



Fairhaven Board of Selectmen

August 31, 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.

Chairman Geoffrey Haworth called the meeting to order in the Town Hall Banquet Room at 12:05 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 **August 3, 2015** meeting, **open** session. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to approve the minutes of the **August 3, 2015** meeting, **executive** session. 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, **September 2**
 - 9:30 a.m. – Union Wharf Job Meeting
- Thursday, **September 3**
 - 8:00 to 9:30 a.m. – Forum meeting at BBC office
- Monday, **September 7**
 - Labor Day – Town Hall offices closed
- Tuesday, **September 8**
 - 3:30 p.m. – Mattapoisett River Valley Advisory Committee at BPW
 - 4:30 p.m. – Mattapoisett River Valley Water District at BPW
- Wednesday, **September 9**
 - 6:30 p.m. – Selectmen's Meeting

UNION WHARF CHANGE ORDERS

Mr. Osuch said that the work on Union Wharf had run into issues with an "unknown obstacle" off the west side about 15 to 20 feet below the mudline. Change order 6A would bring equipment in for the obstacle removal. Mr. Murphy motioned to approve Change Order 6A in

the amount of \$13,178.76. Mr. Espindola seconded. Vote was unanimous. (3-0). The Board reviewed Change Order 6B in the amount of \$7,594.16 for the work related to the obstacle. Mr. Murphy motioned to approve Change Order 6B. Mr. Espindola seconded. Vote was unanimous. (3-0). The Board reviewed Change Order 3 in the amount of \$4,500 for the east side of the Union Wharf work, for subsurface obstacles five feet under the mudline. Mr. Murphy motioned to approve Change Order #3 in the amount of \$4,500. Mr. Espindola seconded. Vote was unanimous. (3-0).

ACCOUNTANT'S ASSISTANT CLERK

The Board reviewed a letter from the Town Accountant requesting the appointment of the Planning Intern, Amanda Blais, for work in the Accounting office. The position has been budgeted for FY16. The Board had reviewed the request at a previous meeting but had not taken action because it was not clear what the position's pay should be. In her letter, Town Accountant Anne Carreiro said that the budgeted figure was a Level 7, Step 1, \$15.34/hour. The pay was approved previously by the Board of Selectmen, the Finance Committee and Town Meeting. Mr. Murphy motioned to appoint Ms. Blais to the position at Level 7, Step 1. Mr. Espindola seconded. Vote was unanimous. (3-0).

HOUSING AUTHORITY VACANCY

The Board reviewed a notice from the Housing Authority director, Krisanne Sheedy, stating that a vacancy on the Housing Authority had been made with the resignation of member Paul Days. The vacancy may be filled until the next Town Election by a vote of the Housing Authority and the Board of Selectmen at a joint meeting. Mr. Murphy motioned to post the vacancy and hold a joint meeting on September 28 with the Housing Authority. Mr. Espindola seconded. Vote was unanimous. (3-0).

LOO AQUACULTURE

The Board discussed the aquaculture agreement between the Town and Matt Loo of Loo Aquaculture. Although the Board agreed that it intended to raise the license fee for aquaculture to match up to the maximum amount allowed by a recent Home Rule Petition, it will not increase the fee for Mr. Loo this year. Mr. Murphy motioned to approve and sign the contract with Loo Aquaculture. Mr. Espindola seconded. Vote was unanimous. (3-0).

BEAUTIFICATION COMMITTEE – USE OF ROUTE 6 ACCOUNT

The Board read a letter from the Beautification Committee chairman, Wayne Oliveira, asking to use the funds in an unused Route 6 strip beautification account for other Beautification Committee projects along Route 6.

The Board was supportive, but Mr. Espindola said that it was not clear if the account could be used for purposes other than the beautification of the Route 6 strip. The Board will follow up with the Town Accountant to find out if the account may be used outside of that strip.

In his letter, Mr. Oliveira also asked if the Beautification Committee could serve as signatories to their own bills. The Board will revisit that request once they have an answer from the Town Accountant about the use of the account in question.

WATER AND SEWER PERSONNEL LICENSE STIPENDS

At 7:00 p.m., the Board met with BPW Superintendent Vincent Furtado. See Attachment A.

Mr. Furtado came before the Board to request the stipends offered to Water and Sewer employees be updated for the sake of equality, as a discrepancy has developed over time. Mr. Furtado thought that the matter had been resolved by the Board of Selectmen, but he realized at the end of the Fiscal Year that it had not been. Mr. Murphy explained that the Personnel Board had approved the stipend increase but the progress had been stalled by the general moratorium of increases until the non-union job review could be completed.

Dan Freitas was recognized by the Board. He stated that he was speaking as a BPW commissioner, but not on behalf of the BPW. Mr. Freitas said that he did not feel Mr. Furtado was speaking on behalf of the Board of Public Works. He said that the BPW should analyze the cost of the stipend restructure and if it is budgeted. He said that he did not think that the BPW voted on the matter. Mr. Furtado stated that the BPW did, in fact, vote to approve the measure in December, prior to Mr. Freitas' time on the BPW. Mr. Furtado said that he would seek confirmation again from the BPW that they do still support the measure. The Board will revisit and consider the request at their meeting on September 28.

BBC WATERSHED

The Board read a letter from Buzzard's Bay Coalition, requesting permission to hold their annual Watershed ride through Fairhaven on October 4, 2015. Mr. Murphy motioned to approve the event, contingent upon approval from Police and Fire. Mr. Espindola seconded. Vote was unanimous. (3-0).

LIBRARY TRUSTEE APPOINTMENT – SELECTMEN'S REP

The Board reviewed a letter of support from Carolyn Longworth for Cheryl Moniz to continue her term on the Millicent Library Board of Trustees as the Selectmen's representative. Mr. Murphy motioned to re-appoint Ms. Moniz to the Millicent Library Board of Trustees. Mr. Espindola seconded. Vote was unanimous. (3-0).

HISTORICAL COMMISSION APPOINTMENT

The Board reviewed a letter from Bryan Wood, requesting appointment to the Historical Commission. Mr. Murphy motioned to appoint Mr. Wood to an Associate on the Historical Commission. Mr. Espindola seconded. Vote was unanimous. (3-0).

ARMED FORCES MEMORIAL

At 7:16 p.m. the Board met with Gary Lavalette and Mr. Oliveira of the Beautification Committee, and Paula Silva and Steven Bouley of the Salvation Army to discuss recent improvements to the Armed Services Wall on Route 6. The group, along with additional volunteers, cleaned up the memorial, improved plantings, and provided a light for the American flag flying there.

The Board thanked Mr. Lavalette, Mr. Oliveira, Ms. Silva and Mr. Bouley, Mobile Loaves and Fishes, and the Salvation Army for their hard work.

Mr. Oliveira revived the topic of the Route 6 median strip account. He said that the account had been set up by Renee Rose and that the account was initially intended to be for the beautification and upkeep of the center median, but that most of the plantings and beautification efforts on the median strip proved fruitless from the heavy traffic. He said that there is only \$4,000 - \$5,000 remaining in the account and that the account has remained dormant for some time.

The Board reiterated that it would follow up on the account and its permitted use with the Town Accountant and make a decision on it at a later meeting.

KEEGAN FIKE – EAGLE SCOUT

At 7:30 p.m. the Board met with Keegan Fike and family to acknowledge his recent Eagle Scout award. Mr. Fike was presented with a proclamation from the Board (Attachment B).

The Board lauded Mr. Fike for the hard work that led to the Eagle Scout honor, and for his extensive community service.

Gayla Reilly, family member to the Fikes, said that his hard work gives her “faith” in youth.

Mr. Fike thanked the Board for the proclamation.

EXECUTIVE SESSION POLICY

At 7:38 p.m., the Board met with Mark Badwey, on his request, to discuss Executive Session policy. Mr. Badwey said that he had been brought to his attention that Executive Secretary Jeffrey Osuch and Administrative Assistant Anne Kakley had been asked to leave the Executive Session of July 6, 2015. He questioned the procedure, and said that he thought it was a bad precedent to set, even if it is legally permissible.

Mr. Murphy said that he had consulted with Town Counsel and that the request to omit the aforementioned employees was permissible, but was advised that it was not “good practice”. Mr. Haworth stated that he had made the request to omit the employees per another employee’s request, to protect the employee’s privacy in relation to HIPAA/medical information. Mr. Haworth said that there was a problem with confidentiality in the Town Hall, as the fact that Mr. Osuch and Ms. Kakley’s omission from Executive Session was “leaked” to the general public.

Dan Freitas was recognized. He stated that he understood the request to omit the employees from Executive Session was related to a person's medical condition that was discussed that night. Lou Fortin was recognized. Mr. Fortin said that he felt the Board was "a little shady" and not acting in an open manner.

Mary Fortin was recognized. She said that the "leak" would not have happened if the Board had not deviated from standard protocol.

Mr. Espindola stated that he had agreed to omit the two employees from Executive Session at the time, but that he had been "taken off guard" by the request.

BE A SOLUTION TO POLLUTION

At 7:45 p.m., the Board met with Mary Lou Nicholson of "Be a Solution to Pollution". Ms. Nicholson was invited by the Board to discuss her efforts to clean area beaches of trash.

Ms. Nicholson stated that she started her efforts in 2011 and that she focuses on teaching children about pollution and their role in reducing and preventing litter as they grow up. She said she participates with "Terracycle", a company in Arizona that recycles cigarette butts into construction materials. She said that there is a particular issue with "blasting wire" found along Fairhaven/New Bedford beaches, but she has not yet found the source of the wire.

Ms. Nicholson invited the Board to a clean-up "data count" on September 19 from 9:00 a.m. to noon.

The Board thanked Ms. Nicholson for her continued efforts.

OTHER BUSINESS

In Other Business:

- Mr. Murphy said that he and Sgt. Kevin Kobza received thank you cards from the children of St. Joseph's Elementary School for their outreach efforts to teach children about law enforcement and Town government.
- Mr. Murphy reminded the public that school was back in session and to leave a little extra time to get to work to reduce speeds and frustration.
- Mr. Murphy reminded the public that the Our Lady of Angels Feast would be the next weekend, Labor Day weekend.
- Mr. Espindola congratulated the four newly appointed officers, who were sworn in by the Town Clerk in the preceding week.
- Mr. Espindola congratulated everyone who participated in the "Step Challenge" in the Town Hall offices. A cash prize was given to the highest performing team.
- Mr. Espindola said that he was interested in forming a Town employee wellness committee. Details will follow.

FISHING PIERS

The Board read a letter from representatives of the West Island Improvement Association. The letter was submitted to the Board by the President of WIIA, Bob Konicki. See Attachment C.

The WIIA representatives expressed concern with the viability and safety of the planned fishing pier off Causeway Road. They said that they were afraid it would create traffic issues and street crossing hazards.

Doug Cameron of the Massachusetts Department of Fish and Game and Ross Kessler of the Division of Marine Fisheries, were present to defend the project, which is already in its planning stages. Also present were Joe Borelli and Bob Konicki of the WIIA.

Mr. Konicki stated that the causeway is “heavily traveled”, particularly in the morning and at dusk, when fishing is prevalent. He said that the project was “totally inappropriate and not in the public’s interest”. He said that the WIIA was hoping that the Board would consider an alternate site for the project, especially off Hoppy’s Landing or off the Town Beach. He said that the WIIA would like to request the Board withdraw its support for the project and begin a new feasibility plan.

Robert Hobson was recognized. Mr. Hobson said that one side of the causeway does not have a sidewalk and that the BPW has had issues with the condition of Causeway Road. He said that the project is State funded and comes from licensing fees. He said he supported moving the project to Hoppy’s Landing.

Ted Lorentzen, Chairman of the Marine Resources Committee, was recognized. He expressed frustration over the timing of the request to withdraw support for the project as presented. He stated that the Marine Resources Committee vetted the project with several open, public meetings. He said that the project started in 2008 as an idea, and that all the issues being presented had been addressed two years prior. He said that money and efforts had already been expended and that the work would be undone because of the petition. He said that no chance had been offered to present a counter-petition.

Mr. Cameron said that the project was centered on improving public safety and that Hoppy’s Landing had been considered for the project but that the location and the depth of water did not make it an optimal location. He said with the current configuration, people fishing need to stand on sloping rocks or sections of road without sidewalks. He said that the project has been supported previously by the Board of Selectmen, passed by Conservation Commission and was in the permitting process with the Army Corps of Engineers.

Bill Yukna was recognized. Mr. Yukna stated that he had attended a February meeting on the planned fishing piers and that he was concerned people would park in the middle of the causeway to unload their fishing gear.

Mr. Borelli stated that he thought it was “an accident waiting to happen”.

Mr. Hobson said that the vetting process for the project occurred mainly in the winter months when “snowbirds” (seasonal residents) were likely not present to hear about meetings or attend. He said that the project was a good thing but in the wrong location.

Dan Freitas was recognized. He suggested that there could be the inclusion of additional crosswalks or heavy fines for unloading gear in the street.

Assistant Harbormaster/Shellfish Warden Tim Cox was recognized. He said that he agreed the location was potentially dangerous and would support a new location.

Mr. Murphy expressed concern about the crosswalk placement, adding that crosswalks are only effective when drivers adhere to the rules of the road. He said that due to the safety nature of the planned project, he would not be able to support the project in its current state.

Mr. Espindola said that he has heard both sides previously and that the goal had been for improved safety. He said that it would be a loss to miss out on the project. He asked about the viability of Hoppy’s Landing. Mr. Cameron reiterated that the work to create a pier at Hoppy’s would be impractical and extensive.

Linda Picozza was recognized. She said that she was concerned about the trash left behind by fishermen and asked if they would consider a parking fee.

Mr. Haworth asked Mr. Cameron if Fairhaven would no longer be considered for the project if they withdrew their support for the project off the causeway. Mr. Cameron said that he was not certain that it would disqualify Fairhaven for support if they withdrew from the project, but that \$25,000 in public funds had been expended on the permitting and planning process. He said that the agencies involved had shown “due diligence” and that he was disappointed that the project could fail at such a late stage. Mr. Cameron contended the notion that the informational meetings were held off-season, noting that they got the Selectmen’s vote of support on July 7, 2014. He estimated the pier’s total construction cost would be \$250,000.

Mr. Cameron asked the Board to submit any alternate locations for their consideration. Mr. Cox said that he would work with Mr. Kessler and Mr. Cameron in this regard, prior to the next meeting. Mr. Espindola added that there had been concern about the scale of the plans being accurate and asked Mr. Cameron to make sure that the scale was addressed. Mr. Cameron distributed to the Board a signed Land Use Agreement between the Commonwealth and the Town of Fairhaven. He asked the Board to review the Agreement in regards to the project (Attachment D).

TAYLOR SEAFOOD

The Board also heard from representatives of the WIIA in regards to the Taylor Seafood building on Causeway Road. Complaints from the WIIA and West Island residents focus on the condition and appearance of the building, and the scattered equipment on the property. Mr. Haworth distributed photos taken by the Building Commissioner showing the current state of the property. See Attachment E.

Mr. Murphy said that he had been very clear a year ago that he would not be willing to extend Mr. Taylor's aquaculture license if he did not clean up and fix the Taylor Seafood building and property.

Frank Coelho was recognized. He said that Mr. Taylor had picked up additional acres in his aquaculture farm over the years without seeking permission. He said that the Town ought to find out what his actual acreage is. Mr. Cox answered that he had measured out the acreage and that it was 45.775 acres. Mr. Coelho said that the current acreage should be compared against the initially approved acreage. It was determined that the original coordinates of the Taylor aquaculture farm would be held with the Division of Marine Fisheries and that Mr. Coelho could request that information from the DMF via the Fairhaven Town Clerk. Mr. Murphy motioned to ask the Town Clerk to make that formal request of the DMF. Mr. Espindola seconded. Vote was unanimous. (3-0).

Bill Yukna was recognized. He said that the Town has a Building Inspector and that the Taylor Seafood building should have been condemned years ago. He said that Mr. Taylor is using the site as a dump.

NON-UNION JOB CLASSIFICATIONS

At 9:46 p.m., the Board met with Jeff DuPont of LaurelRidge Consulting to review Mr. DuPont's review of the non-union positions. The Board discussed the document provided by Mr. DuPont, which illustrates his recommendations on which positions should see a Level increase or a Level decrease. He recommended that the document be considered confidential until the Board accepted it formally.

Mr. Murphy recommended forwarding the entire packet of recommendations and proposed job descriptions to the Personnel Board for its review. The Board will forward the information as recommended to the Personnel Board, and the Board will meet again with Mr. DuPont at a later date with the recommendations of the Personnel Board.

HARBORMASTER POSITION

At 10:32 p.m., the Board met with Shellfish Warden/Assistant Harbormaster Timothy Cox to discuss the Harbormaster vacancy. Mr. Cox had recommended the Board combine the Harbormaster and Shellfish Warden positions at a previous meeting, along with a proposed schedule of shellfish deputies to keep the beds patrolled. Mr. Osuch said that the deputy pay needed to be addressed, because they have not been receiving increases according to the non-union pay scale. Mr. Cox said that he would look into the matter.

The Personnel Board voted to recommend a pay rate of Level 16, Step 5 for the combined position of Harbormaster/Shellfish Warden. Mr. Murphy said that with the reduction of the Natural Resources' budget with Mr. Darmofal's payout, that the Board may have to seek a Reserve Fund transfer at a later date. Mr. Espindola said that he was concerned that Mr. Cox already did not take his vacation time, and that an increase of responsibilities could further limit

his ability to take time off. Mr. Cox said that he felt the budget could better sustain an increase to Level 16, Step 4 at this time.

Mr. Haworth said that he would support Mr. Cox in the combined position, with a retroactive anniversary date of August 1. Mr. Murphy motioned to appoint Mr. Cox to Harbormaster/Shellfish Warden, with a set pay rate of Level 16, Step 4, to receive the difference of retroactive pay from August 1 to the present. Mr. Espindola seconded. Vote was unanimous. (3-0).

MACKATAN STORE LETTER

Mr. Murphy informed the public that the Board of Selectmen had received a letter from the Board of Health informing them that the Mackatan General Store on West Island had been allowed to return their benches to the front of their property. See Attachment F.

At 10:52 p.m., Mr. Murphy motioned to adjourn. Mr. Espindola seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien-Kakley
Administrative Assistant
Minutes approved 09/14/2015

Attachment A

From: [Vincent Furtado](#)
To: [Anne Kakley](#); [Jeff Osuch](#); [Kathy Tripp](#)
Subject: non-union water and sewer equal stipends
Date: Monday, July 20, 2015 2:42:54 PM
Attachments: [20150720135847606.docx](#)

Hi Anne and Jeff

Hope all is well with the both of you.

Back in January 2015, I appeared in front of the Personnel Board to discuss a couple of items. One was the reclassification of some of the non-union positions and the other was a request **to allow the disbursement of the annual water and sewer stipends for the non-union personnel to be equal to those of the union personnel.**

A favorable vote was taken on both of these matters by the Personnel Board and per protocol was sent to the Select Board for their approval.

What has happened overtime is that during contract negotiations, although at one time the stipend disbursement was equal for both union and non-union personnel. the BPW has increased the stipends for the union during the “give and take” negotiation process and the Personnel Board never kept up with the stipend increases. In my opinion, the stipends should be the same, if not more for the non-union folks, who have the added signatory responsibilities, but at least the same.

Although I fully understand that the Select Board didn't vote on the reclassification of the non-union positions, I wasn't sure about the stipends issue.

This morning, Charlie Murphy called me about another issue and while I had him on the phone I asked if your Board had voted on the stipend matter. He told me no and he asked me to send you an email as a “heads up” in case he brings this up tonight.

To this email I've attached the original letter that I sent the Personnel Board and their letter of approval of this matter.

Please let me know if you require anything else from me.

Thanks

Vinnie

*Town of Fairhaven
Board of Public Works*

5 Arsene Street

Fairhaven, Massachusetts 02719

TEL. 508-979-4030

FAX. 508-979-4086

bpw@fairhaven-ma.gov



December 23, 2014

Personnel Board
Town of Fairhaven
40 Center St.
Fairhaven, MA 02719

Re: Wastewater and Water Stipends

Dear Personnel Board:

By means of this correspondence, please accept my request to the Personnel Board to consider making the disbursement of annual wastewater and water stipends for employees covered under your Board to be equal to those covered in other agreements.

The tables below show the discrepancy between what employees covered by your Board receive as an annual stipend versus what is disbursed to other Town employees who hold the same Water/Wastewater Operators Certification issued by the Commonwealth of Massachusetts.

Sewer

<u>License Grade</u>	<u>Teamsters Stipend</u>	<u>Personnel Board Stipend</u>
Grade I	\$ 525.00	\$400.00
Grade II	\$ 725.00	\$600.00
Grade III	\$ 950.00	\$800.00
Grade IV	\$1125.00	\$1000.00
Grade V	\$1325.00	\$1200.00
Grade VI	\$1525.00	\$1400.00
Grade VII	\$1725.00	\$1600.00

Water

<u>License Grade</u>	<u>Teamsters Stipend</u>	<u>Personnel Board Stipend</u>
Distribution 1	\$ 425.00	\$275.00
Distribution 2	\$ 625.00	\$475.00
Distribution 1	\$ 825.00	\$675.00
Treatment 1	\$ 425.00	\$275.00



TOWN OF
FAIRHAVEN

MASSACHUSETTS

THE FRIENDLY TOWN

OFFICE OF
DIRECTOR OF FINANCE/
TREASURER
TOWN HALL
TELEPHONE (508) 979-4026

3/3/2015

Personnel Board Minutes
January 6, 2015

RECEIVED
TOWN CLERK
25 MAR - 5 A 10
FAIRHAVEN,
MASS.

A meeting of the Personnel Board (PB) was held on January 6, 2015 in the Banquet Room at Town Hall. The meeting was called to order at 4:17 PM by Chairman Charles Murphy. Also in attendance were members Lindsay Gordon, Gary Souza, and Wendy Graves.

For the first item of business, Ms. Graves passed out copies of the Personnel Board minutes for December 5, 2014. Mr. Souza made a motion to accept the minutes with Ms. Gordon seconding the motion.

For the second item of business, there was a discussion with Town Accountant Anne Carriero regarding changing the level of the A/P Clerk Joyce Shepard. She handed out comparable salaries for the position for the surrounding towns. The position is currently a level 7, step 5. A motion to increase the position for level 9, step 3 was made by Ms. Gordon, and seconded by Mr. Souza. This would be an increase of \$.63 per hour or 3.5%.

For the third item of business, there was a discussion with Vincent Furtado regarding changing the level of the Sewer Superintendent and Water Superintendent due to their increased responsibility. There was a motion by Mr. Souza and seconded by Ms. Gordon to Propose a new level of 21 with steps 1 through 5 and to increase the Superintendent to level 21 step 5. This would be an increase of \$2.30 per hour or 6%.

For the fourth item of business, there was a discussion with Vincent Furtado regarding water/sewer stipend. He would like the non-union employees to receive the same amount for the license stipends. A motion by Mr. Souza and seconded by Ms. Gordon, to increase the stipends to what the union gets and they would like the stipends to be increased at the same time as the union stipends increase.

The next meeting will be February 10, 2015 at 3:30.

A motion to adjourn was made by Ms. Gordon and seconded by Mr. Souza, which was passed unanimously at 5:12 PM

Respectfully Submitted,
Wendy L. Graves

Approved: Wendy L. Graves

Date: 3/3/15



Town of Fairhaven
Massachusetts
Office of the Selectmen

Attachment B

Whereas: Keegan Fike is a Patrol Leader in Boy Scout Troop 52 and has demonstrated excellent leadership skills. He has received the Cachalot Youth Leadership Award of Merit during summer camp and has been instrumental in planning activities for the younger scouts as well as troop meetings; and

Whereas: Keegan Fike has organized his Eagle Scout project by raising money to refurbish the cannons at Fort Phoenix and ensure that they remain a landmark to the region. He led a group of thirteen volunteers to remove the rust and old paint from the cannons and repaint them, receiving recognition from the Town of Fairhaven and the Village Militia; and

Whereas: Keegan Fike has logged over 71 volunteer hours in many community events such as flag retirement ceremonies, food drives, parades, placing flags on the graves of veterans, helping out the Lions Club, volunteering with the community breakfast at St. Mary's Church, filming for Fairhaven's cable access channel; and

Whereas: Keegan Fike's father Brent is an active duty member of the United States Coast Guard and though his family has often had to move, Keegan has made his family, his academic studies, and his scouting duties a priority. He has helped out his parents by making dinner, helping with chores, and caring for his younger sister. He has also maintained a 3.95 GPA in high school and is a member of the National Honor Society. He plans to attend college upon completion of high school, majoring in math and minoring in Financial Management; and

Whereas: Keegan Fike has been a friend to those in need. He has always been willing to help those who have been bullied or in need of friendship and has been a role model for younger scouts; and

Whereas: Keegan Fike has worked tirelessly and dedicated himself to his family, friends, studies, and to the community in an effort to make the world a better place, thus receiving the Eagle Scout Court of Honor.

Now, therefore, We, Geoffrey Haworth, Charles K. Murphy, Sr., and Robert J. Espindola, the Board of Selectmen of the Town of Fairhaven, join with the Boy Scouts Troop 52 and his family and friends in honoring Keegan Fike for all his accomplishments and dedication to the community.

Given under our hands and seal on this day,
the 31st of August in the year two thousand and fifteen.

Geoffrey Haworth

Charles K. Murphy, Sr.

Robert J. Espindola



Attachment C

From: [Bob Konicki](#)
To: [Anne Kakley](#)
Cc: [tamjhickox@yahoo.com](#); [mkwestis@yahoo.com](#); [alley48@aol.com](#); [YuknaB@foxborough.k12.ma.us](#); [raleblanc257@aol.com](#)
Subject: Re: BOS Agenda Inclusion Request
Date: Tuesday, July 28, 2015 1:35:56 PM

Anne,

Thank you for the quick turn around on my request. If that is the earliest appointment we can get, we will be happy to be there.

Thank you for your attentiveness.

Regards,

Bob Konicki.

-----Original Message-----

From: Anne Kakley <akakley@fairhaven-ma.gov>
To: 'Bob Konicki' <westislander@aol.com>
Cc: [tamjhickox <tamjhickox@yahoo.com>](#); [mkwestis <mkwestis@yahoo.com>](#); [alley48 <alley48@aol.com>](#); [YuknaB <YuknaB@foxborough.k12.ma.us>](#); [raleblanc257 <raleblanc257@aol.com>](#)
Sent: Tue, Jul 28, 2015 11:43 am
Subject: RE: BOS Agenda Inclusion Request

Mr. Konicki,

I've heard back from my Chairman and I would like to extend an appointment to you – at this time, it is the soonest appointment I could find.

Would you be available to come in on Monday, August 31 at 8:15 pm to meet with the Selectmen on the matters you presented? The meetings are held in the Town Hall, 40 Center Street, in the first floor Banquet Room.

Anne

From: Bob Konicki [<mailto:westislander@aol.com>]
Sent: Tuesday, July 28, 2015 10:10 AM
To: Anne Kakley
Cc: [tamjhickox@yahoo.com](#); [mkwestis@yahoo.com](#); [alley48@aol.com](#); [YuknaB@foxborough.k12.ma.us](#); [raleblanc257@aol.com](#)
Subject: BOS Agenda Inclusion Request

Dear Chairman Haworth,

My name is Robert Konicki and I am a taxpayer and full time resident of West Island. I am requesting that I and members of the West Island Improvement Association's Island Civic and Safety Committee be included on the next available Board Agenda for the purpose of having the Board advise us on the status of the proposed fishing piers on Causeway Road and the status of the cleanup order for the Taylor property also on Causeway Road. We realize that the State has a role in the fishing pier issue

and we are addressing that issue directly with them. We have filed a petition with them expressing our opposition to having the fishing piers placed on the Causeway Road. The Taylor property issue has been around for several years now and it is time that something is finally done about that eyesore.

These issues are of utmost importance to the residents of West Island and have been identified as the top priority for the Association's Island Civic and Safety Committee.

Respectfully submitted,

Robert Konicki
151 Balsam Street
Fairhaven, MA 02719
508-999-3655

LAND MANAGEMENT AGREEMENT

THIS LAND MANAGEMENT AGREEMENT (“Agreement”) is entered into pursuant to the authority of G.L. c.21A, §2(8) and §11B, on this 12th day of September, 20 11, by and between the Department of Fish and Game (“Department”) and the Town/City of Fairhaven, acting by and through its Board of Selectmen/Aldermen and/or Mayor (“Municipality”).

IN CONSIDERATION of the construction, improvement or repair, maintenance and daily operation of the fishing and/or boating access facility located at: Causeway Road “Hoppy’s Landing” consisting of A) handicapped accessible sport fishing pier and parking for 12 vehicles, B) shore-fishing access and parking for 6 vehicles, C) canoe/car-top boat access and parking for 6 vehicles, D) existing boat ramp and parking for 35 vehicles with boat trailers. In addition, FBA’s interest in the existing pier, gangway and steel floating dock shall be 50% of the cost of reconstruction, not to exceed \$50,000.00 (“facility”), and in consideration of the mutual covenants contained herein, and for other good and valuable consideration with regard to the facility, the Department and the Municipality covenant and agree as follows:

1. The Department shall undertake any repairs, replacement or reconstruction made reasonably necessary by the effects of weather or normal public usage. The timing of said repairs, construction or reconstruction shall be dependent upon budget restrictions and the appropriation of adequate funds by the Massachusetts Legislature.

2. The Department shall provide the Municipality with a sign or signs which contain the provisions of 320 CMR 2.00, regulations governing the use of public access facilities, and a statement that the facility was constructed by the Department of Fish and Game, Office of Fishing and Boating Access.

3. The Municipality shall install and maintain the sign or signs provided pursuant to section 2 of this Agreement in a prominent and visible location at the facility.

4. The Municipality shall be responsible for the daily operation and maintenance of the facility including, but not limited to policing, trash and litter removal, and the overall preservation of the facility for use by the general public in accordance with G.L. c.131, §45.

5. The Municipality shall not use or permit to be used any parking spaces or open areas within the facility for purposes other than public access, or for purposes that are inconsistent with the provisions of 320 CMR 2.00 without the written permission of the Department.

6. Subject to the prior written approval of the Department, the Municipality may adopt a fee schedule and method of collecting such fees for the use of the facility.

(a) Fees charged by the Municipality for launching and parking shall be the same for all citizens, and for each type of usage, except as otherwise provided for in §6(b) and 6(c) of this Agreement.

(b) Fees for out-of-state users may be no more than three (3) times the fee for in-state users for daily or seasonal use, unless federal monies were used in, or reimbursed for the construction or repair of said facility, in which case the fee shall be the same for all users.

(c) A separate fee for commercial haulers may be adopted by the Municipality for daily or seasonal use.

7. All fees collected by the municipality shall be used exclusively for the daily operation and maintenance of the facility. Upon request, the Municipality shall provide the Department with a certified accounting of the receipts and expenditures of all such fees.

8. Subject to the prior written approval of the Department, the Municipality may adopt reasonable management measures governing the use of the facility that are not inconsistent with the provisions of 320 CMR 2.00, or other applicable management measures as adopted by the Department.

9. It is the intention of the Department and the Municipality that this Agreement provide for the continued existence, preservation, operation and maintenance of the facility, and that such benefit exceeds to an immeasurable and unascertainable extent any consideration recited in this agreement. Therefore, the parties agree that any payment of monies would be an inadequate remedy for a breach by either party to this agreement, and said parties further agree that as an alternative or an additional remedy, specific performance of any covenant contained herein may be enforced against the breaching party.

10. This Agreement shall be in effect until mutually dissolved or modified in writing by the Department and the Municipality.

IN WITNESSES WHEREOF, the parties hereto have executed this Agreement on this
12th day of September, 2011.

BY THE DEPARTMENT OF FISH AND GAME

Mary Griffin
Mary Griffin, Commissioner

John P. Sheppard
John P. Sheppard
Director of Fishing and Boating Access

BY THE MUNICIPALITY

Board of Selectmen/Aldermen and/or Mayor

_____ Wm. J. ...
Frank ...
Craig, Sr.

I, Cileen M. Lowney, Clerk of the Municipality, hereby certify that
the above named individual(s) currently hold(s) the office of Town
Selectmen, and is/are authorized to sign this Agreement on behalf of
the Municipality.

Cileen M. Lowney
TOWN/CITY SEAL
Town

Attachment E

AUGUST 28, 2015 10:30 AM

NorthEast
Electrical
Contractors

www.needco.com























TOWN OF FAIRHAVEN

MASSACHUSETTS

OFFICE OF THE
BOARD OF HEALTH

TOWN HALL

40 Center Street

Tel. (508) 979-4022

Fax (508) 979-4079

RECEIVED

2015 AUG 28 P 3:47

BOARD OF SELECTMAN
FAIRHAVEN MASS

August 28, 2015

Fairhaven Board of Selectmen
Town Hall
Fairhaven, MA 02719

RE: Mackatan General Store, 39 Causeway Road/benches

Dear Members of the Board:

At a regular meeting of the Board of Health held Wednesday, August 26, 2015, the Board unanimously voted to rescind its former vote of July 29, 2015, which had allowed the use of two picnic tables at Mackatan General Store. The Board then discussed the placement of two benches at the Causeway Road entrance to the store and confirmed that the benches are distinguished from the use of picnic tables as the picnic tables essentially create an eatery. Therefore, the Board offers no objection to the placement of the benches where they formerly were.

Sincerely,

FAIRHAVEN BOARD OF HEALTH

Peter DeTerra, Chairman

Cc: Tonnessen and Medeiros, Mackatan General Store