

Fairhaven Board of Selectmen February 6, 2012 Meeting

Present: Selectman Chairman Michael Silvia, Selectman Vice Chairman Dr. Brian Bowcock, Selectman Clerk Charles Murphy, Executive Secretary Jeffrey Osuch and Administrative Assistant Anne Kakley.

Also present: John Nunes, Treasurer, Jamie DeSousa, Planning Board member, Phil Washko, Bill Roth, Mali Lim of the *Fairhaven Neighborhood News*, Peggy Aulisio of *The Advocate* and Beth Perdue of *The Standard-Times*.

Chairman Silvia called the meeting to order at 6:33 p.m.

MINUTES

- Board voted to approve the minutes of the **January 23**, 2012 meeting, open session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **January 23**, 2012 meeting, executive session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch informed the Board about the following upcoming meetings:

February 7, 2012:

- 10:00 a.m. – Meeting with Superintendent Scanlon at BPW
- 3:00 p.m. – Meeting with Buzzard's Bay Coalition at New Bedford Office

February 8, 2012:

- 11:15 a.m. – Meeting with Traveler's Insurance re: Town Policies
- 5:00 p.m. – Meeting regarding the new school, to be held at High School library

February 9, 2012:

- 10:30 a.m. – Driver's Training for BPW, hosted by Traveler's Insurance
- 1:00 p.m. – Meeting with Town Union representatives regarding changes to health care plans
- 2:30 p.m. – Meeting with Charlie Tavares from NSTAR
- 7:00 p.m. – Meeting with Financial Committee

February 13, 2012:

- 9:30 a.m. – Meeting at the Council on Aging

February 14, 2012:

- 1:00 p.m. – Economic Summit meeting
- 3:30 p.m. – Mattapoissett River Valley Water Advisory meeting at BPW
- 4:30 p.m. – Mattapoissett River Valley Water District meeting at BPW

February 15, 2012:

- 9:00 a.m. – Buzzard’s Bay Action meeting in Wareham
- 5:00 p.m. – Meeting regarding the new school, to be held at Hastings
- 7:00 p.m. – Special Town Meeting at Hastings Middle School

February 16, 2012:

- 7:30-9:00 a.m. – Forum at the Quest Center
- 7:00 p.m. – Finance Committee meeting

February 21, 2012:

- 8:30 a.m. – Retirement Board meeting

February 22, 2012:

- 6:30 p.m. – Selectmen’s meeting, Bicentennial of Town.

Mr. Osuch informed the public that the Town Hall would be closed in observance of President’s Day on February 20, 2012.

Additionally, he reminded the public to be on the lookout for several Bicentennial events that would be occurring at the end of the month (see attached).

ACTION:

The Board voted to approve a donation to the Animal Shelter Gift Account in the amount of \$206.61. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board then voted to approve an auditorium use permit to the Footlights Repertory Co. for a production of Steel Magnolias, scheduled to take place from May 7 to 12, 2012. The Board was willing to waive the fee for the time that they practiced and set-up, but did not grant a fee waiver to the company for the performance time, citing their status as a for-profit business as grounds for the waiver refusal. A custodian and one police officer will be required for detail. The permit was approved. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board then appointed Donna L Wunschel, Emma C. O’Donnell and Maureen C. Best as part-time/per diem Dispatchers for the Fairhaven Police Department. The appointment was made based on a request from Police Chief Michael Myers. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In an annual pulling of slips, the Board determined the order of articles for Annual Town Meeting, scheduled for May 5, 2012, by taking turns pulling slips out of a basket. (See attached Article Titles).

The Board voted to sign a Waste Disposal Agreement with Frade’s Disposal, Inc. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). The Board also voted to sign a Waste Disposal Agreement with Howland Disposal Service, Inc. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board voted to approve an NSTAR gas permit for 16 Welcome Street. The Board of Public Works (BPW) had already approved the permit. The Board approved the permit. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Upon the recommendation of Veteran's Agent James Cochran, and Select Board Chairman Silvia, the Board voted to appoint Ivey Winkler to the part-time vacancy in the Veteran's Office. Ms. Winkler has an impressive administrative background and is an Air Force veteran. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In a Discussion item, the Board met with Bill Roth and Anne Kakley to discuss an ongoing effort to bring more Town Hall agendas and minutes onto the internet to improve accessibility for residents. Mr. Roth presented the Board with a sheet of suggested file naming shorthand to facilitate the effort by making it easier to post the minutes in chronological order. Mr. Osuch said that he was in favor of the effort, but departments will have to participate to make it successful. Ms. Kakley will be the "clearing house" of said agendas and minutes to post online, with Mr. Roth serving as a back up in Ms. Kakley's absence. Ms. Kakley also presented the Board with the possibility of creating a Fairhaven Town Hall entity on Facebook.com for the sake of sharing important information with town residents. Mr. Roth and Ms. Kakley agreed to collaborate and create a plan and a motion for the Board to consider. Such a plan will be presented at a later meeting.

APPOINTMENTS

At 7:07 p.m., the Board conducted a hearing for a conduit location for 173 Balsam Street. The application was previously approved by the BPW. NSTAR was not present to speak with the Board. There were no objections or comments from the public regarding the application. The Board voted to approve the conduit location. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

At 7:10 p.m., the Board conducted a hearing for a conduit location on Fort Street, to service a residence at 18 Church Street. There were no objections or comments from the public regarding the application. The Board voted to approve the conduit location. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

At 7:15 p.m., the Board met with Police Chief Myers to discuss the proposed Fiscal Year (FY) 2013 budget for the Police Department. Chief Myers presented the Board with two budgets: one was a level-service budget (\$3,062,148.00) and the other was a budget that reflected a 2 percent cut (\$3,002,718.00). Chief Myers explained that some increases, like supplies and computer repair, reflected inflated costs of materials and labor. To achieve the majority of the proposed 2 percent cut, Chief Myers said that he removed a dispatcher position, about \$54,000. That position is not currently filled, he said.

Chief Myers also informed the Board that efforts are being made to bring the department back up to fully-staffed. There are currently three vacancies on the department, which has created some staffing issues. Those positions will hopefully be filled in late summer 2013, after three interested candidates complete a September 2012 Police Academy in Plymouth, MA. The cost to complete Police Academy is \$2,500 per officer.

In another Discussion item, the Board read into record a letter from Town Counsel Thomas Crotty, regarding his opinion of three petitioned articles for Special Town Meeting, scheduled for February 15, 2012. Town Counsel's opinion is that the Articles would not be upheld by the

Attorney General's office. Based on Town Counsel's advice, the Board took the opportunity to vote recommendations for the petitioned articles:

- **Article 2** – “Recall of Elected Officers” – The Board voted to recommend Town Meeting indefinitely postpone the Article. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- **Article 3** – “Term Limits” – The Board voted to recommend Town Meeting indefinitely postpone the Article. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- **Article 4** – “Suspend Wind Turbine Project” - The Board voted to recommend Town Meeting indefinitely postpone the Article. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Additionally, Mr. Osuch asked the Board to vote on Article 1 of Special Town Meeting, which addressed Highway and Park Union contract increases, retroactive to FY12. The one percent increase proposed would make the Highway and Park Unions consistent with agreements entered with the other town unions. The Board voted to recommend the Town Meeting pass the Article. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

CORRESPONDENCE:

The Board read several memos from Animal Control Officer Cat Mindlin. The first letter informed the Board that an Animal Shelter volunteer was injured in a fall on January 22, 2012. The next letter informed the Board that a continuing dog problem at 59 Ocean Ave, previously the subject of a dog hearing, has now resulted in an injury. Officer Mindlin said that owner Susan Staffon has continued to not keep her dogs leashed, and a neighbor was recently knocked down after Ms. Staffon's dogs charged her own pet on a leash. The Board voted to conduct another hearing for Ms. Staffon's dog, with the date to be announced. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In a final item of correspondence from Officer Mindlin, the Board learned of a dog, belonging to an elderly resident at 26 Fort Street, that has been quarantined after biting a health care providers visiting the residence. The Board voted to conduct a hearing for the dog, with a date to be announced. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Chairman Michael Silvia then read into record a letter from Town Counsel Atty. Crotty, regarding the Town's responsibility to maintaining trees located at 25 Union Street. Atty. Crotty said that the trees were not the Town's responsibility, regardless of the fact that the branches extended over publicly owned ground.

The Board read a letter from Fairhaven High School graduate Lyle Drew, asking permission to hold a 5K Run/Walk on West Island. The Board voted to approve the April 29, 2012 5K run, with the understanding that Mr. Drew will bring the event to the Police Department for review. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board also read a request from resident Dorothy Reid, who expressed interest in a vacancy on the Council on Aging (COA) Board. The Board voted to appoint Ms. Reid as an alternate member to the COA Board. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In a Discussion item, the Board discussed House 922, a bill that would make it possible for municipalities to use credit unions as depositories. Currently, towns are not allowed to use credit unions as depositories, regardless of offered interest rates. The Board expressed support for the bill, and voted to send a letter of support to the State House in Boston. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In a general budget update, Mr. Osuch told the Board that general fund requests would likely have to be reduced by \$1,788,758, or other sources of revenue would have to be found. As the budget stood at the time of the meeting, the expenditures outweighed the revenue, Mr. Osuch said.

Mr. Murphy briefly recused himself at 8:17 p.m. while the Board informed the public about a MOLIFE Charity Ball, to be held at White's in Westport on March 30, 2012 from 6:00 p.m. to midnight. Tickets are \$45 per person and proceeds will benefit those with disabilities.

The Board voted to enter Executive Session at 8:19 p.m., not to reconvene into Open Session. Reasons for entering Executive Session were: Clerical Union Negotiations, Blue Sky Power, Tax Title discussion and Pending Litigation with Tibbetts Engineering. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. Roll call vote: Mr. Silvia in favor. Dr. Bowcock in favor. Mr. Murphy in favor. (3-0).

Respectfully,

Anne Kakley

Selectmen's Secretary

ARTICLE 5 – OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND – GASB45

ARTICLE 6 – STATE AID TO HIGHWAYS

ARTICLE 7 – WORKER’S COMPENSATION ASSESSMENT

ARTICLE 8 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY – ROOF REPAIR

ARTICLE 9 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY – COTS

ARTICLE 10 – FIRE ALARM DEPARTMENT PAGERS

ARTICLE 11 – SOCIAL DAY CARE CENTER

ARTICLE 12 – ACCEPTANCE OF STATUTE – COLA BASE

ARTICLE 13 – ACCEPTANCE OF STATUTE – MINIMUM ALLOWANCE

ARTICLE 14 – ACCEPTANCE OF STATUTE – SURVIVING SPOUSE

ARTICLE 15 – HISTORICAL COMMISSION

ARTICLE 16 – WATER MANAGEMENT ACT

ARTICLE 17 – ETHICS COMMISSION

ARTICLE 18 – IMPEACHMENT

ARTICLE 19 – TERM LIMITS

ARTICLE 20 – PUBLIC MEETING MINUTES – 48 HOURS

ARTICLE 21 – ELECTED APPEALS BOARD

ARTICLE 22 – RECALL PETITIONS

ARTICLE 23 – WIND TURBINE

ARTICLE 24 – RIVER ROAD DISCONTINUANCE

ARTICLE 25 – CULTURAL COUNCIL FUNDING

ARTICLE 26 – I&I – SEWER SYSTEM COLLECTION REHABILITATION

ARTICLE 27 – ROAD WORK

ARTICLE 28 – PARK FIELD MAINTENANCE REVOLVING ACCOUNT

ARTICLE 29 – BOSTON HILL WATER TANK

ARTICLE 30 – RECREATION CENTER AND COA PARKING LOT PAVING

ARTICLE 31 – TOWN HALL REPAIRS

ARTICLE 32 – WASTEWATER TREATMENT PLANT REHABILITATION

ARTICLE 33 – PROPAGATION OF SHELLFISH

ARTICLE 34 – SEWER COLLECTION SYSTEM PUMP STATION REHABILITATION

ARTICLE 35 – MATTAPOISETT RIVER VALLEY WATER PROTECTION

ARTICLE 36 – MACOMBER PIMENTAL FIELD

ARTICLE 37 – HIGH SCHOOL MASONRY REPAIR

ARTICLE 38 – SCHOOL DEPARTMENT DUMP TRUCK

ARTICLE 39 – SPECIAL NEEDS EARLY CHILDHOOD PROGRAM REVOLVING ACCOUNT

ARTICLE 40 – NON-MANDATED STUDENT ACTIVITIES REVOLVING ACCOUNT

ARTICLE 41 – ANIMAL CONTROL VAN

ARTICLE 42 – COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS

ARTICLE 43 – STREET ACCEPTANCE – BRIDGE ST./MILL RD. ALTERATION

ARTICLE 44 – HAZARDOUS MATERIALS REVOLVING FUND

ARTICLE 45 – HOPPY'S LANDING REVOLVING ACCOUNT

ARTICLE 46 – MATCH GRANT – RADIOS AND RADIO SYSTEM

ARTICLE 47 – FCC NARROW BAND RADIO UPGRADE

ARTICLE 48 – BPW TWO-WAY RADIOS

ARTICLE 49 – NEW AMBULANCE

ARTICLE 50 – RESCIND CUSHMAN PARK EASEMENT

ARTICLE 51 – TRANSFER FROM SURPLUS REVENUE

ARTICLE 52 – REPORT OF COMMITTEES

ARTICLE 53 – OTHER BUSINESS