



Fairhaven Board of Selectmen

November 7, 2016 Meeting Minutes

Present: Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, 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 6:38 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 release of the executive session minutes of **March 2, 2015**, as redacted. Mr. Murphy seconded. Vote carried with one abstention from Mr. Freitas. (2-0-1).
- Mr. Espindola motioned to approve the release of the executive session minutes of **March 16, 2015**, as redacted. Vote carried with one abstention from Mr. Freitas. (2-0-1).
- Mr. Espindola motioned to approve the release of the executive session minutes of **March 30, 2015**, as redacted. Vote carried with one abstention from Mr. Freitas. (2-0-1).
- Mr. Espindola motioned to approve the minutes of the **October 17, 2016** meeting, **open** session. Mr. Murphy seconded. Vote carried with one abstention from Mr. Freitas. (2-0-1).

TOWN ADMINISTRATOR'S REPORT

In his report to the Selectmen, Mr. Rees said:

- At a recent department head meeting, Mr. Rees distributed the Board of Selectmen's budget policies and goals. Mr. Rees also distributed non-union job description updates to department heads to review and make final recommendations, if necessary.
- Stratford Capital Group has submitted to the Town a comprehensive permit request for the Oxford School.
- The contract for the Master Plan has been awarded to VHB for \$107,000.
- The first public forum for the Kirk and Company consultative project on the Rogers School will be at the Town Hall on November 15 at 6:30 pm.
- The School Department has entered into a lease with the Southeastern Massachusetts Educational Collaborative (SMEC) for use of the former Tripp School building.
- Joseph Leo Charpentier has been appointed to Associate Wiring Inspector.
- Congratulations was due to the first responders of the West Island Causeway accident from February 2016. The first responders were recognized at the annual Massachusetts

Brotherhood Association dinner in Springfield, MA, for their efforts in saving the life of the passenger in that accident.

- Two CPC projects were submitted to the Community Preservation Committee on behalf of the Board of Selectmen. A. a restoration of brick sidewalks, curbing and wheelchair ramps near the Millicent Library and the estimated cost is \$185,000, which will include conduits for lighting in the future. The sidewalks will not be narrowed for this project. B. funding to study the capital needs to maintain the Town Hall.

DISCLOSURE – PETER DETERRA

Mr. Rees reviewed a conflict of interest issue with the Board of Selectmen, related to Peter DeTerra of the Board of Health. Mr. DeTerra is the only contractor the Town could find that is qualified to mow the grass on top of the Town landfill. Because the Board of Health oversees the capped landfill, it presented a conflict of interest that Mr. DeTerra, a special municipal employee, is doing the work. As a result, Mr. DeTerra has completed the necessary form (23b) with the Town Clerk and now needs the Board of Selectmen to accept the disclosure and grant the exemption.

Mr. Espindola motioned to accept the disclosure and issue an exemption from the conflict of interest law for Mr. DeTerra to complete the mowing on the landfill for FY17. Mr. Freitas seconded. Vote was unanimous. (3-0).

FY17 LOCAL CULTURAL COUNCIL FUNDING

The Board reviewed a State contract for local Cultural Council funding. Mr. Espindola motioned to approve and sign. Mr. Freitas seconded. Vote was unanimous. (3-0).

MATTHEW RODRIGUEZ RUN TO REMEMBER

The Board reviewed a letter from the Matthew Rodriguez Run to Remember fund, requesting to move the date of the annual run from November 6, 2016 to March 26, 2017 at 10 am. Mr. Espindola motioned to approve the request. Mr. Freitas seconded. Vote was unanimous. (3-0).

AUDITORIUM USE – NMI GRADUATION

The Board reviewed an application from Northeast Maritime Institute for use of the Town Hall Auditorium on December 17, 2016 for a graduation ceremony. The NMI is aware that there is another applicant for use of the auditorium that same evening and is willing to coordinate with the other group to share the space. Mr. Espindola motioned to approve the application for use of the Town Hall Auditorium. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Freitas said that he had some concerns about the future use of the Town Hall auditorium, especially by private parties. He said that he would like to see a firm policy drafted and enforced to make sure that the Town Hall auditorium is used appropriately. Mr. Rees said that he would review the current Town Hall use policy and bring the matter before the Board at a future meeting.

PUBLIC HEARING – TRANSFER OF LICENSE

Mr. Murphy opened a public hearing at 7:00 p.m. for the transfer of a package store, all-alcohol license to JCIR Fairhaven Corporation. Manager Sarah Gustafson was present. All necessary departments have signed off on the application and Ms. Gustafson presented her TIPS certification to the Board. At 7:02 p.m., Mr. Murphy opened the hearing to public comment. There was none.

Mr. Espindola motioned to approve the package store, all-alcohol license to JCIR Fairhaven Corporation. Mr. Freitas seconded. Vote was unanimous. (3-0).

BARGE DONATION

The Board reviewed a letter from Taylor Seafood offering to donate a small barge to the Town. Harbormaster Timothy Cox supports accepting the donation. The barge will require some small repairs but will be used for shellfish propagation.

Mr. Espindola motioned to approve the donation. Mr. Freitas seconded. Vote was unanimous. (3-0).

MEETING SCHEDULE – 2017

The Board reviewed a meeting schedule for the first half of 2017. The Board approved part of the schedule for January and February, and will consider the rest of the proposed schedule at the next meeting. Mr. Espindola motioned to set the meeting dates of: January 9, 2017, January 23, 2017, February 6, 2017, and February 27, 2017. Mr. Freitas seconded. Vote was unanimous. (3-0).

NEEDIEST FAMILIES FUND

At 7:15 p.m., the Board met with Kristen Lancaster of the Neediest Families Fund. Ms. Lancaster met with the Board to invite them and the public to the December 4 “Prizapoolooza” at the Seaport Inn. This fundraiser will benefit the annual “Neediest Families Fund”, and this year’s fundraising goal is \$25,000. The Board thanked Ms. Lancaster for her presentation and encouraged the public to attend the event.

MMA CONFERENCE – POLICIES, OPPORTUNITIES, COMMUNICATION

Mr. Espindola said that he recently attended an MMA (Massachusetts Municipal Association) conference where discussions included financial policies, grant opportunities, and communication methods for towns and cities.

Mr. Espindola spoke with Zack Blake of the Department of Revenue (DOR), and Mr. Blake encouraged the Town to consider a four-year follow-up to the DOR report issued in 2012. The DOR also encouraged the Town to adopt a reconciliation policy.

Mr. Espindola motioned to send a letter from the Board to the DOR Division of Local Services, requesting a four-year check-up for the Town of Fairhaven. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to ask Mr. Rees to develop a reconciliation policy for the Town of Fairhaven. Mr. Freitas seconded. Vote was unanimous. (3-0). Mr. Rees said that reconciliation is regularly done, but that it was wise to codify the process.

Mr. Espindola motioned to ask Mr. Rees to apply for the Community Compact program. Mr. Freitas seconded. Vote was unanimous. (3-0).

SYNTHETIC MARIJUANA

At 7:30 p.m., the Board met with the Board of Health (BOH) Chairperson Jeannine Lopes, Vice Chairperson Lindsay Gordon, and Peter DeTerra to discuss an upcoming BOH meeting on a Town-wide ban on synthetic drugs (also known as “K2”, “Spice”, and “Scooby Snacks”). Also present was Health Agent Pat Fowle.

The BOH presented concerns to the Selectmen regarding the easy availability of synthetic drugs, which is sold as potpourri, but its intended use is as a mind-altering drug when smoked. The BOH intends to hold a hearing on their intention to adopt a bylaw to ban this substance and make its distribution an offense that could result in a fine or license suspension.

Mr. Espindola motioned to support the BOH’s efforts to ban synthetic drugs within the Town of Fairhaven. Mr. Freitas seconded. Vote was unanimous. (3-0).

SERV-A-THON

At 7:40 p.m., the Board met with Gary Lavalette and Steven Bouley of the Salvation Army Serv-a-thon and Mobile Loaves and Fishes.

Mr. Bouley spoke about a recent “Serv-a-thon” that resulted in the beautification of the Cooke Memorial Park. He said that the effort was part of a larger regional effort by the Salvation Army to make the community a better place.

Mr. Bouley said that he would be asking the Board of Selectmen to take on its own project in the upcoming year. The Board thanked Mr. Bouley and Mr. Lavalette for their efforts.

AQUACULTURE RULES, REGULATIONS, FEES

The Board opened a discussion on the proposed and amended aquaculture rules, regulations, and fee structure. Present were Harbormaster Timothy Cox, and Marine Resources Committee members Frank Coelho, Vincent Manfredi, and Michelle Potter. The rules and regulations presented to the Board in draft format had been previously reviewed and edited by Town Counsel. The recommended fee structure (\$185/acre) reflected an increase that could be

quantified by the Harbormaster, based on the Town's incurred costs per acre in the overview of aquaculture operations; however, Mr. Rees reviewed the issue of cost with Town Counsel and determined that the Town could justify going to the highest amount of \$200/acre. There are three aquaculture sites in Town: one operated by the Town, one one-acre site operated by Matthew Loo, and one 44-acre site operated by Taylor Aquaculture.

Mr. Freitas expressed concern about hurting small business by the large increase, from \$25/acre to \$185-200/acre. Mr. Cox and the members of the Marine Resources Committee indicated that the current license holders are aware of the impending change and that they were even aware that the discussion would be on the Selectmen's meeting agenda, but did not attend to refute it.

After some discussion, Mr. Espindola motioned to approve the Aquaculture Rules and Regulations document, and the fee structure of \$200/acre. Mr. Freitas seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In other business:

- Mr. Espindola said that he attended the Bristol Agricultural Fall Show.
- The Board reminded the public to come out and vote on November in the State Election.
- The Board noted that the annual Veteran's Day luncheon would be held at the Council on Aging on Wednesday, November 9.
- Mr. Murphy offered condolences from the Board to the families of the recently deceased: Gloria McGreevy, Bernice Walker, and Wally Ellis.
- Mr. Murphy said that he had the honor of traveling to Japan and had the chance to meet the great-great granddaughter of Manjiro Nakahama.
- Mr. Murphy thanked everyone who attended the annual MOLIFE cocktail fundraiser.
- Mr. Murphy thanked the Days family and everyone involved in the annual Father's Day road race; \$25,000 in scholarships was recently distributed to Fairhaven students.

At 8:42 p.m. Mr. Espindola motioned to enter Executive Session pursuant to MGL ch. 30a section 21, for:

- Litigation: Lee Miguel v. the Town of Fairhaven
- Litigation: bankruptcy filings
- Ambulance waiver request
- Collective bargaining (clerical, police, dispatcher, fire)

Mr. Freitas seconded. 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 11/21/2016