, Vincent

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Sustainability Committee

<u>Veteran's Agent and Burial</u> <u>Agent</u> Marron, Marianne Murray, Ann Richard and Susan Spooner to the Sustainability Committee for one year terms each. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to appoint James Cochran to the Veteran's Agent and Burial Agent. Mr. Espindola seconded. Vote was unanimous. (3-0).

ANIMAL CONTROL FEES

At 7:00 p.m., the Board met with Animal Control Officer Kelly Massey to discuss increasing departmental fees for the Animal Shelter, staffing, and a July Open House at the Animal Shelter.

<u>Open House</u> – Ms. Massey said that she would be conducting an Open House on July 18 at the Animal Shelter. The Open House will include pony rides, local vendors, and informational booths. The pony rides will include insurance from the vendor. The Board expressed support for the Open House and Mr. Murphy motioned to approve an Open House at the Animal Shelter on July 18 from 10:00 a.m. to 3:00 p.m. Mr. Espindola seconded. Vote was unanimous. (3-0).

Adoption/Boarding Fees – Ms. Massey gave an overview of the current adoption and boarding fees for animals in Fairhaven and showed how they were comparatively lower than other local adoption centers, including the Humane Society, It's All About the Animals, and the City of Fall River. The Town of Fairhaven has not raised its adoption or boarding fees in years, she said. Ms. Massey asked the Board to consider raising the boarding fees from \$10/day to \$25/day (excluding the Town of Mattapoisett for when they need to board animals with Fairhaven). Additionally, she asked the Board to consider raising the adoption fees to \$250 for dogs, \$150 for cats, and \$180 for kittens. Ms. Massey said that the fee increase was not to make money, but to help break even on spay/neuter/treatment costs. Additionally, increasing boarding fees will help offset utility costs.

After some discussion, Mr. Murphy motioned to change the Animal Control fee structure as follows: \$25/day for boarding fees; \$150 for adult cat adoption; \$180 for kitten adoption; \$250 for dog adoption; with all animals being spayed/neutered, vaccinated, defleaed and dewormed. Mr. Espindola seconded. Vote was unanimous.

Assistant ACO – Ms. Massey approached the Board about the possibility of creating an Assistant Animal Control Officer position to help with the administrative end of the Animal Shelter. Additionally, an Assistant ACO could help the ACO get occasional days off. Presently, the ACO is on-call 24/7. The Board expressed support for exploring the Assistant ACO option but noted that the Town was not currently in a budgeting cycle. Both the Board and Ms. Massey were not supportive of using the Gift Account to fund an Assistant ACO salary in the meantime, so the issue will be revisited during either the annual budget process or in the event of a Special Town Meeting.

SHELLFISH DEPUTY APPOINTMENT

At 7:20 p.m. the Board met with Shellfish Warden Timothy Cox to review a Shellfish Deputy application for Steven Parks, a Cape Cod Community College student looking for an unpaid internship. Mr. Murphy motioned to appoint Mr. Parks to Shellfish Deputy, contingent upon a CORI check. Mr. Espindola seconded. Vote was unanimous. (3-0).

BOARD/COMMITTEE ATTENDANCE

Resident Doug Brady was recognized by the Chairman. Mr. Brady asked if the Board could issue a directive regarding attendance to help boards and committees achieve a quorum. The Board said it would consider a policy on attendance, but that the Chairperson of each board and committee should be called upon, in the meantime, to police the matter.

EVERSOURCE PERMITS

Mr. Murphy motioned to approve an Eversource gas permit for 35 Hacker Street and Grape Street, previously approved by the Board of Public Works. Mr. Espindola seconded. Vote was unanimous. (3-0).

LAURELRIDGE CONSULTATION - NON UNION PERSONNEL

The Board reviewed a contract with Jeff DuPont of LaurelRidge consultation to conduct a review of all non-union personnel. Mr. Haworth asked if the agreement had been reviewed by Town Counsel. Mr. Osuch said the agreement was straightforward and did not necessitate Town Counsel review. Mr. Murphy motioned to approve and sign the contract with services not to exceed \$8,000. Mr. Espindola seconded. Vote was unanimous. (3-0).

EPA LAND ACCESS DOCUMENTS

The Board reviewed a land access agreement from the EPA to access Town property and place signs prohibiting fishing due to harbor contamination, as previously reviewed and approved by the Board of Selectmen. Mr. Murphy motioned to approve the land access agreement and authorize the Chairman to sign. Mr. Espindola seconded. Vote was unanimous. (3-0).

ROGERS-OXFORD RFP

The Board discussed re-issuing an RFP for the former Rogers and Oxford Schools. At a previous meeting, Mr. Murphy had recused himself but said that he would not be recusing himself again, as the Board of MOLIFE had decided not to pursue a proposal for the Oxford School.

The Board discussed potential changes to the RFP to address previous restrictions. Mr. Espindola said that the RFP had not been restrictive and that he would prefer seeing the other two selectmen issue their edits to the RFP, as he worked with the RFP committee to put together the first RFP.

The Board agreed it would conduct an independent meeting to discuss changes to the RFP. Doug Brady was recognized by the Chairman. Mr. Brady asked the Board to consider including language in the RFP to make sure the Town retains ownership of the Oxford School bell.

Mr. Osuch asked the Board to consider what it wanted to do with the contents of the school. The Board indicated support for selling the contents at auction. Mr. Osuch will contact auctioneers for consideration.

TOWN ADMINISTRATOR RECRUITMENT

The Board reviewed four proposals from Government human resources firms for a proposal to recruit a Town Administrator. The proposals came from MMA Consulting, GovHR USA, Collins Center, and Municipal Resources. Mr. Osuch said that all four groups indicated that they could meet the Town's budget of \$18,000 to accomplish the Town Administrator recruitment, and most had a timeframe of about 12 weeks to complete the project.

The Board indicated it would interview all four firms at the next meeting on June 9.

SELECTMEN'S OFFICE TABLETS

After reviewing several options, the Board indicated that it would be supportive of obtaining Microsoft Surface tablets for the Selectmen's Office. Ms. Kakley will price out protection and service plans on the Surface.

ELECTED OFFICIAL EMAIL

The Board revisited the matter of issuing a Town email to all paid elected officials. The Board agreed to issue the Town email to all paid elected officials, to be instated once the tablets are purchased.

REMOTE PARTICIPATION

The Board discussed the possibility of adopting Remote Participation for all boards and committees, which would allow members of boards and committees to participate in meetings via devices such as telephone or Skype, as long as the reasons for remote participation meet the criteria set by the Attorney General's office. Mr. Murphy said that the Commission on Disability, as a State advisory board, has already adopted Remote Participation. The Board expressed concern about abuse of Remote Participation, and opted to table a decision on the matter.

HANDICAP PARKING REQUEST

The Board reviewed a request from Andrew Kesteris for handicap parking at 3 Abbey Street. Mr. Murphy said that he would support the request but reminded the public that anyone with a handicap placard may park in any handicap space, and that the approval of the handicap space did not mean it was a dedicated space.

The Board also reviewed a memo from the Police Department saying that a handicap parking space at 3 Abbey Street would not present any safety issues, but that the Board should consider a standing policy by which they consider all handicap parking approvals. The Board indicated it would consider creating a handicap parking policy at a later date.

Mr. Haworth recused himself from voting on the issue, citing proximity of 3 Abbey Street to his parents' house. Mr. Murphy motioned to approve the handicap parking space for 3 Abbey Street. Mr. Espindola seconded. Vote carried with one abstention from Mr. Haworth. (2-0-1).

REQUEST FOR LEGAL SERVICES – CONCOM

The Board reviewed a request from the Conservation Commission for authorization for use of Town Counsel in regards to an ongoing land access issue and regulation enforcement issue on North Street. Mr. Murphy motioned to approve legal counsel for the Conservation Commission. Mr. Espindola seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

- Mr. Murphy offered the Board's condolences on the passing of Bessie Sousa.
- Mr. Murphy thanked Gerry Payette for his work in the Memorial Day services.
- Mr. Murphy thanked Herb and Shirley Hunter and the West Island Improvement Association for a recent Irish night celebration.
- Mr. Espindola also praised the organizers of the recent Memorial Day parade.
- Mr. Espindola thanked the Harbormaster and Shellfish Warden for their diligence and hard work in responding to a couple of recent harbor incidents.

At 8:55 p.m., Mr. Murphy motioned to enter Executive Session, pursuant to MGL 30A § 21:

- 1. Police Settlement
- 2. Litigation Tibbett's Engineering
- 3. Bill Roth contract negotiation

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

Respectfully,

Anne O'Brien-Kakley Administrative Assistant Minutes approved 06/09/2015