



Fairhaven Board of Selectmen

March 6, 2017 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 6:35 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 **February 27, 2017** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

Mr. Rees requested the addition of Executive Session item 1 (ABC litigation) to open session and the removal of the Executive Session item 2 (Police Union). See Attachment A for Mr. Rees' full weekly report.

ONE THEATER GROUP

Mr. Espindola motioned to approve the application and waiver of the rental fee. Mr. Freitas seconded. Vote was unanimous. (3-0).

COMMUNITY COMPACT GRANT

The Board reviewed a grant from the State in the amount of \$15,000 for Municipal IT Consolidation and \$20,000 for Employee Policies and Procedures. Mr. Espindola motioned to accept the \$15,000 Municipal IT Consolidation grant and name the Town Administrator as the signing authority. Mr. Freitas seconded. Vote was unanimous. (3-0). Mr. Espindola motioned to accept the \$20,000 Employee Policies and Procedures grant, and to name the Town Administrator as the signing authority. Mr. Freitas seconded. Vote was unanimous. (3-0).

ABC DISPOSAL

The Board reviewed a recommendation from Town Counsel to approve a Disposal Agreement addendum with ABC Disposal. See Attachment B. Mr. Espindola motioned to approve the

addendum and authorize the Chairman to sign. Mr. Freitas seconded. Vote was unanimous. (3-0).

CIP PLAN FY18-22

The Board approved the Capital Improvement Plan for FY18 at a previous meeting, except for the marina improvement plan, because they had questions regarding the project. Director of Planning William Roth, Harbormaster Timothy Cox, and Deputy Fire Chief Todd Correia were present to discuss the project and answer any questions the Selectmen had about it.

Mr. Roth gave an overview presentation to the project, which would seek to make Union Wharf safer with various changes, such as lighting, and improvements to the piling, float and gangway.

Mr. Cox said that the reconfigured Union Wharf would create a slip for emergency vessels from the Natural Resources and Fire departments, which would shorten response time to water emergencies, and would help the departments respond together.

The \$100,000 project will be 80% funded by the Seaport Economic Counsel via a grant.

Mr. Espindola said that he supported the project, but would like to hear the opinion of the Economic Development Committee before voting to make a recommendation.

Mr. Freitas said that he supported the project, but would like to see it include a security camera system. Mr. Cox said that he was working on getting an upgraded camera at the location.

Mr. Murphy said he supported having a consolidated Town location for all emergency response vessels.

The Economic Development Study Committee will discuss the project at their next meeting and will advise the Board of Selectmen.

TOWN ADMINISTRATOR RECOMMENDED FY18 OPERATING BUDGET

Mr. Rees gave an overview to the FY18 recommended budget. Highlighted were the following changes:

- The recommendation of a Personnel Director. Mr. Rees said that he would recommend the creation of an MOU with the BPW to share the Human Resources Director oversight
- \$7,000 for the Wellness Committee to work on health initiatives with Town employees.
- Increase in clerk hours for the Town Accountant, and personnel changes in the Tax Collector/Treasurer's offices
- \$3,000 for a Town Hall alarm system
- Appropriation for a Town Hall shed for outdoor storage and handicap access ramp
- Funding of a captain position in the Police Department and change of command staff, swapping one patrol officer for an additional sergeant position
- Consolidation of the Animal Control department to the Police Department

- The addition of one full-time firefighter/paramedic for the day shift (Mr. Freitas recused himself from this portion of the discussion)
- Multi-parking meter parking system at Hoppy's Landing (to be paid out of the Waterways account)
- \$9,000 for a half-year clerical position for the Harbormaster's office (to cover clerical support if a grant is not received)
- A 3.25% increase in the School budget from last year (opposed to their 3.5% requested increase)
- Contracted increases in trash pick-up and resumed leaf pick-up
- 12 month funded portable toilet at Fort Phoenix
- Anticipated financial articles with changes - \$200,000 for the ladder truck match, reduction on street light figure, elimination of FEMA PPE match

MS4 PERMIT COMPLIANCE

Mr. Rees presented Attachment C as a letter he would like to send. Mr. Espindola motioned to send the letter. Mr. Freitas seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In other business:

- Lieutenant Governor Karen Polito will be at the Fairhaven Town Hall on Thursday March 9
- Mr. Murphy congratulated the organizers of the second annual Firefighters' Ball scholarship fundraiser on March 4, for a successful event

At 8:21 p.m. Mr. Espindola motioned to adjourn. Mr. Freitas seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien
 Administrative Assistant
 Minutes approved 03/27/2017

Documents appended:

Attachment A – Mr. Rees' March 4 weekly report
 Attachment B – ABC Disposal agreement addendum
 Attachment C – MS4 Permit Compliance letter

MEMORANDUM

TO: Board of Selectmen
FROM: Mark H. Rees
DATE: March 4, 2017
RE: Weekly Update

A large part of this past week was taken up on catching up on matters that had accumulated on my desk while I was focused on finishing the recommended General Fund budget including work on modifying the ABC contract which is on your agenda for Monday evening, looking at how we manage our street lights and starting the energy conservation project that I previously mentioned to you.

At the invitation of Vinnie, I journeyed into Boston on February 28th to meet with EPA and DEP officials about our NFDES permit which allows us to discharge treated waste water into the harbor. As the Board is probably aware, this permit has been under consideration for a number of years and the purpose of the meeting was to hear from the regulators what the final permit will require. The primary focus was on how much nitrogen we can discharge and while I do not know the technical terms the information that was shared with us, while not unexpected, will probably require the town to expend considerable capital on modifications to the plant to meet the required nitrogen "number". It also appears as if the digester when operational contributes significantly to our nitrogen loading. Given the significant amount of money that is at stake in this matter, I recommended to Vinnie that BPW hire an experienced environmental lawyer to review the NFDES permitting process and to advise us as to next steps including the possibility of an appeal.

Next week will be very busy with my first MMA Environmental Policy Committee meeting on March 8th, preparing for the Lt. Governors visit on March 9th to sign the Community Compact Agreement, an Economic Development Committee meeting and Finance Committee meeting that evening and on March 10th, attending a seminar put on by the MMA regarding how municipalities can address the new marijuana law.

From: [Mark Rees](#)
To: ["tomcrotty@tcrottylaw.com"](mailto:tomcrotty@tcrottylaw.com); [Anne O'Brien](#)
Cc: [Pat Fowle](#); [Anne Carreiro](#); [Wendy Graves](#); [Vincent Furtado](#)
Subject: RE: Disposal Agreement addendum request
Date: Wednesday, March 01, 2017 10:02:14 AM

Anne, could you set up a meeting tomorrow with the people on this email plus whoever else they want to bring to discuss this matter. Also, please put this matter on the Selectmens agenda for March 6th. Thanks

Mark

From: Tom Crotty [<mailto:tomcrotty@tcrottylaw.com>]
Sent: Thursday, February 23, 2017 10:54 AM
To: Mark Rees <mrees@fairhaven-ma.gov>
Cc: Pat Fowle <pat@fairhaven-ma.gov>; Anne Carreiro <amc@fairhaven-ma.gov>; Wendy Graves <wgraves@fairhaven-ma.gov>
Subject: RE: Disposal Agreement addendum request

Mark

I've redrafted the agreement to respond to ABC's concerns.

The offset provision will only apply if ABC doesn't pay its monthly bill within 14 days.

So the process is this:

1. ABC posts the prepayment.
2. Each month the Town withdraws from that prepayment to cover what ABC owes the Town for taking non-Town waste to SEMASS.
3. The Town sends ABC a statement to pay that amount back into the prepayment account. In the meantime, the Town is not obligated to pay ABC for curbside pickup, until ABC pays what it owes the Town.
4. If ABC pays that statement, that payment goes into the prepayment account.
5. If ABC doesn't make that payment in 14 days, then the Town has the option to pay what it owes to ABC for curbside pickup into the prepayment account, instead of sending a check to ABC. (If the Town owes ABC more than ABC owes the Town, then the Town would pay the difference to ABC.)

This helps insure that the prepayment account is always enough to cover the ongoing cost that the Town incurs in having ABC bring non-Town waste to SEMASS.

If ABC fails to pay in time, the Town also has the option of declaring a default, and stopping ABC from bringing any more non-Town waste to SEMASS.

Please let me know if you have any questions in this regard.

Tom

From: Mark Rees [<mailto:mrees@fairhaven-ma.gov>]
Sent: Tuesday, February 07, 2017 6:16 PM
To: tomcrotty@tcrottylaw.com
Cc: Pat Fowle; Anne Carreiro; Wendy Graves
Subject: FW: Disposal Agreement addendum request

Hi Jerry, I am forwarding this letter to Town Counsel Tom Crotty for his advice on your request. He is away from his office for a few weeks so I do not expect to hear from him until he returns. Until we respond to your request, the existing agreement will be the one we will have to go with.

Mark

From: Jerry Dugan [<mailto:jdugan@abcdisposal.com>]

Sent: Monday, February 06, 2017 11:52 AM

To: Mark Rees <mrees@fairhaven-ma.gov>

Cc: Pat Fowle <pat@fairhaven-ma.gov>

Subject: Disposal Agreement addendum request

Mark, Please see attached a request to make a change in the Fairhaven Disposal Agreement

Any questions, please give me a call Thanks

Jerry Dugan Jr.
Operations Manager
774-930-8989 cell
508-997-3454 fax



Dear Senator and Representative (two letters)

We wish to take this opportunity to share with you an emerging issue that affects the municipality of (name of town). As you are aware with the promulgation of the EPA's MS4 Storm water compliance criteria and their release of Regulations towns are faced with doing extensive water quality testing of storm water, mapping of all storm drain networks that fall within MS4 identified urbanized areas, identifying methods and means for towns to develop plans for cleaning up the worse sources of surface water degradation and designing plans for executing such cleanups. This is a formidable challenge given what else towns have to address within their municipal operation. But this is a federal law enforcement issue and we must all comply.

Within the past year five South Coast towns, Dartmouth, Fairhaven, Acushnet, Mattapoisett, and Wareham got together and applied and received a grant from the EPA to develop the water quality testing, storm drain mapping and public outreach portions of the new MS4 Regulations. The program has been up and running since June with great success.

This group of Towns feels that it would make the most sense to get all town's in the South Coast Buzzard's Bay Watershed to join into this Group, this way it is a coordinated effort, methods and means are consistent, and regional use of labor and experts is more cost effective as a Team approach.

Funds amounting to \$500,000 are available to accomplish this on a regional approach within House Bill 4375, also known as the Environmental Bond Bill. We look to have Administration and Finance authorize this \$500,000 to be released in FY18 and be made available for a regional approach to storm water remediation within Buzzards Bay area towns.

We ask that you contact Representative William Straus, and join him and other Senators and Representatives in making this request to Administration and Finance.

(Town) Board of Selectmen