

Fairhaven Board of Selectmen February 22, 2012 Meeting Minutes

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: Diane Kozak of the Fairhaven Neighborhood News, Theodore Lorentzer, Jamie DeSousa, John Nunes, Carol Murchie, Tim Cox, David Darmofal, Gerri Frates, Lindsay Gordon, Anne Silvia, Sue Rodrigues, Fire Chief Timothy Francis, Jamie Sylvia, Atty. Robert Perry and Horem El Rifai.

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

MINUTES:

- Board voted to approve the minutes of the **February 13**, 2012 meeting, open session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **February 13**, 2012 meeting, executive session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **February 15**, 2012 meeting, open session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).
- Board voted to approve the minutes of the **February 15**, 2012 meeting, executive session. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his Executive Secretary's report, Mr. Osuch informed the Board that:

February 23, 2012:

- 7:00 p.m.. – Finance Committee meeting at BPW.

February 24, 2012:

- 8:00 – 10:00 a.m. – MMA Breakfast at Middleboro Town Hall.

February 25, 2012:

- Bicentennial Events all day at Town Hall
- 1:00 p.m. – Bicentennial Concert
- 4:00 p.m. – Incorporation Ceremony
- 6:00 p.m. – Lantern Walk to Cushman Park for ground fireworks by Dr. Bowcock.

February 26, 2012:

- 2:00 p.m. – First Congregational Ecumenical Service for Bicentennial

February 27, 2012:

- 1:00 p.m. – Worker's Compensation meeting with Stephenson and Brook

February 28, 2012:

- 12:00 p.m. – Board of Selectmen meeting at Banquet Room, Town Hall, to consider the adoption of General Law Chapter 32B, §21-23, re: changes in group health insurance
- 1:00 p.m. – Economic Study Committee at Town Hall, East Room

February 29, 2012:

- 9:00 a.m. – Buzzard’s Bay Action Committee meeting at Wareham Town Hall
- 5:00 p.m. – New School Committee meeting at the High School Library

March 1, 2012:

- 7:30 – 9:00 a.m. – Forum at Quest Center in New Bedford.
- 10:00 a.m. – SEMASS meeting at John Carver Inn in Plymouth.
- 7:00 p.m. – Finance Committee meeting at BPW

ACTION:

The Board picked a cover for the Town Report. The picture, which depicts the corner façade of Town Hall, will appear on the cover of the 2011 Annual Town Report, and was taken by resident Frank Rezendes. Another photograph by Mr. Rezendes, depicting the front façade of Town Hall with Bicentennial banners, was selected for the 2012 Annual Town Report.

The Board acknowledged an Animal Shelter donation amount of \$41,845.91 from the estate of Gladys Brant. The Board was appreciative of the donation.

The Board then approved the use of the Town Hall auditorium for the Delano Kindred Family Gathering, scheduled through the Tourism Department for September 14, 2012. The Board voted to approve the use and waived the rental fee for the non-profit gathering, with the understanding that the group will pay an hourly fee to supply a janitor for the event. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board then fulfilled a request from the Natural Resources department by appointing Katelyn Daignault to the position of Deputy. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

The Board voted to sign the final draft of the Collective Bargaining Agreement between the Town and Clerical Union, as approved by the February 15, 2012 Special Town Meeting. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

APPOINTMENTS:

The Board met with Gerri Frates at 6:45 p.m. to ask the Board to have the Town resume paying health benefits for a full-time Social Day Benefits worker at the Council on Aging. Currently, the Social Day program is not making enough to cover the cost of health care for the employee, and the Town covered the cost in the past for five years. This year, the Social Day program had to pick up the cost of the insurance. Mr. Murphy asked why the Town had covered it in the past but had dropped it, and Mr. Osuch speculated that it had probably been a mistake that was found and corrected, because the Social Day program is supposed to be self-sustaining.

Ms. Frates appealed to the Board, saying that the program is doing everything possible, including fundraisers and cost-cutting, to keep up with costs, but it is running this year in a deficit. She said it would help the program if the Town picked up the insurance cost.

There was some confusion as to whether the Social Day program was considered a grant-based program or partially Town-funded. It was determined that the matter would have to be investigated further before any action could be taken.

In a second appointment with Fire Chief Timothy Francis, the Board received an overview of the proposed Fiscal Year 2013 Fire Department budget. Chief Francis said that the proposed budget of \$1,734,015 reflected a \$27,831 increase, \$19,931 of which was contractual and out of his control.

The Fire Department's equipment request for this year is for a new ambulance, he said. Proposed Article 49 asked Town Meeting members to consider \$220,000 for a new ambulance. Chief Francis said that instead of trading in the older ambulance, he would like to keep it as a third ambulance for back-up. Last year, he said the department had to call mutual aid 40 times and missed out on revenue from those calls. Chief Francis said that the ambulance is in good condition considering its age, and there is no body rot on it. Moreover, he believes that having a third ambulance will allow the Fire Department to provide inter-facility transportation to the Southcoast Cancer Center in Fairhaven, thereby creating a new source of revenue for the Town.

Ambulance trips are billed at about \$400-500, Chief Francis said. More revenue from the trips can be acquired if the Fire Department raises Medicare rates.

Additionally, Chief Francis said that a mandatory radio narrow banding upgrade was rendered less expensive to the Town by a grant acquisition. The Town is now responsible for \$9,232 of the total, he said, instead of \$77,000. Chief Francis credited Earl Faunce for volunteering his services in the grant writing and subsequent acquisition. The Board praised Mr. Faunce.

The Fire Alarm Department is taking the pager update in "small bites", said Chief Francis, with FY13's requested amount being \$5,119. Fire Alarm Maintenance will see a FY13 increase of \$708, all of which is contractual.

The Fire Alarm Department is down to two master boxes in Town and the rest is all wireless, said Chief Francis. It will take a couple years to get the rest of the wires down. Atlas Tack, c/o Great Northern Industries, has not done anything to upgrade their fire box system, despite repeated prompting, said Chief Francis.

The Board thanked Chief Francis for his presentation.

At 7:20 p.m., the Board conducted a Public Hearing for an increase of cars at Getty, located at 371 Huttleston Avenue. Applicant Hatem M. El Rifai was represented by Attorney Robert Perry. The applicant requested to amend the Class II Car Dealer's License he currently holds to increase his vehicle limit to 14 spaces for used cars.

Atty. Perry said that the proposed 26 spaces would include six (6) employee spaces at the rear of the building and six (6) customer spaces at the westerly side of the building.

A total of six abutters were notified of the hearing, and registered mail receipts were on hand. No one in the audience spoke regarding the application.

The Board did acknowledge a letter from Louise Baptiste Jr., owner of RRR Auto Sales, Inc, located across the street from Getty. In his letter, Mr. Baptiste protested the car increase application, claiming that Mr. El Rifai was in violation of his current car limit, and Mr. Baptiste offered photos of 12 cars lined up on the Grinell Street side of the Getty lot. Getty's current permit allows no more than five (5) cars in the lot for sale.

Mr. El Rifai claimed that the photo Mr. Baptiste offered as evidence was an old photo taken in 2009, and he is currently in compliance with his license.

In correspondence accompanying the application, Building Inspector Wayne Fostin said suggested the business could sustain a 10 car limit. Town Planner William Roth said that the application may require a Special Permit from the Planning Board.

Atty. Perry claimed that a previous business had had 15 spaces on the site. He said that his client would be willing to "stripe" the parking spaces.

Mr. Murphy said that he wanted to speak with the Town Planner before proceeding with the application. The Board agreed that they needed to discuss the matter further with the Town Planner and the Building Inspector. The Board voted to continue the hearing for March 19, 2012, at 7:00 p.m. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

In a fourth Appointment, the Board met with Harbormaster David Darmofal and Shellfish Warden Timothy Cox to discuss the FY13 budget for the Natural Resources Department.

Mr. Darmofal told the Board that grants have allowed the Natural Resources Department to obtain a pump-out boat and other equipment. He expressed concern that the department's equipment will not be properly maintained and that safety services for boaters could be seriously impacted with a two (2) percent operating budget cut. He said that his department has been mindful of costs and has only purchased necessities.

The two sources of revenue for the department are Waterway Fees and Boat Excise Taxes, said Mr. Darmofal. He thought that more operating funds for the Natural Resources department should come from the Waterways Account, and that the Board should consider increasing the Waterway Fees to meet the demands of the Natural Resources department.

Mr. Osuch reminded the Board that the Town would have to pay for 25 percent of the Causeway dredging project and that those funds would have to come out of the Waterways Account.

The Board thanked Mr. Darmofal and Mr. Cox for their presentation.

CORRESPONDENCE:

The Board read a letter from resident Carol Murchie, regarding a tree at 25 Union Street. As expressed in earlier correspondence, Ms. Murchie said that she believed it was the Town's

responsibility to trim the tree, as the tree's limbs and branches crossed over a public way. Mr. Osuch maintained that Town Counsel's opinion was that the tree's trunk had been planted on private property and was the homeowner's responsibility. The Board had no comments and took no action.

The Board received a letter from Francis McGuirk regarding two parcels of land on Sconticut Neck that Mr. McGuirk and his sister may be interested in donating the land to the Town. Mr. Osuch said that the Board would have to check with the Assessors' office to check on liens and whether or not the lots are buildable.

The Board also read a letter from Animal Control Officer Cat Mindlin, indicating that a previous letter regarding dog bites that had occurred at 26 Fort Street had been for informational reasons only and that she had not meant for the Board to hold a public hearing. The Board acknowledged the letter, but decided to proceed with the dog hearing.

Fairhaven Improvement Association Homecoming Committee Chairmen Angela and Eric Dawicki submitted a letter to the Board, asking permission to hold the annual Homecoming Fair on Saturday, June 30, 2012, with vendors arriving at 6:00 a.m. and the final clean-up occurring at 5:00 p.m. Past-President of the Improvement Association, Chairman Sylvia, recused himself from the vote. The Board voted to approve the Fair. Dr. Bowcock motioned, Mr. Murphy seconded. Chairman Sylvia abstained. (2-0-1). Chairman Sylvia returned to the meeting.

The Board voted to re-appoint Anne Carreiro to the position of full-time Town Accountant. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Osuch took a moment to recognize the birthday cards that the children of East Fairhaven and the Rogers School had sent to Town Hall for the Bicentennial Celebration, via their teacher Rita Campoli. The Board also thanked the children for the cards.

The Board reviewed Article 4 figures for recommendation at the Annual Town Meeting on May 5, 2012. The Board voted to make recommendations for Articles 3, 5, 8A, 8B, 10, 17, 18, 19, 20, 21, 22, 23, 25, 30, 31, 33, 47, 48, and 50. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). The Board voted to make a recommendation for Article 27 C, Road Work for Pleasant St; Dr. Bowcock recused himself from the vote. Chairman Sylvia motioned, Mr. Murphy seconded. Dr. Bowcock abstained. (2-0-1) The Board voted to make a recommendation on Article 27 D. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). (See **attachment A** for recommendations).

The Board voted to make recommendations for Article 4 Town Charges. Dr. Bowcock motioned, Mr. Murphy seconded. Vote was unanimous. (3-0). (See **attachment B** for Article 4 amounts).

The Board voted to enter Executive Session at 9:09 p.m. to discuss Worker's Compensation and potential changes to the Union health insurance program. 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,

A handwritten signature in cursive script that reads "Anne Kakley". The letters are fluid and connected, with a prominent loop at the end of the word "Kakley".

Anne Kakley

Selectmen's Secretary

ATTACHMENT A

SELECTMEN TO VOTE

ARTICLE 1	MEASURER OF WOOD AND BARK	ADOPTION
ARTICLE 2	TOWN REPORT	ADOPTION
ARTICLE 6	STATE AID TO HIGHWAYS	A. ADOPTION
		B. AMOUNT STATE PROVIDES
ARTICLE 11	SOCIAL DAY CARE CENTER	\$125,000.00
ARTICLE 15	HISTORICAL COMMISSION	A. \$500.00
		B. \$4,000.00
		C. \$1,500.00
		D. \$1,000.00
		E. \$500.00
ARTICLE 37	HIGH SCHOOL MASONRY REPAIR (Requesting \$500,000.00)	INDEFINITE POSTPONEMENT
ARTICLE 38	SCHOOL DEPT. DUMP TRUCK (Requesting \$42,452.00)	INDEFINITE POSTPONEMENT
ARTICLE 39	SPECIAL NEEDS EARLY CHILDHOOD PROGRAM REVOLVING ACCOUNT	ADOPTION
ARTICLE 40	NON-MANDATED STUDENT ACTIVITIES REVOLVING ACCOUNT	ADOPTION
ARTICLE 42	COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS (A – H)	ADOPTION (A – H)
ARTICLE 43	STREET ACCEPTANCE – BRIDGE ST/MILL RD ALTERATIONS	ADOPTION
ARTICLE 44	HAZARDOUS MATERIALS REVOLVING ACCOUNT	ADOPTION
ARTICLE 45	HOPPY'S LANDING REVOLVING ACCOUNT	ADOPTION
ARTICLE 49	NEW AMBULANCE	\$220,000.00 (from New Ambulance Fund).

SELECTMEN TO VOTE

ARTICLE 4:

Line		Amount – FY13
2a	SELECTMEN – SALARY OF BOARD	\$15,600.00
2f	SELECTMEN – CAPITAL OUTLAY	\$0.00
3b	TOWN ACCOUNTANT – PURCHASE OF SERVICES	\$280.00
3c	TOWN ACCOUNTANT – SUPPLIES	\$200.00
3e	TOWN ACCOUNTANT – CAPITAL OUTLAY	\$0.00
6e	TREASURER – CAPITAL OUTLAY	\$0.00
8a	TOWN CLERK – SALARY	\$51,167.00
8d	TOWN CLERK – SUPPLIES	\$2,738.00
8f	TOWN CLERK – CAPITAL OUTLAY	\$0.00
10e	TOWN COLLECTOR – CAPITAL OUTLAY	\$0.00
11c	ASSESSORS – SUPPLIES	\$3,200.00
11e	ASSESSORS – CAPITAL OUTLAY	\$0.00
12b1	TOWN HALL – UTILITIES	\$35,450.00
12c	TOWN HALL – SUPPLIES	\$3,150.00
12d	TOWN HALL – OTHER CHARGES/EXPENSES	\$75.00
12e	TOWN HALL – CAPITAL OUTLAY	\$0.00
13b1	COA – UTILITIES	\$13,900
13c1	COA – GASOLINE	\$6,575.00
13d	COA – OTHER CHARGES/EXPENSES	\$300.00
13e	COA – CAPITAL OUTLAY	\$0.00
14a	TOWN MEETING – SALARY & WAGES	\$1,067.00
14b	TOWN MEETING – PURCHASE OF SERVICES	\$3,000.00
14c	TOWN MEETING – SUPPLIES	\$1,400.00
14d	TOWN MEETING – OTHER CHARGES/EXPENSES	\$0.00
14e	TOWN MEETING – CAPITAL OUTLAY	\$0.00
16b	PLANNING BOARD – PURCHASE OF SERVICES	\$1,800.00
16c	PLANNING BOARD – SUPPLIES	\$1,450.00
16e	PLANNING BOARD – CAPITAL OUTLAY	\$0.00
17e	PLANNING & ECONOMIC DEV. – CAPITAL OUTLAY	\$0.00
18b	BOARD OF APPEALS – PURCHASE OF SERVICES	\$3,400.00
18c	BOARD OF APPEALS – SUPPLIES	\$170.00
18d	BOARD OF APPEALS – OTHER CHARGES/EXPENSES	\$100.00
18e	BOARD OF APPEALS – CAPITAL OUTLAY	\$0.00
19a	PERSONNEL BOARD – PURCHASE OF SERVICES	\$0.00
19c	PERSONNEL BOARD – OTHER CHARGES/EXPENSES	\$250.00
19d	PERSONNEL BOARD – CAPITAL OUTLAY	\$0.00
22e	CONSERVATION COMMISSION – CAPITAL OUTLAY	\$0.00
23e	TOURISM DEPARTMENT – CAPITAL OUTLAY	\$0.00

24b	COMMISSION ON DISABILITY – SUPPLIES	\$200.00
24c	COMMISSION ON DISABILITY – OTHER CHARGES/EXPENSES	\$500.00
24d	COMMISSION ON DISABILITY – CAPITAL OUTLAY	\$0.00
25b1	POLICE – UTILITIES	\$36,500.00
25c1	POLICE – GASOLINE	\$91,250.00
26b1	FIRE – UTILITIES	\$5,800.00
26c1	FIRE – GASOLINE	\$24,500.00
26e	FIRE – CAPITAL OUTLAY	\$0.00
27c1	FIRE ALARM – GASOLINE	\$735.00
27d	FIRE ALARM – OTHER CHARGES/EXPENSES	\$0.00
27e	FIRE ALARM – CAPITAL OUTLAY	\$0.00
28c1	BUILDING DEPT – GASOLINE	\$1,610.00
28e	BUILDING DEPT – CAPITAL OUTLAY	\$0.00
29c1	TREE WARDEN – UTILITIES	\$200.00
29d1	TREE WARDEN – GASOLINE	\$5,300.00
29e	TREE WARDEN – OTHER CHARGES/EXPENSES	\$0.00
29f	TREE WARDEN – CAPITAL OUTLAY	\$0.00
30c1	SHELLFISH INSPECTION – GASOLINE	\$4,750.00
30e	SHELLFISH INSPECTION – CAPITAL OUTLAY	\$0.00
31b1	CARE OF DOGS – UTILITIES	\$5,300.00
31c	CARE OF DOGS – SUPPLIES	\$2,500.00
31c1	CARE OF DOGS – GASOLINE	\$1,420.00
31d	CARE OF DOGS – OTHER CHARGES/EXPENSES	\$50.00
31e	CARE OF DOGS – CAPITAL OUTLAY	\$0.00
32a	EMERGENCY MANAGEMENT – SALARY & WAGES	\$1,641.00
32b1	EMERGENCY MANAGEMENT – UTILITIES	\$2,800.00
32c	EMERGENCY MANAGEMENT – SUPPLIES	\$675.00
32c1	EMERGENCY MANAGEMENT – GASOLINE	\$950.00
32d	EMERGENCY MANAGEMENT – OTHER CHARGES/EXPENSES	\$0.00
32e	EMERGENCY MANAGEMENT – CAPITAL OUTLAY	\$0.00
33a	WEIGHTS & MEASURES – SALARY & WAGES	\$6,246.00
33b	WEIGHTS & MEASURES – PURCHASE OF SERVICES	\$125.00
33c	WEIGHTS & MEASURES – SUPPLIES	\$75.00
33d	WEIGHTS & MEASURES – OTHER CHARGES/EXPENSES	\$980.00
33e	WEIGHTS & MEASURES – CAPITAL OUTLAY	\$0.00
35a	BOARD OF HEALTH – BOARD SALARY	\$4,000.00
35d1	BOARD OF HEALTH – GASOLINE	\$500.00
35e	BOARD OF HEALTH – INTERGOVERNMENTAL	\$17,000.00
35g	BOARD OF HEALTH – CAPITAL OUTLAY	\$0.00
35i	BOARD OF HEALTH – RECYCLING	\$166,170.00
35j	BOARD OF HEALTH – HAZARDOUS WASTE	\$11,000.00
35k	BOARD OF HEALTH – LANDFILL INSPECTION	\$21,000.00
37e	BPW – ADMINISTRATION CAPITAL OUTLAY	\$0.00

35k	BOARD OF HEALTH – LANDFILL INSPECTION	\$21,000.00
37e	BPW – ADMINISTRATION CAPITAL OUTLAY	\$0.00
38b1	BPW – HIGHWAY – UTILITIES	\$25,500.00
38c1	BPW – HIGHWAY – GASOLINE	\$63,000.00
38c2	BPW – HIGHWAY – SAND & SALT	\$21,300.00
38d	BPW – HIGHWAY – OTHER CHARGES AND EXPENSES	\$0.00
38e	BPW – HIGHWAY – CAPITAL OUTLAY	\$0.00
38e1	BPW – HIGHWAY – LANDFILL/TRANSFER STATION	\$25,420.00
38e2	BPW – HIGHWAY – RUBBISH COLLECTION	\$467,300.00
38f	BPW – HIGHWAY – STREET RESURFACING	\$140,000.00
38g	BPW – HIGHWAY – SIDEWALK/CURBING	\$0.00
38h	BPW – HIGHWAY – SIDEWALK REPAIR	\$40,000.00
38i	BPW – HIGHWAY – CURB/HARD/SURF	\$60,000.00
38j	BPW – HIGHWAY – DRAINAGE	\$12,000.00
38k	BPW – HIGHWAY – SUBDIV MGT FEES	\$8,647.00
39b1	BPW – SEWER – UTILITIES	\$406,000.00
39c1	BPW – SEWER – GASOLINE	\$27,950.00
40b1	BPW – WATER – UTILITIES	\$47,000.00
40c1	BPW – WATER – GASOLINE	\$22,825.00
40f	BPW – WATER – WATER DISTRICT	\$994,899.00
41c	VETERANS SERVICES – SUPPLIES	\$1,800.00
41e	VETERANS SERVICES – CAPITAL OUTLAY	\$0.00
44	BRISTOL COUNTY AGRL HS	\$18,000.00
45	MILLICENT LIBRARY (changed figure)	\$576,936.00
46b1	RECREATION CENTER – UTILITIES	\$27,000.00
46e	RECREATION CENTER – CAPITAL OUTLAY	\$0.00
46f	REC CENTER – PROGRAM ACCOUNT	\$90,000.00
47b1	PARK DIVISION – UTILITIES	\$3,000.00
47c1	PARK DIVISION – GASOLINE	\$5,475.00
47d	PARK DIVISION – OTHER CHARGES/EXPENSES	\$0.00
47e	PARK DIVISION – CAPITAL OUTLAY	\$0.00