



Fairhaven Board of Selectmen

July 11, 2016 Meeting Minutes

Present: Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, and Clerk Daniel Freitas; Town Administrator Mark Rees, and Administrative Assistant Anne O'Brien.

Mr. Murphy called the meeting to order in the Town Hall Banquet Room at 6:33 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

MINUTES

- Mr. Espindola motioned to approve the minutes of the **June 20, 2016** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **June 20, 2016** meeting, **executive** session. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report, Mr. Rees updated the Board on several issues:

Health Insurance – Mr. Rees informed the Board that the Town would not be increasing health insurance rates as of September 1, 2016, as previously planned, due to the fact that the re-insurance premium rate was lower than anticipated.

Town Hall – Mr. Rees said that he was working with the Town Hall custodian to replace the front doorknob to improve accessibility for all visitors and installing automatic doors at the handicap ramp. Also, the Town Hall will be rekeyed for security.

Collective Bargaining – Mr. Rees has started negotiations with collective bargaining units, with the intention of settling on contracts in time for a fall Town Meeting.

Green Street Trees – Mr. Rees acknowledged that the Town Hall has received many calls about the removal of trees on Green Street, which will be required as a part of a Board of Public Works road improvement project. Because of the concern expressed, the BPW will be having a public meeting in the last week of July to discuss the project and hear concerns from the public.

Mr. Rees asked the Chairman to add an unforeseen item to the agenda: "Subordination agreement for the CDBG". The Chairman added the item to the agenda.

HISTORICAL SOCIETY USE OF TOWN HALL

The Board reviewed a request from Tim Evans of the Historical Society requesting use of the Town Hall Banquet Room, or the Town Hall Auditorium (depending on attendance) for a lecture on July 15, 2016. The Board was supportive of the request. Mr. Espindola motioned to approve the request to use the Town Hall facilities, with the Historical Society paying any custodial fees associated. Mr. Freitas seconded. Vote was unanimous. (3-0).

COMMISSION ON DISABILITY APPOINTMENT

Mr. Murphy read a letter from Maria Ruedlinger Walker, requesting appointment to the Commission on Disability (COD). Her request is supported by the seated members of the Commission on Disability, said Mr. Murphy, who is the chairman of the COD. Mr. Espindola motioned to appoint Ms. Walker. Mr. Freitas seconded. Vote was unanimous. (3-0).

PUBLIC HEALTH NURSING CONTRACT

The Board reviewed the annual contract with the Community Nurse Home Care for the annual sum of \$17,000. Mr. Espindola motioned to approve the contract. Mr. Freitas seconded. Vote was unanimous. (3-0).

WIA REQUEST – WAIVER OF PARKING FEES FOR REGATTA

The Board reviewed a written request from the West Island Improvement Association, organizers of the “West Island Regatta”, to waive the parking charges on July 24, 2016 at Hoppy’s Landing for its participants.

Frank Coelho was recognized. He said that he did not think it was fair to “pick and choose” who would receive free parking from the Town. He said that if the Town was going to offer free parking, they should offer it to everyone for that whole day or deny the request.

Mr. Murphy asked Harbormaster Tim Cox to comment. Mr. Cox said that he would uphold and enforce the Board’s decision, and that free parking to event participants has been offered in the past.

Mr. Espindola motioned to waive all parking fees at Hoppy’s Landing on July 24, 2016. Mr. Freitas seconded. Vote was unanimous. (3-0).

VALERO SITE PLAN

The Board reviewed the submitted site plan from Fairhaven Gas, Inc “Valero”. Mr. Espindola motioned to approve the site plan. Mr. Freitas seconded. Vote was unanimous. (3-0).

COMMON VICTUALER LICENSE – THE NOOK

The Board reviewed an application for a common victualer license for The Nook, located on Washington Street. Worker's comp, building, and taxes are all approved for the application. Mr. Espindola motioned to approve the common victualer license for The Nook. Mr. Freitas seconded. Vote was unanimous. (3-0).

OUR LADY OF ANGELS FEAST ALL-ALCOHOL LICENSE

The Board reviewed a request from Our Lady of Angels "Feast" for three, one-day, all-alcohol licenses for September 3, 4 and 5. Mr. Espindola motioned to approve contingent upon police detail, TIPS certification and proof of insurance. Mr. Freitas seconded. Vote was unanimous. (3-0).

LABOR COUNSEL

Pursuant to the Town Administrator Act, Mr. Rees sought proposals for Labor Counsel and has selected Clifford and Kenny to represent the Town in labor matters. Mr. Rees will use labor counsel in a consultant role, and not in direct negotiations.

Present at the meeting were Attorneys John Clifford and Jamie Kenny, who introduced themselves and gave an overview to their practice.

It has not been determined whether the Town will opt for a flat fee or an hourly rate. The Board reviewed the credentials of the firm and said that they were supportive of Mr. Rees' appointment of the same.

EPA LAND ACCESS – VERANDA AND OXFORD STREETS

At 7:00 p.m., the Board met with representatives of the EPA: Community Involvement Coordinator Kelsey O'Neil, Project Manager Ginny Lombardo, and Environmental Analyst Matt Fitzpatrick.

Mr. Murphy thanked the EPA representatives for taking the time to attend a meeting and answer a series of questions from residents, particularly questions from the Hands Across the River Coalition. He opened the meeting up to the EPA to respond to the submitted questions (Attachment A).

Ms. Lombardo said that they were seeking access to Veranda Street and Oxford Street to monitor activities relative to the superfund site for Oxford Street. They are limiting their access request to sampling only. For Veranda Street they are seeking access to both sample and remediate pollution. The EPA will be coordinating any access plans with Director of Planning Bill Roth.

Ms. O'Neil said that they have been testing along the Fairhaven shoreline for over a year now and that any of the planned sampling will not interfere with residential activities.

Ms. Lombardo took a moment to read the EPA's written responses to the Hands Across the River Coalition's submitted questions. (Attachment A).

Mr. Fitzpatrick demonstrated how the sampling is done with a "hand auger". They use a highly accurate GPS to locate sampling area, and then use the hand auger to dig, obtain a sample and then transfer it to a sampling tube. Over 400 locations in New Bedford and Fairhaven have been sampled so far. All of the collected data is available on the EPA website.

Bill Coussin of 2 Oxford Street was recognized. He asked if testing could be done from the water side without accessing via the street or private property. Ms. O'Neil answered that their interpretation of land ownership is that mean low-tide is the property line, and that they would still need to get permission to access the sampling site.

Mr. Murphy thanked the EPA representatives for coming out and answering questions. Mr. Freitas asked the EPA representatives to work with the Town to share their sampling schedule so that the Town can make that information available on its website.

Ms. Lombardo said that the access agreements that they sent to the Oxford Street area property owners were standard language access agreements and they had been concerning to residents. She said that they have since changed the language to make it sampling only, and hope that some property owners will come forward and agree to sampling. Ms. Lombardo added that there is no PCB ambient level air risk.

Karen Vilandry of Hands Across the River Coalition was recognized. Ms. Vilandry expressed concerns about local clean-up groups cleaning trash and debris out of the harbor. Ms. Lombardo said that the EPA does not consider there to be any risk in recreational activities, including clean-ups, in that area.

Mr. Espindola motioned to approve the access agreement with the EPA for Veranda Street, and the access agreement for Oxford Street. Mr. Freitas seconded. Vote was unanimous. (3-0).

BBC – ACQUISITION OF CARVALHO FARMS PROPERTY

Allen Decker, Director of Land Protection for the Buzzard's Bay Coalition was present. Mr. Decker said that the BBC had an opportunity to partner with the Town on a conservation project in East Fairhaven. The BBC plans to purchase a parcel of farmland from its current landowner, and keep the property in active agricultural use and provide public land access. The Town would hold a conservation restriction on the parcel.

The parcel has rock formations and views of Nasketucket Bay. The project would include a small parking area off Shaw Road and a trail easement. The Town has an opportunity to apply for a matching FY2017 Local Acquisitions for Natural Diversity (LAND) Grant Program to help cover the \$610,000 conservation purchase price. Any acquisition of land interest would have to go before Town Meeting in May 2017 for the land easement; the Buzzard's Bay Coalition could provide up to \$90,000. Other sources of funding could include Community Preservation

Committee allocations and private donations. See Attachment B. No financial obligations are necessary at this stage in the process.

Bill Roth stated that the Town has to have an Open Space plan in place prior to approval. Although the Town's Open Space plan is not yet finalized, Mr. Roth said that he plans to contact the State to let them know that an Open Space plan is actively being compiled.

Mr. Espindola said that this would give the Town an opportunity to vote on an open space acquisition down the road, but did not indicate earmarked money.

Mr. Freitas asked who would own the land after the appropriation. Mr. Decker said that the Buzzard's Bay Coalition would own the land, but the Town would hold the conservation restriction over the property.

Mr. Espindola motioned to authorize the Town Administrator to sign the grant application and to submit a letter of support from the Board of Selectmen. Mr. Freitas seconded. Vote was unanimous. (3-0).

WELCOME AND ROCKLAND STREET ACCEPTANCES

Mr. Espindola motioned to sign the street acceptance for Welcome Street, as previously approved by Town Meeting. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to sign the street acceptance for Rockland Street, as previously approved by Town Meeting. Mr. Freitas seconded. Vote was unanimous. (3-0).

OXFORD SCHOOL – OPTION TO PURCHASE

The Board has been authorized by Town Meeting to sign an option to purchase the Oxford School. Mr. Espindola motioned to sign the Option to Purchase agreement for the Oxford School. Mr. Freitas seconded. Vote was unanimous. (3-0).

CDBG MORTGAGE SUBORDINATION

Mr. Espindola motioned to authorize the chairman to sign a mortgage subordination for the CDBG program. Mr. Freitas seconded. Vote was unanimous. (3-0).

WIA REQUEST FOR SPEED LIMIT SIGNS

The Board reviewed a letter from the West Island Improvement Association for speed limit signs on Alder Street and Balsam Street. See Attachment C. The request has been reviewed by the Police Chief. Chief Myers is recommending additional "Speed Limit 25" signs and "Dangerous Intersection" signs.

Mr. Espindola said that he would also support the idea of placing mobile speed indicators to keep drivers mindful of their speed. The Board agreed that it would be supportive of this measure as well.

Mr. Freitas said that there have been several concerns about the intersections along Causeway Road, most of which do not have stop signs. Mr. Roth said that the Commonwealth has a very strict process of authorizing stop signs, which would include traffic studies.

Mr. Espindola motioned to approve the recommendation of the police chief for additional speed limit signs and signs to warn about dangerous intersections on West Island. Mr. Freitas seconded. Vote was unanimous. (3-0).

HARBORMASTER – CARRYING FIREARMS

Harbormaster Timothy Cox was present to discuss a request to carry firearms while on duty as Harbormaster. Mr. Cox said that several neighboring towns and cities have harbormasters who carry firearms.

Mr. Freitas said that he presented the request to the Board because he felt that there were scenarios in which the harbormaster should be able to defend himself on the water and on patrol. There would be extensive training that the harbormaster would have to attend in order to carry the firearm.

Mr. Cox advised that if he needs to arrest a person, he is dependent on the police department to respond promptly for help.

Mr. Freitas said that he had spoken with the police chief and he was willing to work with the Town Administrator to make sure that all necessary steps and training is met in supplying the harbormaster with a firearm. Mr. Espindola motioned to have the Town Administrator, with the assistance of Mr. Cox, research the matter and come back with a recommendation at a future meeting. Mr. Freitas seconded. Vote was unanimous. (3-0).

33 WILLIAM STREET – LAND FOR TOWN HALL SHED

Mr. Roth has worked with the residents of 33 William Street on an option agreement to obtain a small easement of land bordering the Town Hall for a municipal shed to be used by the Town Hall custodian. The Town would apply for the easement with the owners of 33 William Street. In lieu of payment, the owners of the land would be willing to provide the easement in exchange for the removal of a large tree.

Mr. Rees said that a shed was important for the storage of gas-powered lawn equipment, which is currently stored in the Town Hall basement. This would improve Town Hall safety and handicap accessibility, as the gas-powered snow blower is stored in front of the handicap-accessible bathroom.

The final approval of the land easement would have to get approval from Town Meeting.

Mr. Espindola asked how the issue of historical appearance would be addressed. Mr. Roth said that the shed would not be on the premises of the Town Hall, which is a registered historical landmark. The owner of the property has asked that the Town match the cedar shake shingles on the shed to his own house.

Mr. Roth said that the first step would be to file for the joint variance; then the Town will cut down the tree. The final step is that the Town Meeting would have to approve the easement. The only costs associated will be the materials for the shed structure, with labor being provided by Greater New Bedford Vocational High School.

Mr. Espindola motioned to authorize the Chairman to sign the Option Agreement. Mr. Freitas seconded. Vote was unanimous. (3-0).

ECONOMIC DEVELOPMENT CHARGE

The Board reviewed a memo from Mr. Rees regarding the Economic Development Committee's vote to set their own charge. See Attachment D.

Mr. Espindola motioned to approve the charge as outlined in Attachment D, with the following amendment to bullet #2: maintain the Board of Selectmen as the appointing authority for associate members of the Economic Development Committee, with prior consideration and approval from the EDC. Mr. Freitas seconded. Vote was unanimous. (3-0).

MARINE RESOURCES COMMITTEE

Mr. Rees worked with the Marine Resources Committee to create a charge and present it to the Board of Selectmen. See Attachment E. Mr. Espindola motioned to define the charge of the Marine Resources Committee as outlined in the seven points in Attachment E. Mr. Freitas seconded. Vote was unanimous. (3-0).

ROGERS SCHOOL RE-USE CONSULTANT PROPOSALS

The Board reviewed a memo from Mr. Rees regarding his recommendations for the re-use/disposition of the former Rogers School. In addition to Mr. Rees' recommendation to appoint a five-person, ad-hoc committee to review the submitted consultant proposals, he recommended the membership of the ad-hoc committee to include a Selectman representative, the Town Administrator, Director of the Planning and Economic Development, a member of the Oxford/Rogers Reuse Committee (as selected by the Chairman of that committee), and a member of the Capital Planning Committee (as selected by the Chairman of that committee).

Mr. Espindola motioned to approve the formation of the ad-hoc committee. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Freitas motioned to appoint Mr. Espindola to serve as Selectmen's representative on the ad-hoc Rogers School re-use committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

CDBG17

The Board reviewed a letter from the Governor's office stating that the Town was the recipient of \$695,551 for work to be performed at the Oxford Terrace parking lot and sea wall at Hedge Street. The Board thanked Mr. Roth for his work in the application process.

OTHER BUSINESS

- Mr. Espindola acknowledged that there have been several complaints from the public regarding the availability and quality of Government Access, and that the Town Administrator's office is working on getting the problem resolved.
- Mr. Freitas clarified that he would be recusing himself for the Fire Union negotiations in executive session.
- Mr. Murphy thanked COA director Anne Silvia for holding an intergenerational July 4 picnic.

At 8:54 p.m. Mr. Espindola motioned to enter Executive Session pursuant to MGL ch. 30a section 21, for contract negotiations – Town Administrator; and contract negotiations – Fire Union. Vote was unanimous. (3-0). Roll call vote: Mr. Murphy in favor. Mr. Espindola in favor. Mr. Freitas in favor.

Respectfully,
Anne O'Brien
Administrative Assistant
Minutes approved 08/08/2016