



# Fairhaven Board of Selectmen

## October 14, 2015 Meeting Minutes

**Present:** Chairman Geoffrey Haworth, Vice Chairman Charles K. Murphy, Sr., Clerk Robert Espindola, Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne O'Brien.

Chairman Geoffrey Haworth called the meeting to order in the Town Hall Banquet Room at 6:41 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 **October 7, 2015** meeting, **open** session. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to approve the minutes of the **October 7, 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:

- **Thursday, October 15**
  - 8:00 to 9:30 a.m. – Forum group in New Bedford
  - 2:00 p.m. – BBAC Subcommittee meeting
- **Friday, October 16**
  - 8:00 to 10:00 a.m. – Legislative breakfast – Marion Music Hall
- **Monday, October 19**
  - 1:00 to 3:00 p.m. – Flu Clinic at COA
- **Tuesday, October 20**
  - 10:00 a.m. – Capital Planning Committee – Town Hall
  - 2:00 p.m. – Worker's Comp – John Beauregard and Bonnie Brook
- **Thursday, October 22**
  - 9:00 a.m. – BBAC Meeting - Wareham

### OXFORD SCHOOL PROPOSALS

After a brief discussion, the Board agreed that it would invite both the Stratford Group and the Sherwood Construction Company to the next meeting on October 26 to discuss their respective proposals for the Oxford School.

## **BATES PROPERTY PURCHASE AND SALE**

The Board reviewed a purchase and sale agreement with the Seventh Day Adventists group for the swap of land at the Bates House. See Attachment A. Mr. Murphy motioned to authorize the Chairman to sign the associated documents. Mr. Espindola seconded. Vote was unanimous. (3-0).

## **911 REGIONAL AGREEMENT**

The Board reviewed a document from the Fire Department and SRPEDD, to seek State funding to do a feasibility study on the regionalization of 911 services. The agreement will only be a study and will not actually authorize the actual regionalization. Mr. Murphy motioned to authorize the Chairman to sign the application for funding. Mr. Espindola seconded. Vote was unanimous. (3-0).

## **SOCIAL MEDIA POLICY**

The Board reviewed a final draft of the Social Media Policy. See Attachment B. Mr. Murphy motioned to approve the Social Media Policy for the Town of Fairhaven as presented. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Murphy motioned to name Ms. O'Brien the Social Media Moderator, to report to the Town Administrator. Mr. Espindola seconded. Vote was unanimous. (3-0). The policy will be distributed to all boards and committees under the purview of the Board of Selectmen.

## **COMMERCIAL TAX TITLE**

The Board reviewed a listing of commercial properties currently in tax title. See Attachment C. Mr. Haworth said that he had spoken with Town Counsel and was advised that the Board should seek a hearing to suspend or revoke anyone on the list who holds any license through the Selectmen's Office. Mr. Murphy motioned to schedule a hearing for any delinquent commercial tax title property owner holding a license through the Board of Selectmen. Mr. Espindola seconded. Vote was unanimous. (3-0). Town Counsel will prepare the hearing notice(s).

## **POLICE EDUCATIONAL INCENTIVE – SCOTT COELHO**

The Board reviewed a memo from the Police Chief requesting the authorization of Police educational incentive pay for Officer Scott Coelho, pursuant to the terms of the Police Union contract. Mr. Murphy motioned to approve the educational incentive pay for Officer Coelho, contingent upon the receipt of Officer Coelho's college transcripts for a Bachelor's Degree in Computer Science. Mr. Espindola seconded. Vote was unanimous. (3-0).

## **BPW CORRESPONDENCE**

The Board reviewed correspondence received from the Board of Public Works via its Superintendent, Vincent Furtado. See Attachment C. The Board addressed a request from the BPW to eliminate the Selectmen's ability to go to a referendum vote two more times for the

elimination of the elected Board of Public Works. The Board was supportive of the request, citing the overwhelming majority vote from the Town to maintain the elected BPW.

Additionally, the Board addressed a request from the BPW to request Town Counsel draft a revision article to alter the legislation that formed the position of Town Administrator in the Town of Fairhaven, to remove the Town Administrator's authority over the BPW.

Mr. Murphy motioned to request Town Counsel to draft an article to eliminate the Selectmen's option to take the BPW elimination to a referendum vote; to draft an article to alter the language of the Town Administrator formation article to eliminate authority over the BPW; and to draft a letter to the potential Town Administrator candidates explaining the change to the job description as a result. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **237 NEW BOSTON ROAD – RIGHT OF FIRST REFUSAL**

The Board reviewed a submitted notice offering the Town the Right of First Refusal for 237 New Boston Road. The Planning Board has not yet had the opportunity to review the Right of First Refusal. The Board will reschedule the item for a meeting after the Planning Board meets on October 27.

### **SPRING STREET AUTO CONTINUATION DATE**

The Board acknowledged that Attorney Joseph Michaud's office has been in touch with the Selectmen's Office requesting a continuation date for his clients, Richard and Carol Dussault, for their car repair and dealer's licenses at Spring Street Auto. The Board agreed that it will meet with the Dussaults to continue a hearing, to include a hearing regarding the Dussaults' commercial tax title status, on November 9 at 7:00 p.m. Town Counsel will draft the letter notifying the Dussaults.

Additionally, the Board removed a continued hearing for Getty from the November 9 agenda, as the owner of Getty needs to complete a site plan review with the Planning Board before the Board of Selectmen may proceed with the hearing.

### **OTHER BUSINESS**

In Other Business:

- Mr. Murphy said that the Oxford School bell removal event went well and it was nice to see Mrs. Xifaras and Ms. Hemingway ring the bell one final time.
- Mr. Espindola agreed and said that the Harvest Fun Day was also a great success.
- Mr. Murphy said that the Board has been invited to the annual Veteran's Day luncheon at the COA and he is eager to attend.
- Mr. Espindola offered condolences from the Board to the family of Sgt. Antone Frates – a longtime member of the Fairhaven Police force.

- Mr. Espindola said that the Town will have to designate a Town representative for the Energy Aggregation Bid Process. This representative will make decision of behalf of the Board. Mr. Murphy motioned to name Mr. Espindola the primary representative for the Energy Aggregation Bid Process and Mr. Osuch the secondary representative. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Haworth noted that the upcoming weekend would see a production at the Town Hall of James and the Giant Peach and encouraged the public to attend.

### **AMERICAN LEGION HEARING**

At 7:19 p.m., the Chairman opened a public hearing for the Change of Manager/Change of Officers and Directors for the American Legion. Treasurer Patrick Flynn was present. Proposed manager Marjbritt Zahn was absent.

Mr. Flynn explained that the last manager passed away and that he had stood in for a while, but that a recent vote of the American Legion board named Ms. Zahn as their choice for the next manager on record.

The Board supported the naming of a manager of record but expressed concern about missing TIPS certificates and the American Legion's tax title status. Additionally, Mr. Haworth noted that the American Legion is currently facing a hearing at the State board for a violation of the terms of its liquor license due to a July 10, 2015 incident where a bartender obtained alcohol for resale at a package store instead of their regular vendor.

Mr. Flynn said that he would obtain the TIPS certifications and submit as soon as possible to the Board. Additionally, the Board will look into whether or not the American Legion is exempt from a tax title hearing related to its license. Mr. Haworth said that he would also like the Board to meet the manager (Ms. Zahn) before the change is approved.

The hearing was continued to October 26 at 7:30 p.m.

### **CDBG 2016 APPLICATION**

At 7:32 p.m., the Board met with Bill Roth to hear preliminary plans for a CDBG 2016 application. Mr. Roth said that he usually focuses on a combined road and housing project, but that this upcoming application will possibly be an infrastructure project and a project that includes social services. Mr. Murphy said that the Town's public transportation could be a potential CDBG social service project. Mr. Roth will work with the grant consultant related to the 2016 application.

### **LICENSE RENEWALS**

The Board will ask the licensing Senior Clerk in the Selectmen's Office to have all license renewal notices have a return deadline of December 1. Mr. Murphy motioned to set the deadline

of December 1 and notify all licensees as a part of their renewal packet. Mr. Espindola seconded. Vote was unanimous. (3-0).

At 7:53 p.m. Mr. Murphy motioned to adjourn. Mr. Espindola seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien  
Administrative Assistant  
Minutes approved 10/26/2015

THOMAS P. CROTTY & ASSOCIATES, PLLC

LAW OFFICES  
388 COUNTY STREET ~ THIRD FLOOR  
NEW BEDFORD, MASSACHUSETTS 02740-4992

RECEIVED  
2015 OCT -2 A 10:49  
TELEPHONE 508.990.9107  
BOARD SIMILE 508.990.9108  
FAX: info@tcrottylaw.com  
www.tcrottylaw.com

THOMAS P. CROTTY

SHELLEY D. COELHO  
MATTHEW W. SCHUYLER

September 30, 2015

Jeffrey Osuch, Executive Secretary  
Board of Selectmen  
Town of Fairhaven  
40 Center Street  
Fairhaven, MA 02719

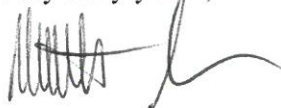
RE: Bates Property

Dear Jeffrey:

I am enclosing two Purchase and Sale Agreements: (i) between the Town of Fairhaven and Adventist Heritage Ministry and (ii) between Adventist Heritage Ministry and the Town of Fairhaven.

Please bring this before the Board, voting to authorize one member to sign on their behalf. Have that member sign each of the agreements on behalf of the Board and return them to me in the enclosed stamped, self-addressed envelope.

Very truly yours,



Matthew W. Schuyler

MWS/mch  
Enclosures

## **PURCHASE AND SALE AGREEMENT**

SELLER: TOWN OF FAIRHAVEN  
BUYER: ADVENTIST HERITAGE MINISTRY  
PREMISES: A PORTION OF FAIRHAVEN ASSESSORS' MAP 14, LOT 149

### **PARTIES**

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the Town of Fairhaven, hereinafter called the SELLER, and Adventist Heritage Ministry, and its assignee, hereinafter called THE BUYER.

### **DESCRIPTION**

THE SELLER agrees to sell and THE BUYER agrees to buy the following described premises:

That portion of the lot shown as Fairhaven Assessors' Map 14, Lot 149, located at 191 Main Street, identified as "Parcel 'A'" in the ANR Plan of 191 Main Street, Fairhaven, Massachusetts, prepared by Romanelli & Associates for AHM dated June 29, 2015, being 726 square feet in area (hereinafter, the "Premises").

### **FIXTURES AND IMPROVEMENTS**

Said Premises shall include all buildings and improvements located thereon and all fixtures belonging to THE SELLER used in connection therewith.

### **QUALITY OF TITLE**

Said Premises are to be conveyed by good and sufficient Quitclaim deed of THE SELLER conveying a good and clear record and marketable title to the same, free from all encumbrances, except:

- (a) provision of building and zoning laws and regulations;
- (b) party wall agreements;
- (c) taxes assessed for the current year not due and payable at the time of closing;
- (d) water and sewerage and municipal betterment charges and assessments;
- (e) easements and restrictions of record so far as the same are in force and applicable.

All instruments and plans delivered to THE BUYER to effect the conveyance shall be in a form sufficient to entitle them to be recorded under applicable laws and regulations.

### **REGISTERED LAND**

If the title to the premises is registered, THE SELLER shall deliver to THE BUYER a deed and any other documents in a form sufficient to entitle THE BUYER to obtain a Certificate of Title to the Premises.

### **TIME FOR PERFORMANCE**

Unless otherwise agreed by the parties, the deed shall be delivered and the purchase price paid at 10:00 a.m. at the New Bedford Registry of Deeds on the tenth (10<sup>th</sup>) business day following endorsement or approval of a recordable plan of the Premises by the Planning Board for the Town of Fairhaven. It is agreed that time is of the essence.

### **PAYMENT OF PURCHASE PRICE**

At the time of performance THE BUYER shall tender to THE SELLER a deed of property and easement pursuant to that Purchase and Sales Agreement of even date between Adventist Heritage Ministry as Seller and the Town of Fairhaven as Buyer.

### **SURVEY AND RECORDING**

THE BUYER shall arrange for the survey and recording of the Premises at its own cost, and shall:

1. Submit the survey plan to THE SELLER for review and approval;
2. Submit the plan for endorsement or approval by the Planning Board for the Town of Fairhaven within thirty (30) days of approval of the conveyance of the Premises by the Town Meeting for the Town of Fairhaven; and
3. Record the plan within ten (10) business days of endorsement or approval of the plan by the Planning Board for the Town of Fairhaven.

If THE BUYER fails to perform timely any of the enumerated tasks, THE SELLER may do so, and any cost incurred by THE SELLER shall be paid by THE BUYER as a part of the purchase price, as previously provided herein.



## **EXPENSES AND COSTS**

The BUYER shall reimburse the SELLER for its costs relative to sale, including, but not limited to, recording fees, attorney's fees and expenses, and survey costs, within thirty (30) days of billing.

## **INSURANCE**

The buildings on said Premises shall, until the full performance of this Agreement, be kept insured by THE SELLER against fire or other casualty loss in accordance with the present policy.

## **ADJUSTMENTS**

Water and sewer use charges, rents, premiums on insurance policies, fuel located in tanks on the Premises, and taxes for the current year shall be apportioned and adjusted as of the day of delivery of the deed.

If the amount of said taxes is not known as of the time of delivery of the deed, it shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate valuation can be ascertained.

If the taxes apportioned pursuant to this paragraph are subsequently reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between THE BUYER and THE SELLER.

## **INABILITY OF SELLER TO PERFORM**

If THE SELLER shall be unable to give proper title to the Premises as provided herein, or if the Premises at the time set for conveyance shall not be in the condition required by this Agreement, then THE SELLER shall be given thirty (30) days in which to remove any defects in title or to restore the Premises to proper condition.

In the event that THE SELLER fails to remove such defect or to restore the Premises within such time, any payment made under this agreement shall be refunded and all obligations of the parties shall cease and this agreement shall be void and without recourse to either party.

This agreement is subject to the approval by the Town Meeting for the Town of Fairhaven of the conveyance of the Premises. Unless otherwise agreed by the parties, in the event the conveyance

of the Premises is not approved by the Town Meeting at its next convening following the execution of this agreement, this agreement shall be void and without recourse to either party.

### **OPTION OF BUYER TO ACCEPT DEFECTIVE TITLE OR PREMISES**

Where title is defective THE BUYER may, at either the original time for performance or at any extended time for performance, at its option, accept such title as THE SELLER can then deliver, paying the full contract price therefor.

THE BUYER may also at its option accept the premises which have been damaged by fire or other casualty, paying the full contract price therefor and receiving from THE SELLER a conveyance of title along with an assignment of the rights to any insurance proceeds collectible as a result of such fire or casualty.

### **MERGER BY ACCEPTANCE**

The acceptance of a deed by THE BUYER or its nominee shall be deemed to be full performance of this agreement, except with respect to those obligations which are by the terms of this agreement to survive the delivery of the deed, or are to be performed after the delivery of the deed.

### **USE OF PURCHASE MONEY TO CLEAR TITLE**

THE SELLER may at the time of delivery of the deed apply any part, or all, of the purchase price for the purpose of discharging any encumbrances then on the Premises.

### **DEPOSITS**

All deposits shall be held by SELLER in accordance with the terms of this agreement, and shall be accounted for at the closing.

### **DEFAULT BY BUYER - EFFECT**

If THE BUYER fails to perform as required by this agreement, then deposits made hereunder will be retained as liquidated damages.

**FINANCING CONTINGENCY**

THE BUYER's obligation to purchase is not conditioned on obtaining a written commitment for mortgage financing.

**CONSTRUCTION OF AGREEMENT**

This is a Massachusetts contract and is subject to the laws of the Commonwealth of Massachusetts. It sets forth the entire agreement between the parties.

**BROKER'S CLAUSE**

SELLER represents and warrants to BUYER that there are no fees or commissions due any broker in contemplation of this agreement except to.

**ADDITIONAL PROVISIONS**

The Premises is being sold in "as is" condition, with no obligation on the part of THE SELLER to clean, repair or improve the premises. THE BUYER acknowledges that BUYER has inspected the Premises which are the subject of this agreement and that THE SELLER has made no warranties or representations regarding the Premises other than set forth in this agreement.

IN WITNESS WHEREOF, the parties hereto set their hands and seals effective the stated dates and acknowledge receipt of a copy hereof.

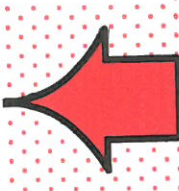
BUYER:  
Adventist Heritage Ministry,

By: *Thomas R. Nye*  
Its *President of AHM*



SELLER,  
Town of Fairhaven,

By: \_\_\_\_\_  
Its \_\_\_\_\_



**EXTENSION**

The time for the performance of the foregoing agreement is extended until \_\_\_\_\_

\_\_\_\_\_  
Executed as a sealed agreement this

day of  
, 2015.

*Thomas R. Nyland*  
\_\_\_\_\_  
SELLER

\_\_\_\_\_  
BUYER

## FAIRHAVEN SOCIAL MEDIA POLICY

### I. INTRODUCTION

The Town of Fairhaven permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of Fairhaven goals and objectives. Town officials and Town departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct *official* Town business. Social media sites facilitate further discussion of Town *government business*, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town purposes. Questions regarding this Policy should be directed to Town Administrator or the Web Administrator. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Fairhaven.

### II. DEFINITIONS

1. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Del.icio.us.
2. A “social media identity” is a specific user identity or account that has been registered on a third party social media site.
3. A “blog” (an abridgement of the term web log) is a Town of Fairhaven website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
4. A “moderator” is an authorized Town of Fairhaven official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by the Town officials, employees and public commentators to be posted to a Town of Fairhaven social media site or sites.

### III. POLICY

1. All Town social media sites shall be:
  - a) approved by the Town Administrator; and
  - b) published using social media platform and tools approved by the Information Technology Department (“IT”).

2. The official posting for the Town will be done by the Board of Selectmen or their designee.
3. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town policies.
5. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in paragraph Numbers 10 or 11, or it is changed to fix spelling or grammar errors.
6. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.
7. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Fairhaven Internet site for forms, documents and other information.
8. Each Town social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.
9. All social media sites shall clearly indicate they are maintained by the Town of Fairhaven and shall have the Town of Fairhaven contact information prominently displayed.
10. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
11. Town social media content and comments containing any of the following forms of content shall not be allowed for posting:
  - a) **Comments or content** not topically related to the particular site or blog article being commented upon;
  - b) Profane, obscene, or vulgar language or content;

- c) **Comments or content** that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;
- d) **Comments or content that is threatening or harassing;**
- e) **Sexual comments, content, or links to sexual content;**
- f) Conduct or encouragement of illegal activity;
- g) Information that may tend to compromise the safety or security of the public or public systems;
- h) Content that violates a legal ownership interest of any other party;
- i) **Protected health information;**
- j) **Personnel information; or**
- k) **Other information that is not public record or is otherwise privileged from public disclosure.**

12. All Town social media moderators may be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.

13. Where appropriate, Town IT security *and/or computer use* policies shall apply to all social media sites and articles.

14. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town of Fairhaven. See Section IV, Employee Guidelines for Use of Social Media Sites.

15. No Town or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders.

16. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

17. When appropriate, the Town's Website Administrator, or other appointee of the Board of Selectmen or Town Administrator, shall serve as managing moderator over all Town social media outlets. This managing moderator shall oversee the adherence of Departments to this policy. The managing moderator will report any suspected violations to the Town Administrator/Board of Selectmen for the purposes of disciplinary action.

#### **IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES**

1. **Electronic Communications and Computer Usage Policy.** All employees are responsible for understanding and following the Town's Electronic Communications and Computer Usage Policy, in addition to this Policy.

2. **First Amendment Protected Speech.** Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.

3. **Copyright Law.** Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote *an* excerpt of someone else's work *without acknowledging the source*, and, if possible, provide a link to the original.

4. ***Conflict of Interest.*** *Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.*

5. **Protect Confidential Information.** Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Town. Never post information about policies or plans that have not been finalized by the Town, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.

6. **Consider Your Content.** As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Town and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.

7. **Handling Negative Comments.** Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include:

- a) Providing accurate information in the spirit of being helpful;
- b) Respectfully disagreeing; and
- c) Acknowledging that it is possible to hold different points of view.

8. **Respect Your Audience and Your Coworkers.** Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. Do not use your department's social media presence to communicate among fellow Town employees. Do not air your differences with your fellow Town employees on your department's social media's sites.

9. **Use the Social Media Site or Identity Only to Contribute to your Department's Mission.** When you contribute to your department's social media site or identity, provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town's mission by:



- a) Helping you and your co-workers perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making the operations of your department transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

10. **Mistakes.** The Town policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so—do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

11. **Media Inquiries.** Town or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to the Town Administrator.

12. **Personal Comments.** Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the Town of Fairhaven. If you publish content on any website of the Town and it has something to do with the work you do or subjects associated with the Town, use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the Town’s positions or opinions.”

13. **Employee or Official Profile.** If you identify yourself as a Town employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.

14. **Defamation.** Be aware that employees acting in their individual capacity (not on behalf of the Town) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.

15. **Records Retention.** Social media sites will contain communications sent to or received by Town officials and employees, and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider’s terms of service for its record retention practices. Note that while third party social media providers will

most likely save your content for some period of time, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town or department should retain copies of social media posts such as by printing or otherwise storing periodic “snapshots” of the social media sites.

16. **Open Meeting Law.** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

**SOCIAL MEDIA POLICY**

This acknowledges that I have received and reviewed the Social Media Policy, with attachments, of the Town of Fairhaven (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee’s personnel file.*

# Attachment C

DELINQUENT COMMERCIAL PROPERTIES	PROPERTY ADDRESS	ID PARCEL	TAKEN YEAR	TAXES	INTEREST	TOTAL OWED
ATLAS TACK CORP	83 PLEASANT STREET	08-094	1990	161,455.25	371,130.02	532,585.27
ATLAS TACK CORP	HYLAND AVENUE	27-015	1990	3,594.62	4,471.82	8,066.44
ATLAS TACK CORP	BOYS CREEK	27-016	1990	1,409.93	2,448.32	3,858.25
ATLAS TACK CORP	BOYS CREEK	27-017	1990	1,443.79	2,982.80	4,426.59
ATLAS TACK CORP	HYLAND AVENUE	27-015D	1990	1,309.51	2,299.55	3,609.06
DUSSAULT RICHARD N TRUSTEE OF NMD REALTY TRUST	99 SPRING STREET	25-062C	1993	40,180.56	23,399.02	63,579.58
FAIRHAVEN P 166	54 MAIN STREET	09-078	2003	37,314.11	5,627.62	42,941.73
JACOBVITZ BERNARD TRUSTEE	173 SPRING STREET	26-020	2013	81,273.58	9,571.27	90,844.85
G E H CENTRAL HEATING AND AIR COND	DEANE STREET	19-375	2014	4,356.13	341.89	4,698.02
G E H CENTRAL HEATING AND AIR COND	350 MAIN STREET	19-257	2014	9,022.30	486.47	9,508.77
PAP REALTY TRUST	10 PEQUOD ROAD	36-014F	2014	217,866.69	14,356.31	232,223.00
PIVA PAUL A	PEQUOD ROAD	36-014E	2014	11,590.27	842.45	12,432.72
PIVA PAUL A	PEQUOD ROAD	36-014D	2014	11,590.27	842.45	12,432.72
ALVES REALTY LLC	117-119 ALDEN ROAD	36-015F	2014	23,890.08	1,648.42	25,538.50

DELINQUENT COMMERCIAL PROPERTIES	PROPERTY ADDRESS	ID PARCEL	TAKEN YEAR	TAXES	INTEREST	TOTAL OWED
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PIVA PAUL A	PEQUOD ROAD	36-014D	2014	11,590.27	842.45	12,432.72
ALVES REALTY LLC	117-119 ALDEN ROAD	36-015F	2014	23,890.08	1,648.42	25,538.50

## Attachment D

**From:** [Vincent Furtado](#)  
**To:** [Anne Kakley](#)  
**Subject:** Board of Public Works votes from September 14  
**Date:** Thursday, September 17, 2015 3:48:06 PM

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Hi Anne

Hope all is well.

Below please find various matters that the Board of Public Works voted on during their meeting of 9/14/15 that pertain to the Select Board. Logistically, if you need these sent to you in separate emails, just ask, as I wasn't sure of the format needed, but I'm certain that the BPW wants these matters addressed by the Select Board.

Please let me know if you need anything.

Thanks

Vinnie

- On Monday September 14, 2015, the Board of Public Works voted to unanimously (5-0) approve that the Water and Sewer Department's annual stipends for the non-union employees be equal to those of the union employees. As such, we respectfully request the Select board to approve this matter which was tabled from your meeting of August 31<sup>st</sup>.
- On Monday September 14, 2015, the Board of Public Works was asked to render their opinion concerning construction of a Fish Pier on Causeway Rd. It was very clear that safety concerns were a major priority of both the Board members as well as those in attendance. As such, it was voted by a 3-2 margin that if the Selectmen approve the construction of said Pier on Causeway Rd, that they seriously consider constructing the Pier at Hoppy's Landing, for safety purposes.

Further, should the Select board decide to allow the construction of this Fish Pier elsewhere in Town (other than Hoppy's Landing) that the Select board consider safety as the number 1 priority when making their decision.

Lastly, as a point of information, the Select board should be aware that construction to the water main on the north side of the Causeway Rd. bridge will be repaired in this fiscal year. Also, Public Works is in the process of obtaining engineering proposals to structurally repair/replace sections of the Causeway bridge which were deemed in need of repair per a bridge inspection conducted by MA DOT. Obviously, the above mentioned repairs would have to be logistically coordinated with the construction of the fish pier so that there is minimal interruption to residents and so that efforts aren't duplicated should the Select board decide to approve the Causeway Rd. location for the Fish Pier.

- On Monday September 14, 2015, the Board of Public Works voted to ask the Select Board to submit an Article to the next Town Meeting to amend the language in the Town Administrator Act (Chapter 381) to reflect the vote of April 6, 2015, where the Town voted at a 3-1 margin to retain the elected Board of Public Works.

Specifically, in Section 2 (e) the Board voted to eliminate the wording indicating that said Town Administrator would direct the daily supervision of highway, water, sewer, tree and park.

Further, in Section 2 (g), that the language reflect that the Town Administrator may act as the now defunct Personnel Board but does not have sole authority of personnel policies for the contracted employees of the Public Works Department.

In addition, in Section 2 (i) change the language that reads appoint and remove all department heads under the direct control of the town administrator and replace it with appoint and remove all department heads under the direct control of the town administrator, which excludes the Board of Public Works.

- Lastly, the Board unanimously voted to request that the Select Board submit an Article to Town meeting requesting that said body repeal the Special Acts Legislation which allows the Town to vote (up to five times) to abolish the Board of Public Works.