



# Fairhaven Board of Selectmen

## July 20, 2015 Meeting Minutes

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

Chairman Geoffrey Haworth called the meeting to order in the Town Hall Banquet Room at 7:04 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

### MINUTES

- Mr. Murphy motioned to approve the minutes of the **June 22, 2015** meeting, **open** session. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Haworth requested the following minutes be tabled due to clerical errors and requested amendments: June 22, 2015, executive session; July 6, 2015, open session; July 6, 2015, executive session; July 8, 2015, open session; July 8, 2015, executive session; the release of December 29, 2014, executive session as redacted; and the release of January 12, 2015 as redacted

### EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **July 22**
  - 9:00 a.m. – Rogers School – All Security
- Thursday, **July 23**
  - 9:30 a.m. – BBAC meeting - Wareham
  - 9:30 – 11:30 a.m. – Newton Marriot – Affordable Care Act seminar
  - 7:00 – 9:00 p.m. – Concert
- Friday, **July 24**
  - 9:00 a.m. – 9<sup>th</sup> grade New Bedford students – wind turbines
- Monday, **July 27**
  - 8:30 a.m. – Retirement Board meeting
  - 10:00 a.m. – Casino Meeting – Dartmouth Acushnet, Freetown, SRPEDD – gaming commission
- Tuesday, **July 28**

- 9:00 – 12:00 p.m. – Water permit – DEP - Foxboro
- Thursday, July 30
  - 7:00 – 9:00 p.m. – Summer Concert

### **CDBG**

Mr. Osuch noted that the Town would not be receiving a Community Development Block Grant this year due to ineligibility. The Town will try again next year.

### **SYLVIA GROUP**

Sylvia Group has suggested the Town adopt a “Motor Vehicle Record (MVR) Guidelines” outlining a policy by which the Town would follow to have “acceptable” and “unacceptable” drivers. The intent of the policy would be to strengthen the Town’s policy and reduce claims. Mr. Murphy said he was supportive of having a policy but did not support the line in the policy that stated an “unacceptable driver” would be: “any driver who has been licensed for less than three years, regardless of age”. He said that it would be a needless detriment to younger employees. He said that he would consider a revised version of the guidelines to omit references to how long an employee has been licensed. Mr. Espindola said that he would be in support of adopting the guidelines. Mr. Haworth asked the Selectmen’s Office to contact the BPW and see how the proposed driver’s guidelines would impact their staff. Additionally, he asked the Selectmen’s Office to contact the Sylvia Group to see if the Town could omit the reference Mr. Murphy mentioned and if there would be an impact on Union contracts. The matter was tabled.

### **COUNCIL ON AGING RECEPTIONIST**

The Board reviewed a letter from COA Director Anne Sylvia recommending the hire of Phyllis Paquita, former COA employee, for a COA receptionist vacancy to start at Level A, Step 5, based on Ms. Paquita’s years of experience. Likewise, the Board reviewed a letter from the Personnel Board recommending the hire and pay grade of A-5.

Mr. Espindola said that it was not a lot of money but that he would like to see the finalized recommendations of the LaurelRidge group before making a decision to reclassify a position. Mr. Murphy answered that the request was not for a reclassification but a new hire. The pay for the receptionist position comes from a formula grant.

Mr. Murphy motioned to hire Ms. Paquita to the COA receptionist position to start at a Level A, Step 5. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **TOWN HALL SIDEWALK RESTORATION**

At 7:00 p.m., the Board met with Nils Isaksen to hear his ideas related to the running/expansion of conduits plans associated with the Town Hall sidewalk restoration project. See Attachment A.

Discussion of Mr. Isaksen's plans centered around the expansion of the planned conduits, with Mr. Isaksen recommending conduits to be run all along the Town Hall with hand holes to allow for ornamental lighting in the future, if funding is available. The expansion of conduits was not a part of the original specifications that the contractor, LAL Construction, bid on. Suggestions were made that the BPW could complete part of the work, but Mr. Osuch and Mr. Haworth said that it would be up to the contractor as to whether they would allow outside work as a part of the project. Mr. Haworth said that they would contact the BPW and the contractor to determine if the change would be feasible.

Additional concerns raised by Mr. Isaksen, Al Benac and resident Cathy Delano was the projected reduction in the sidewalk width. The sidewalk project will reuse the old bricks in the same herringbone pattern, but with the removal of aged and unusable bricks, which will reduce the size of the sidewalk to six feet across in most places. Ms. Delano said that the bricks were available to purchase and it was unnecessary for the Town to reduce the width of the sidewalks.

The Board agreed to contact the contractor and the BPW and will table the matter to a later meeting. Mr. Isaksen will be contacted by the Board regarding the feasibility of the conduits.

### **TREE HEARING – TOWN HALL SIDEWALK PROJECT**

At 7:22 p.m., the Chairman opened a public hearing for the removal of three trees surrounding the Town Hall. Tree Warden Dr. Brian Bowcock was present. See Attachment B.

Dr. Bowcock said that the trees slated for removal have been marked. One is pushing up granite and negatively impacting drainage. The other two trees were damaged by a gas leak a few years ago and are dropping branches as a result. One is also infested with carpenter ants. The trees will be replaced with four new trees, said Dr. Bowcock.

The Chairman opened the hearing to public comment.

Nils Isaksen was recognized by the Chairman. He noted that a new tree will be planted in front of the Town Hall and will eventually obscure the view of the Town Hall from the street. He asked if the trees would be replaced immediately or at the end of the project. Dr. Bowcock answered that the trees would be replaced at the end of the sidewalk restoration project.

David Darmofal was recognized. He said that one tree that was not included in the removal was a large one in front of the Town Hall that is scarred from cars hitting it. Dr. Bowcock said that it was still a good, healthy tree and that there was no need to remove it at this time.

Beth Luey was recognized. She asked what kinds of trees Dr. Bowcock intended to plant to replace the removed trees. Dr. Bowcock said that it had not been decided yet, but it would likely be linden trees and/or flowering dogwoods.

Doug Brady was recognized. He asked if the money had already been encumbered for the purchase of the new trees. Dr. Bowcock said that it had.

Karen Vilandry was recognized. She asked what the maximum tree height would be for the proposed replacement trees. She expressed concern for replacing the trees with various species, saying that it could be a visual detriment to have the various heights. Dr. Bowcock said that the trees selected would fit into the character of the center. Ms. Luey added that having a variety of trees is beneficial when tree diseases come through areas.

Mr. Brady asked if the Historical Commission had weighed into the tree removal. Mr. Haworth said that the tree removal fell under the Tree Warden and that no one from the Historical Commission was present to comment.

Mr. Murphy motioned to remove the trees as outlined in Attachment B. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ELECTRICAL BOXES – BEAUTIFICATION**

The Board met with Ann Richard to hear an idea about the beautification of electrical boxes throughout Town with the help of local artists. See Attachment C.

Ms. Richard said that there was a spreading effort in municipalities to have those boxes beautified by artists. She added that sometimes the boxes are on Town property and sometimes they are privately-owned.

The Board expressed support for the painting/beautifying of the Town electrical boxes with some oversight from the Beautification Committee in regards to theme and look. Mr. Murphy motioned to approve the electrical box beautification effort, with permission from Eversource, and with the oversight of the Beautification Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **OUR LADY OF ANGELS FEAST**

The Board reviewed an application from the Our Lady of Angels Catholic Association for a three-day all-alcohol license for September 5, 6, and 7. Mr. Murphy disclosed that he was a member of the Association but received no compensation. Mr. Murphy motioned to approve the application. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **TITLE VI/NON DISCRIMINATION ASSURANCE – MASS DOT**

The Board reviewed an assurance form from the MassDOT that the Town was committed to not discriminating based on race, color or national origin in projects receiving MassDOT funding. Mr. Murphy motioned to approve and authorize the Chairman to sign the Title VI/Non Discrimination Assurance from the MassDOT. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **COLLINS CENTER AGREEMENT FOR SERVICES**

The Board reviewed an Agreement for Services with the Collins Center for the hiring of a Town Administrator. See Attachment C. Mr. Murphy motioned to approve and sign the contract. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **COMMUNITY NURSE AND HOSPICE**

The Board reviewed a contract with the Community Nurses for Community Health Services. The annual contract amount for Community Nurses to provide these services to the Town is \$17,000, or \$1,416.67 a month. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **FAMILY MOVIE NIGHT**

The Board reviewed a request from the NFIA.EFIA, FIA, Lions and Rotary Club via Wayne Oliveira and Vicki Paquette to hold the annual Family Movie Night on July 25. Mr. Murphy motioned to approve. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **GNBRVT EDUCATION FOUNDATION USE OF AUDITORIUM**

The Board reviewed an application for the Greater New Bedford Regional Vocational Technical High School Education Foundation for use of the Town Hall Auditorium and a one-day beer and wine license on October 24. Mr. Murphy motioned to approve the use of the Town Hall Auditorium and one-day beer and wine license for the applicant for October 24, pending proof of liability and subject to police and fire department approval. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **WOMEN'S FUND USE OF AUDITORIUM**

The Board reviewed an application for the Women's Fund of Southeastern Massachusetts for use of the Town Hall auditorium and a one-day beer and wine license on December 1. Mr. Murphy motioned to approve the use of the auditorium and the beer and wine license for the applicant for that date, pending proof of liability and subject to police and fire department approval. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **EVERSOURCE GAS PERMITS**

The Board reviewed Eversource gas permits for 1 Taber Street and 23 Milton Street, previously approved by the Board of Public Works. Mr. Murphy motioned to approve the permits. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **MSBA – FEASIBILITY STUDY – HASTINGS SCHOOL**

Paul Kitchen was present. He informed the Board that the School Department was in Phase 2 of a process to obtain MSBA funding for the replacement of a portion of the Hastings Middle School roof, but that the Town had to be able to show the ability to cover \$24,000 towards a feasibility to achieve that repair. See Attachment D. Funding sources were discussed, including

the school trust fund. Mr. Murphy motioned to approve the vote in Attachment D. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **SUSTAINABILITY COMMITTEE APPOINTMENT**

The Board read a letter of interest from Diana Painter for appointment to the Sustainability Committee. Mr. Murphy motioned to appoint Ms. Painter to the Sustainability Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **SUSTAINABILITY COMMITTEE – GREEN FAIRHAVEN**

The Board read a letter from Ann Richard on behalf of the Sustainability Committee requesting that their Committee name be officially changed to Green Fairhaven to better reflect their mission and activities. Mr. Murphy motioned to approve the name change. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **POLICE SURPLUS VEHICLES**

The Board reviewed a request from the Police Department to declare the following three vehicles surplus: 1995 Utility Truck, 2003 Crown Victoria and 2011 Crown Victoria. Any departments wishing to request one of these vehicles must do so by August 3. Mr. Murphy motioned to declare the three vehicles surplus as requested. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ANIMAL CONTROL OPEN HOUSE**

The Board met with the Animal Control Officer, Kelly Massey, to discuss the Animal Shelter's first open house, which was held on July 18. Ms. Massey thanked the Board for the opportunity to hold the open house, which she said was a great success. She said that she would like to continue the event annually. The Board thanked Ms. Massey for the well-organized event that brought attention to the animals to adopt in the shelter, and the Board expressed support for seeing the event be organized annually.

### **HARBORMASTER POSITION**

Present in the audience were several people wishing to discuss the Harbormaster vacancy, which was not on the agenda. The Chairman said that he would allow public comment but would not facilitate board deliberation due to Open Meeting Law.

Shellfish Warden Tim Cox was recognized by the Chairman. He said that he recommended combining the position of Shellfish Warden and Harbormaster as other local municipalities have done. He said that he would be grandfathered into some of the certifications that are state-mandated for harbormasters. Despite that fact, he said that he fulfilled most of the requirements required by the State anyway. He said that the combining of positions would be a savings to the Town and that the position could be made either a salary or contract.

Retiring Harbormaster David Darmofal was recognized. Mr. Darmofal said that there have been changes in Homeland Security and that Mr. Cox has done a great job keeping current with requirements. He said he supported the combination of the positions and Mr. Cox's appointment to that combined position.

Fire Chief Tim Francis was recognized. He said that he has worked with Mr. Cox as a first responder to oil spills, etc. He said that Mr. Cox was skilled in responding and communicating in a crisis.

Michael Gomes, New Bedford Fire Chief, was recognized. He cited a great partnership with the Town of Fairhaven, thanks to Mr. Cox, and further, endorsed Mr. Cox for the position.

David Connett, New Bedford Harbormaster, was recognized. He also supported Mr. Cox, saying that he has been tremendously supportive.

Sgt. Jason Gomes of the New Bedford Port Security Unit was recognized. He said that Mr. Cox is always ready to assist and excellent at what he does.

Mark Raposo of the New Bedford Port Security Unit was recognized. He also praised Mr. Cox's knowledge and work ethic.

Mr. Osuch said that the change to the position would have to come with a schedule of deputies to assure coverage. The discussion will be added to the August 3 meeting.

### **LITTLE FREE LIBRARY**

The Board reviewed a request from Anne O'Brien-Kakley to have a "Little Free Library" placed at Town Hall. Ms. O'Brien-Kakley will look for a volunteer for supplies or the creation of the Library and books will be available for trade at the Town Hall. Mr. Murphy motioned to support the idea. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **BATES PROPERTY**

The Board reviewed a proposed ad for the disposal of a small parcel of land at the Bates' Property on Main Street. Mr. Murphy motioned to advertise the disposal. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **WELLNESS GIFT ACCOUNT**

To go along with the Town Employee Wellness Initiative, the Board voted to establish a Wellness Gift account. Mr. Murphy motioned to establish the account. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **SELECTMEN SIGNATURE STAMPS**

The Board requested that all letters with signatures from the Board members be reviewed before being stamped and mailed. The Selectmen's Office will comply with the request.

### **VACATION USE FORM**

The Board reviewed the currently used vacation use form and made recommendations to Wendy Graves about a possible change to have vacation use approved in advance. Ms. Graves will revise the form and submit for the Board's review at a later date.

### **ROGERS-OXFORD RFP**

The Board reviewed the final version of the Rogers-Oxford RFP, as edited in a working session on July 8, 2015. Mr. Murphy motioned to approve the final RFP and advertise the RFP with a submission date of six weeks after the advertisement date. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ROAD SAFETY SIGNS FOLLOW UP**

The Board reviewed a memo from the Police Chief regarding the Board's authority to place safety signs at intersections in Town. While the Board is not authorized to place traffic safety signs without MassDOT approval, it could consider "Merge Ahead" signs at intersections, particularly the requested intersections on West Island. The Board still wanted clarification on the language that would be allowed on these signs and wanted to get clarification on the legality of already approved four-way Stop signs in Town. The Selectmen's Office will contact the Police Chief for more information.

### **CABLE CONTRACT**

The Board reviewed a notice from Comcast stating that the Town's cable contract expires May 18, 2018 and that the contract negotiating process should begin 30-36 months prior to that expiration date. Attorney Solomon recommends sending a response letter to Comcast and has submitted a sample letter to the Selectmen's Office to use. The Board will consider sending this letter at an upcoming meeting. Mr. Murphy motioned to name Mr. Espindola as the Selectmen's representative in the cable contract process. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **HANDICAP PARKING REGULATIONS**

The Board read correspondence from Joe Borelli requesting permission to work with the Police Department to come up with a list of rules for obtaining handicapped parking in the Town of Fairhaven. Mr. Murphy motioned to authorize Mr. Borelli to work with the Police Chief on this matter. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **OTHER BUSINESS**

In Other Business:



- Mr. Haworth said that he received a letter from Wayne Hayward, Planning Board Chairman, regarding the creation of a Master Plan Subcommittee, which will require two Selectmen appointees. The Board will advertise the vacancies with a deadline of August 3.
- Mr. Murphy thanked Linda and Terry Meredith for their work on the West Island clam bake.
- Mr. Murphy recognized the work of Jeffrey Lucas and the NFIA for the dedication of the gazebo at Benoit Square.
- Mr. Murphy suggested the Board meet with Keegan Fike to present him with a proclamation on receiving his Eagle Scout award.
- Mr. Espindola reminded the public that there will be a Boards and Committees Open House on Thursday, August 6.

At 9:15 p.m., Mr. Murphy motioned to enter Executive Session, pursuant to MGL 30A § 21:

1. Town Hall – personnel
2. Litigation – Union Wharf
3. Litigation – Tibbett’s Engineering
4. Sylvia Group insurance claims

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. Espindola in favor.

Respectfully,

Anne O’Brien-Kakley  
 Administrative Assistant  
 Minutes approved 08/03/2015

# Attachment A

**From:** [midnightsun40@verizon.net](mailto:midnightsun40@verizon.net)  
**To:** [Anne Kakley](#)  
**Subject:** Sidewalks & Lights  
**Date:** Thursday, July 16, 2015 12:48:30 PM

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Hi Ann,

Just want to propose questions to the selectmen & Jeff on the July 20th meeting. They are:

- 1) Would the town electrician be able to run conduit under sidewalks during construction?
- 2) Install 10" hand holes in grass area, making it easier to find conduit after sidewalks are completed.
- 3) Have conduit and hand holes installed during entire project of sidewalks including library and Unitarian church.
- 4) Will the purchase of lights need to go to town meeting, if they (lights) are purchased/donated by a committee?
- 5) If having the trees removed would the sidewalks still have to be reduced in width?
  - A) If the trees are the issue why are the trees not being removed?
  - B) Making sidewalks smaller will not keep trees from damaging the new sidewalk
- 6) Is any part of the project negotiable with contractor?

Sincerely,

Nils M. Isaksen



Dr. Brian K. Bowcock  
Tree Warden

Town of Fairhaven  
Massachusetts  
Office of the Tree Warden

40 Center Street  
Fairhaven, MA 02719

Tel: (508) 979-4023  
Fax: (508) 979-4079

Brian.Bowcock@gmail.com

Attachment B

# TREE REMOVAL HEARING

TO TAKE PLACE AT :  
FAIRHAVEN TOWN HALL.  
40 CENTER ST.  
FAIRHAVEN, MA

PROPOSED TREE REMOVAL:

Time of hearing: 7:15pm July 20, 2015  
Tree Location: Center ST, WALNUT ST, William ST  
Tree size/ Species: VARIOUS maples et al  
Reason for removal: sidewalk construction

OBJECTIONS TO THE REMOVAL OF THIS TREE MUST BE RECEIVED IN WRITING BY THE TREE WARDEN, AT THE ABOVE LISTED ADDRESS PRIOR TO OR AT THE HEARING.

This form conforms to the  
Massachusetts Tree Warden  
and Foresters Association  
Standardized form protocol.  
MTWFA is not liable for its use,  
implementation or legal viability.



# Attachment C

**From:** [Selectman Geoff Haworth](#)  
**To:** [Anne Kakley](#)  
**Subject:** Re: Free Little Library  
**Date:** Tuesday, July 14, 2015 10:10:12 AM

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Anne,

I think it's an excellent idea. Please place it on Thursdays agenda if you want to proceed right away or next meeting if you want to wait.

Geoffrey Haworth II

Chairman  
Fairhaven Board of Selectman  
Town of Fairhaven  
40 Center St  
Fairhaven, MA 02719

Tel: 508-979-4023  
Cell: 774-202-9997

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On Jul 14, 2015 9:42 AM, "Anne Kakley" <[akakley@fairhaven-ma.gov](mailto:akakley@fairhaven-ma.gov)> wrote:

Geoff,

I would like to request an agenda item to have a "Free Little Library" installed at the Town Hall somewhere. It's a take a book, leave a book library like in this link:

<https://www.facebook.com/FairhavenTours/photos/a.126214096877.103702.119350116877/10153355023141878/?type=1&theater>

Please let me know if this is something we can consider.

Anne

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Anne Kakley

Administrative Assistant/Website Administrator

Notary Public

Selectmen's Office

40 Center Street

Fairhaven, MA 02719

Tel: [508-979-4023](tel:508-979-4023) Ext. 101

[akakley@Fairhaven-MA.gov](mailto:akakley@Fairhaven-MA.gov)

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# Attachment D

## VOTE

That the Town of Fairhaven appropriate the amount of Twenty Four Thousand Dollars, (\$24,000) Dollars, for the purpose of paying costs of the roof repair feasibility study for the Elizabeth Hastings Middle School located at 30 School Street, Fairhaven, Massachusetts, including the payment of all costs incidental or related thereto, and for which the Town of Fairhaven may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of Fairhaven School Committee. The Town of Fairhaven acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Fairhaven incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Fairhaven, , and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Fairhaven and the MSBA.

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Geoffrey A. Haworth  
Chair  
Fairhaven Board of Selectmen  
40 Center Street  
Fairhaven, MA 02719