



Fairhaven Board of Selectmen

Meeting Minutes

January 13, 2020

Present: Chairman Charles Murphy, Clerk Daniel Freitas and Town Administrator Mark Rees and Administrative Assistant Vicki Oliveira.

Absent: Vice Chairman Robert Espindola

The meeting was videotaped on Cable Access.

Chairman Murphy called the meeting to order in the Town Hall Banquet Room at 6:32 p.m.

Mr. Murphy wished Selectmen Espindola well and a speedy recovery on his recent surgery.

TOWN ADMINISTRATORS REPORT

Mr. Rees updated the Board:

The Fire Department was recently awarded a \$5,000 grant from the Executive Office of Public Safety and Security to purchase a washer-extractor to effectively clean fire fighter turnout gear after it has been exposed to smoke, or other hazardous materials.

The SCG Development Partners, LLC, developer the town is partnering with to renovate the Oxford School into affordable elderly housing has received preliminary approval to apply for funding sources from the Department of Housing and Community Development in their February 2020 funding round. While not a guarantee that Fairhaven will be awarded the grant, this preliminary approval is an important step moving the project forward.

Fairhaven has received a letter from Lt. Governor Karyn Polito congratulating the town on the completion of three Community Compact grant projects; "Create an Economic Development Plan", "Develop a Municipal IT Consolidation Strategy" and "Develop Employees Policies and Procedures". Paul Foley and Mr. Rees are currently working on two new Community Compact Grant applications having to do with furthering our economic development initiatives and improving municipal and school facilities maintenance.

Fairhaven will not be applying for the next round of CDBG funding since the Town is no longer competitive based on the criteria the state uses to award grants. Fairhaven no longer qualifies because it does not meet is the percentage of low to moderate income residents who live in town.

Police Chief Michael Myers has been elected by his peers as the next president of the Southeastern Massachusetts Police Chief's Association for calendar year 2020.

COMMITTEE LIASON REPORTS

Both Mr. Murphy and Mr. Freitas did not have anything to report.

2020 LICENSE/PERMIT RENEWALS

Mr. Freitas made a motion to approve the 2020 Car Dealer License for Dussault Auto Sales, LLC, 99 Spring Street. Mr. Murphy seconded. Vote was unanimous. (2-0)

Mr. Freitas made a motion to approve the 2020 Car Repair License for the Spring Street Garage, 99 Spring Street. Mr. Murphy seconded. Vote was unanimous. (2-0)

WEST ISLAND 5K

Chairman Murphy read a request letter from Lyle Drew for the 9th Annual West Island 5K Run/Walk and Kids Mile fun run to be held on April 26, 2020. Mr. Freitas made a motion to approve the West Island 5K Run/Walk on April 26, 2020 and to waive the fees for the use of Hoppy's Landing. Mr. Murphy seconded. Vote was unanimous. (2-0)

FY21 BUDGET/TOWN MEETING CALENDAR

Mr. Rees updated the Board that there were two additions to the FY21 Budget/Town Meeting Calendar and the date to close the warrant will stay at March 23, 2020. Mr. Freitas made a motion to accept the date changes to the FY21 Budget/Town Meeting Calendar. Mr. Murphy seconded. Vote was unanimous. (2-0)

NEW MINIMUM WAGE LEVEL

Mr. Rees told the Board the Town is not legally obligated to pay minimum wage because we are a municipality but he is recommending that the town make an amendment to the pay and classification plan for grade one and two to bring these levels up to minimum wage. Mr. Freitas made a motion to amend the pay and classification plan for grade one and two. Mr. Murphy seconded. Vote was unanimous. (2-0) (Attachment A)

SIGNAGE AT HURRICANE BARRIER

Harbormaster Tim Cox met with the Board to discuss new signage for the hurricane barrier. Currently the one sign reads "Welcome to New Bedford, slow wake" and the other sign says "slow, no wake." Mr. Rees feel that it is important to recognize the Fairhaven is also part of the harbor and would like to see the signs reflect that. Mr. Cox showed a sample of the sign that he would like to place at the entrance of the barrier. Mr. Rees told the Board the next step is to receive approval from the Army Corps of engineers. Mr. Freitas made a motion to approve the signage for the Hurricane Barrier. Mr. Murphy seconded. Vote unanimous. (2-0) (Attachment B)

CHAPTER 91 LICENSE APPLICATION

Mr. Rees told the Board that Casey Boat Realty LLC (aka Fairhaven Shipyard Company) has recently filed an application with the Department of Environmental Protection (DEP) for a floating dock in the lobster boat basin area. There is a dispute who has ownership of the waterways there, as well as the bulkhead that is adjacent to the proposed dock. The Town is appealing the request to build the floating dock. The town is requesting that DEP hold a public

hearing on the application filed by Casey Boat Realty LLC. Mr. Freitas made a motion to authorize the Chair to sign the letter on behalf of the Board requesting the DEP conduct a public hearing on the chapter 91 application filed by Casey Boat Realty LLC. Mr. Murphy seconded. Vote was unanimous. (2-0) (Attachment C)

HEALTH INSURANCE ELIGABILITY POLICY

Mr. Rees stated this policy states that a new employee has to be enrolled on the town's health insurance at the time of their retirement in order to be on the town health insurance upon retirement. The Board tabled this item until their next meeting for more clarification from the unions. (Attachment D)

METRO HARVEST

Mr. Rees said this has been removed from the agenda.

ROGERS SCHOOL UPDATE

Mr. Rees updated the Board that the Town has entered into a purchase and sales agreement for Rogers School with Zach Mayo of New England Preservation and Development. Mr. Rees said the developer has met the conditions that were asked in Rider 2A of the agreement. Rogers School Reuse Committee member Sue Loo said the committee all feel the Town is headed in the right direction for Rogers School. Mr. Freitas said he would like have a copy of the final plans to ensure that nothing gets changed on the plans once the construction begins. Mr. Freitas made a motion that the developer has complied to the Rider 2A. Mr. Murphy seconded. Vote was unanimous. (2-0)

VEHICLE USE POLICY

Mr. Rees said this is a policy that the Town has needed for a while and will provide direction on the use of town owned vehicles. Mr. Freitas would like to check all vehicle to ensure they are being properly used. He feels vehicles should be tracked for use and distance. Mr. Rees will get an inventory of who is assigned to each car and how far they are travelling daily. He will also track how many times they have been called back from home for emergencies. (Attachment E)

NOTES AND ANNOUNCEMENTS

Mr. Murphy said Executive Session was tabled.

Mr. Freitas said he was happy to be back for 2020 and wished everyone a Happy New Year.

Mr. Murphy said he was sad to announce the passing of a longtime friend, Amy Combra. Ms. Coban was a longtime advocate for the disabled

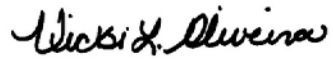
Mr. Murphy said he attended the swearing in of Police Chief Myers for the Southeastern Massachusetts Police Chief's Association.

Mr. Murphy offered congratulations to Administrative Assistant Vicki Oliveira on her recent marriage.

Mr. Murphy said "Happy Birthday" to Gary who watches all the Board of Selectmen meetings regularly.

Mr. Freitas made a motion to adjourn at 7:00 pm. Mr. Murphy seconded. Vote was unanimous.
(2-0)

Respectfully submitted,

A handwritten signature in black ink, reading "Vicki L. Oliveira". The signature is written in a cursive, flowing style.

Vicki L. Oliveira

(Approved 01/29/2020)

Attachments:

- A: Minimum Wage impact memo
- B: Hurricane Barrier Sign
- C: Casey Boat Realty LLC waterways correspondence
- D: Health Insurance Eligibility Policy
- E: Municipal Vehicle use Policy



Town of Fairhaven
Massachusetts
Human Resources Office

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
Fax: (508) 979-4079
HR@Fairhaven-MA.gov

MEMO

Date: January 7, 2020

From: Anne O'Brien, Human Resources Director

To: Board of Selectmen
Mark Rees, Town Administrator

Cc: Wendy Graves, Finance Director
Anne Carreiro, Town Accountant

Re: Minimum Wage Impact

The State minimum wage has increased to \$12.75 as of January 1, 2020, but we still have some slots on the compensation plan that are below that (Grade 1, Steps 1-4; and Grade 2, Steps 1-2). While we are technically exempt from State minimum wage as a municipality, it has been our trend to try to stay current with State minimum wage for the sake of recruiting and retaining quality employees. I have spoken with the department heads impacted by this potential change, and they indicate that they can withstand bumping up their few employees affected from their current hourly wage to the current minimum wage (\$12.75).

Therefore, I am recommending:

1. That the compensation scale be adjusted to have Grade 1, Steps 1-4, all at \$12.75/hr; and Grade 2 will be changed to have Steps 1-2 both at \$12.75/hr. (See attachment).
2. All employees currently at a Grade 1, Step 3 or 4, will be adjusted to \$12.75/hr, effective January 1, 2020. This impacts three employees in COA, and five employees in Recreation, who will all be going from \$12.24 to 12.75 if you approve. There is currently no Grade 2 employee impacted by this.
3. That department heads overseeing non-union Grade 1 and Grade 2 positions be advised that going forward, they will hire at the Grade 1, Step 4 and Grade 2, Step 2 levels, respectively.

Thank you in advance for your consideration.

EXISTING

NEW GRADE	Amount	1	2	3	4	5	6	7	8	9
1	Hourly	12.24	12.24	12.24	12.55	12.86	13.19	13.52	13.85	14.20
	Weekly	489.60	489.60	489.60	502.00	514.40	527.60	540.80	554.00	568.00
	Annual	25,459.20	25,459.20	25,459.20	26,104.00	26,748.80	27,435.20	28,121.60	28,808.00	29,536.00
2	Hourly	12.25	12.56	12.87	13.20	13.53	13.86	14.21	14.57	14.93
	Weekly	490.00	502.40	514.80	528.00	541.20	554.40	568.40	582.80	597.20
	Annual	25,480.00	26,124.80	26,769.60	27,456.00	28,142.40	28,828.80	29,556.80	30,305.60	31,054.40
3	Hourly	13.11	13.43	13.77	14.12	14.47	14.83	15.20	15.58	15.96
	Weekly	524.40	537.20	550.80	564.80	578.80	593.20	608.00	623.20	638.40
	Annual	27,268.80	27,934.40	28,641.60	29,369.60	30,097.60	30,846.40	31,616.00	32,406.40	33,196.80
4	Hourly	14.03	14.37	14.73	15.10	15.47	15.86	16.26	16.67	17.09
	Weekly	561.20	574.80	589.20	604.00	618.80	634.40	650.40	666.80	683.60
	Annual	29,182.40	29,889.60	30,638.40	31,408.00	32,177.60	32,988.80	33,820.80	34,673.60	35,547.20
5	Hourly	15.00	15.38	15.77	16.17	16.58	16.99	17.42	17.86	18.31
	Weekly	600.00	615.20	630.80	646.80	663.20	679.60	696.80	714.40	732.40
	Annual	31,200.00	31,990.40	32,801.60	33,633.60	34,486.40	35,339.20	36,233.60	37,148.80	38,084.80
6	Hourly	16.05	16.45	16.86	17.28	17.71	18.15	18.59	19.06	19.54
	Weekly	642.00	658.00	674.40	691.20	708.40	726.00	743.60	762.40	781.60
	Annual	33,384.00	34,216.00	35,068.80	35,942.40	36,836.80	37,752.00	38,667.20	39,644.80	40,643.20
7	Hourly	17.18	17.61	18.04	18.49	18.95	19.42	19.91	20.41	20.92
	Weekly	687.20	704.40	721.60	739.60	758.00	776.80	796.40	816.40	836.80
	Annual	35,734.40	36,628.80	37,523.20	38,459.20	39,416.00	40,393.60	41,412.80	42,452.80	43,513.60
8	Hourly	18.38	18.84	19.31	19.79	20.29	20.80	21.32	21.85	22.40
	Weekly	735.20	753.60	772.40	791.60	811.60	832.00	852.80	874.00	896.00
	Annual	38,230.40	39,187.20	40,164.80	41,163.20	42,203.20	43,264.00	44,345.60	45,448.00	46,592.00

PROPOSED

NEW GRADE	Amount	1	2	3	4	5	6	7	8	9
1	Hourly	12.75	12.75	12.75	12.75	12.86	13.19	13.52	13.85	14.20
	Weekly	510.00	510.00	510.00	510.00	514.40	527.60	540.80	554.00	568.00
	Annual	26,520.00	26,520.00	26,520.00	26,520.00	26,748.80	27,435.20	28,121.60	28,808.00	29,536.00
2	Hourly	12.75	12.75	12.87	13.20	13.53	13.86	14.21	14.57	14.93
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	Weekly	735.20	753.60	772.40	791.60	811.60	832.00	852.80	874.00	896.00
	Annual	38,230.40	39,187.20	40,164.80	41,163.20	42,203.20	43,264.00	44,345.60	45,448.00	46,592.00

WELCOME TO FAIRHAVEN

SLOW  **WAKE**

HARBORMASTER CH. 9 & 16



Casey Boat Waterways Application

1 message

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Wed, Jan 8, 2020 at 4:27 PM

Reply-To: tomcrotty@tcrottylaw.com

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

Cc: Charles Murphy <cmurphy@fairhaven-ma.gov>

Mark

Attached is a draft of the letter to DEP requesting that it hold a public hearing on this application.

This should be approved by vote of the board in open session, and signed by the Chairman.

It must be received by DEP before the end of the comment period which expires on January 20.

Thanks

Tom

Thomas P. Crotty

Thomas P. Crotty & Associates, PLLC

5 Dover Street, Suite 102

New Bedford, MA 02740-4992

TomCrotty@tcrottylaw.com

Tel: 508-990-9101 Fax: 508-990-9108

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**MCH Ltr to Carlos Fragata 20200108.doc**

14K

_____, 2020

Carlos T. B. Fragata
Environmental Analyst
DEP Waterways Regulations Programs
20 Riverside Drive
Lakeville, MA 02347

RE: Chapter 91 License Application No. W19-5653
Casey Boat Realty, LLC

Dear Mr. Fragata:

Pursuant to 310 CMR 9.13(3)(b) the Board of Selectmen for the Town of Fairhaven requests that the Department of Environmental Protection (DEP), conduct a public hearing on the above-referenced application.

The town will make arrangements so that the Department may conduct the hearing in Fairhaven.

Please contact Mark Rees, Town Administrator, at 508-979-4023, Ext. 2, to confirm the time and place of the hearing, and to make any other arrangements required by the Department.

Thank you for your courtesy in this regard.

Very truly yours,

Charles K. Murphy, Chairman
Fairhaven Board of Selectmen

cc: Susan Nilson, PE
Foth Infrastructure & Environment, LLC
15 Creek Road
Marion, MA 02738
Mark Rees, Town Administrator
Timothy Cox, Harbormaster
Thomas Crotty, Esq., Town Counsel



15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | 800.668.3220

December 20, 2019

Fairhaven Board of Selectman
Town Hall
40 Center Street
Fairhaven, MA 02719

Re: Waterways Application W19-5653
Application to Construct and Maintain a Pier, Ramp, and Float
— 7 Union Wharf, Fairhaven, MA

On behalf of Fairhaven Shipyard Companies, Inc., Foth Infrastructure & Environment, LLC (Foth) is submitting the enclosed Public Notice for the above referenced project Waterways License application.

Feel free to contact me at (508)748-0937 or Susan.Nilson@foth.com if you require any additional information or have any questions. Thank you for your assistance.

Very truly yours,
Foth Infrastructure & Environment

Susan Nilson, PE
Director – Ports and Harbors
Foth Infrastructure & Environment, LLC

Attachments: Public Notice of Waterways Application
Project Site Plans

cc: Carlos T. B. Fragata, Environmental Analyst, DEP Waterways

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION WATERWAYS REGULATION
PROGRAM**

Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W19-5653
Casey Boat Realty, LLC

NOTIFICATION DATE: December 23, 2019

Public notice is hereby given of the waterways application by Casey Boat Realty, LLC to construct and maintain a pier, ramp and float at 7 Union Wharf, in the municipality of Fairhaven, in and over flowed tidelands of Acushnet River/New Bedford Harbor. The proposed project has been determined to be water-dependent.

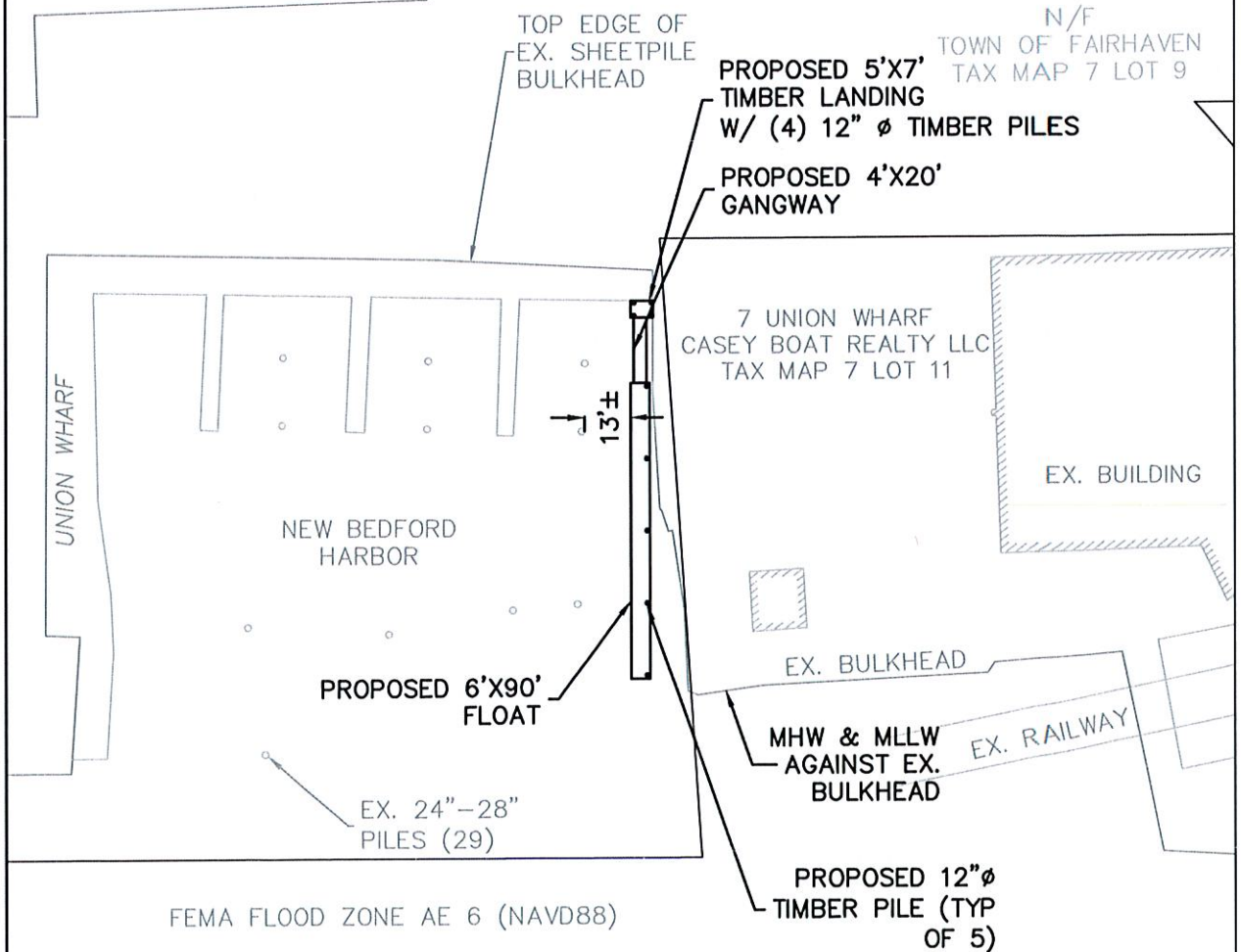
The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the 10 residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2873. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: Carlos T.B. Fragata, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.



LOCUS
NOT TO SCALE



0 25 50

HORIZONTAL SCALE: 1" = 50'

PLAN ACCOMPANYING PETITION OF:
CASEY BOAT REALTY, LLC
32 WATER STREET
FAIRHAVEN, MA 02719

SHEET 1 OF 2

DATE: JULY 2019

TO LICENSE PROPOSED PILE SUPPORTED
PLATFORM, GANGWAY, AND FLOAT

ACUSHNET RIVER/NEW BEDFORD HARBOR
BRISTOL COUNTY, MASSACHUSETTS



Town of Fairhaven

Health Insurance Eligibility Policy

The Town of Fairhaven, acting in accordance with the provisions of Chapter 32B of Massachusetts General Laws, hereby establishes the following policy involving health eligibility of employees and retirees, including spouses and other dependents. To the extent as allowed by Chapter 32B, the Fairhaven Board of Selectmen reserves the right to alter, modify, or eliminate the discretionary components of this policy at any time.

1. As required by Section 10 of Chapter 32B, all active employees of the Town of Fairhaven, including spouses and other dependents as defined in Section 2 of Chapter 32B, working 20 hours or more on a regular basis are eligible for Town health insurance. Per Section 7A of Chapter 32B, the current contribution rate is set by the Town at 60% (Town); 40% (Employee).
2. As required by Section 9 of Chapter 32B, qualified retirees, including spouse and other dependents as defined in Section 2 of Chapter 32B, are also eligible for Town health insurance. Per Section 9E of Chapter 32B, the current contribution rate is set by the Town at 60% (Town); 40% (Employee). To be minimally qualified, a retiree must be a member of the Fairhaven Contributory Retirement or the Massachusetts Teachers Retirement System.—Employees who choose a “lump sum” payment at the time of separation of service are not eligible to participate in the Town health insurance.
3. Any employee or retiree (along with their spouse and dependents) who was hired through December 31, 2019 will continue to be permitted to enroll in the Town health insurance as a retiree, whether enrolled in the municipal plan at the time of retirement or not.
4. New and returning employees, their spouses and/or dependents, hired on or after January 1, 2020, but who are not enrolled in the Town health insurance as of the date of their retirement shall not be allowed to enroll post-retirement.
5. Chapter 32B of Massachusetts General Law does allow discretion by the Town to allow elected officials, including spouses and other dependents, working less than 20 hours on a regular basis and also receiving a stipend to enroll in Town health insurance, as well as former and current elected officials who are retirees and are members of the Fairhaven Contributory Retirement System. By standing vote of the Board of Selectmen on [INSERT DATE], the Town no longer extends health insurance benefits to elected officials working less than 20 hours per week on a regular basis, both in their active service and in retirement. Former and current elected officials who qualified for Town or School pension or health insurance benefits as of March 31, 2019 are considered “grandfathered” and are therefore exempt from the prohibition on elected officials working less than 20 hours per week on a regular basis being eligible for Town health insurance.

Accepted by the Fairhaven Board of Selectmen on _____

DRAFT

6. As required by Section 9B of Chapter 32B, qualified surviving spouses, including his or her dependents as defined in Section 2 of Chapter 32B, are also eligible for Town health insurance until remarriage or death. Per Section 9D ½ of Chapter 32B, the current contribution rate is set by the Town at 60% (Town); 40% (Employee). Spouses who are divorced or legally separated from the deceased employee/retiree are not considered surviving spouses and thus, are not eligible for coverage. If at the time of death, a retiree is not a member of the Fairhaven Contributory Retirement System and, therefore, is not eligible for coverage, then neither shall the surviving spouse be eligible for coverage.
7. All new employees hired after January 1, 2020, will be required to sign a form acknowledging this policy within 30 days of their hire date. A copy of this acknowledgement form will be kept in the Human Resources office.



DRAFT

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF THE TOWN OF
FAIRHAVEN'S HEALTH INSURANCE ELIGIBILITY POLICY

This is to acknowledge that I have received a copy of the Town of Fairhaven's Health Insurance Eligibility Policy.

I understand that the Town reserves the right to revise, delete, and add to the provisions of the Health Insurance Eligibility Policy at any time without further notice. All such revisions, deletions or additions to this Policy will be in writing and will be signed by the Town Administrator.

I understand that no oral statements or representations can change the provisions of the Health Insurance Eligibility Policy.

I understand that the Town's refers to current benefit plans maintained by the Town and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

I have read and understand the Health Insurance Eligibility Policy.

Initials _____ Date _____

If I have questions regarding the content or interpretation of the Health Insurance Eligibility Policy, I will ask the Town Administrator or the Human Resources Director.

Employee Name

Employee Signature

DATED: _____



ELECTED OFFICIAL'S ACKNOWLEDGEMENT OF RECEIPT OF
THE TOWN OF FAIRHAVEN'S HEALTH INSURANCE ELIGIBILITY POLICY

DRAFT

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Initials _____ Date _____

If I have questions regarding the content or interpretation of the Health Insurance Eligibility Policy, I will ask the Town Administrator or the Human Resources Director.

NAME

POSITION

DATED: _____

certified and intends to keep the store the same as it was except for a new name. The Board feels that everything is in order and wished Mr. Patel good luck with his business.

Mr. Espindola made a motion to approve the transfer of a package store/all alcohol license. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the pledge of license to Rockland Trust. Mr. Freitas seconded. Vote was unanimous. (3-0)

ELECTED OFFICIALS HEALTH INSURANCE

Mr. Rees explained that originally this was an article for the May 4, 2019 Annual Town Meeting and the Board asked to have this drafted as a policy. Board members wanted to ensure that in the future the policy could be changed by the Selectmen. Selectmen amended the words "who is currently participates" to "is eligible to participate." So it reads:

Pursuant to MGL Chapter 32B, the Fairhaven Board of Selectmen as authorized by said law, will not allow for participation in the Town's health insurance program by any elected part time official taking office after April 1, 2019. Any part time elected official who is currently eligible to participate in the Town's health insurance program will be allowed to continue with the program consistent with current eligibility criteria

Mr. Murphy recused himself because he currently receives the town health insurance. Mr. Freitas made a motion to approve the amended version of the policy. Mr. Espindola seconded. Vote passed. (2-0-1)

ELECTRICITY AGGREGATION

Mr. Rees said that residents have been receiving letters in the mail regarding the Electricity Aggregation and are confused about the changes. Mr. Espindola explained that the letters are sent out to residents quarterly to notify those that are not on the program. Mr. Espindola noted that Public Power, the supplier, is still lower than Eversource for those that chose to participate in the program. Mr. Espindola encouraged anyone with questions to reach out to MASSCEA.com. Or call them at 844-627-7232.

PREPARATION FOR ANNUAL TOWN MEETING

Mr. Rees feels that there are still a few more articles to vote on but everything is right in place for Town Meeting. Mr. Rees informed the Board that on Article 5: Amended Fy19 General Fund Operating Budget, there was an oversight because the Town Clerk is now an elected official and will no longer accrue benefits, therefore her time as an appointed employee she is entitled to a "buy out." Mr. Espindola made a motion to add item 10 to Article 5 for \$14,000 to be transferred from surplus revenue (free cash) to the Town Clerk salary. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to add Billy's Way for \$64,045 to Article 18: Roadwork – FY20. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to add \$96,185 to Article 18: Roadwork, I. Fir Street – Reconstruct, hard-surface and install drainage on Fire Street from Causeway Road to Bluepoint Road a distance of approximately 680 feet. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend Approval for Article 31: Citizen Petition- Street Light request – corner of Peter Lane and McKensie- two lights for \$800 each for a total of \$1600. Mr. Freitas seconded. Vote was unanimous. (3-0)

MUNICIPAL VEHICLE USE POLICY TOWN OF FAIRHAVEN

I Purpose

The purpose of this policy is to set forth the guidelines under which town vehicles will be authorized to Town personnel and the guidelines under which Town vehicles may be used. This policy is used to supplement additional policies which may exist within each department.

II Applicability

The provisions of this policy apply to all municipal employees, excluding Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by agreement.

III Categories of Municipal Vehicle Use

Work Use Only - Vehicle is used at work only and remains at issuing department's location at the end of the employee's work shift (applies to personnel whose duties require the use of a town vehicle during their shift).

Work & Commuting Use - Vehicle is used at work and for commuting back and forth to the employee's primary residence (applies to certain personnel whose duties require them to be on-call to regularly respond to work during nights and weekends).

24-Hour Use - Vehicle may be used at all times of the day for professional and personal use due to the 24/7 nature of the employee's duties (applies to certain public safety personnel.)

IV Vehicle Assignment & Authorization

1. General Assignment - The general assignment of municipal vehicles may require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purposes consistent with providing services to those citizens.

The assignment of municipal vehicles during work time is based upon job description. Appointing authorities who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by the Town Administrator or appointing authority department manager.

2. 24 Hour Use The assignment of vehicles for 24-hour use will be made in writing by the Town Administrator, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which may be used in the determination of eligibility for 24-hour vehicle use include:

- Requirement for emergency availability or officially designated on call
- Issuance of a pager or other communication device;
- Emergency or other equipment contained in the vehicle; and/or
- No town facility is available for garaging in a safe and convenient location.

Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.

If an employee is transporting non-Town personnel in a municipal vehicle and is called to an emergency, then the employee will take all reasonable actions necessary to ensure the safety of the passenger for the duration of the emergency.

Employee's assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.

3. Change of Authorization - The Town Administrator or department head may rescind and /or change an existing vehicle assignment, including 24 hour use and work shift, and use authorization whenever an applicable position becomes vacant; the authorized is mis-used; an employee is on leave (paid or unpaid) or when the position's duties are changed to a significant degree to warrant such reassignment or at discretion of Town Administrator or department head. The Town Administrator may also seek to change or modify the existing authorized use of a municipal vehicle for any incumbent union employee during collective bargaining.

V. Report of Accidents Whenever a municipal vehicle is involved in an accident, or subject to damage, or in the event an employee's personal vehicle is damaged during an approved, work-related trip, the employee operating the vehicle is required to immediately notify his/her immediate supervisor. The supervisor is to contact the Town Administrator's office and complete the appropriate insurance forms.

The town does not assume responsibility for accidents, damage, or other negative impacts on personal vehicles when operated for the purpose of municipal business.

VI: Registering and Insurance a Vehicle Whenever a new vehicle is purchased and registered, the Town Administrator's office must be notified and appropriate paperwork completed immediately to add the vehicle to the Town's insurance policy.

VII: Identification and Procurement of Municipal Vehicles

All municipal vehicles, except certain police vehicles, shall be conspicuously marked as a Town of Fairhaven vehicle with the name of the department on both sides of the vehicle and shall have municipal license plates. The Town Administrator may grant special exception to this rule if sufficient written justification is presented by the department head. All municipal vehicles shall be purchased in accordance with applicable public procurement laws to ensure competitiveness and best price.

VIII: Fringe Benefit Tax Reporting

Federal and State law requires employers to include "Fringe Benefit Income" on employee W-2 forms submitted to the IRS and DOR. Such fringe benefits include the employee's use of an employer-provided vehicle for commuting purposes at \$_____ per day commuting rate as established by the IRS (subject to IRS changes). The Town shall use this method for tax reporting purposes.

Employees using Police, Fire and other Public Safety vehicles may be exempt from the fringe benefit income reporting requirements as specified by IRS requirements.

IX: General Rules Governing Municipal Vehicle Use

1) Municipal vehicles may only be used for legitimate municipal business and if applicable, authorized commuting purposes and other approved uses. If commuting use is authorized, then it is limited to travel to and from the employee's principal residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. Other approved uses shall be authorized by the department head.

2) Municipal vehicles other than those designated for 24-hour use are to be used to transport individuals who are engaged in municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.).

3) Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.

4) Employees are expected to keep municipal vehicles clean, free of household trash (e.g. coffee cups, wrappers, etc.) and to report any malfunction or damage to their supervisor immediately.

5) Employees assigned vehicles are expected to park such vehicles in safe locations.

6) Employees (both driver and passengers) must wear seatbelts in vehicles so equipped during

operation of the vehicle

- 7) Employees must turn the municipal vehicle ignition off, remove keys and lock municipal vehicle when unattended unless the vehicle is being used in the performance of its duties.
- 8) All operators of vehicles that require a CDL license must be tested for drugs and alcohol as provided by US DOT regulations and the town drug/alcohol policy.
- 9) Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications that may interfere with effective and safe operations.
- 10) Employees may not operate municipal vehicles while texting.
- 11) Town employees will comply with current state law required in use of cell phones in vehicles while operating the said vehicle.
- 12) Smoking is prohibited in all municipal vehicles.
- 13) Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once a year.
- 14) All new drivers must allow a motor vehicle record check prior to driving any town owned vehicle. This record check will be done every other year thereafter. Employees will notify Town Administrator and Department Head if change in Driver's license status changes. Any positive drug test may result in revocation of an employee's privilege to operate municipal vehicles whether it occurred on duty or not. If operating a municipal vehicle is an essential job function, reclassification or termination could result.
- 15) Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
 - a. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines is approved by the Town.
 - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24

hours. Failure to provide such notice will be grounds for disciplinary action.

c. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.

16) No employee may use a municipal vehicle for out of state use without advance approval of the Town Administrator.

17) Under NO circumstances will any person ride in the body of a truck, or in a trailer or bucket of a loader or backhoe.

18) The town reserves the right to withdraw the privilege of using a municipal vehicle based on the employee's driving record.

19) During a leave (paid or unpaid) the employee will return the vehicle to their department immediately.

20) Town fuel should be used for town vehicle and equipment only. Personal uses are strictly forbidden.

21) Parking spaces in the front of the town buildings are for use of the public and should not be utilized by employees if at all possible.

X: Use of Personal Vehicle for Town Business:

Mileage Travel Reimbursements -

When an employee is authorized to use a personal automobile for work-related travel, he/she shall be reimbursed at the rate established annually by the IRS

The mileage rate is intended to include the costs of gasoline; repairs, insurance, and general wear and tear on the automobile.

The Town will not reimburse both mileage and lodging for the same event. Whenever lodging is provided, the initial and return trip shall be the only mileage eligible for reimbursement. If the employee chooses to commute rather than use the lodging provided, they will not be reimbursed for the subsequent mileage that occurred due to their decision to commute.

In addition to the mileage rate, the Town will reimburse employees authorized to travel driving personal or municipal vehicles, for tolls and reasonable parking expenses, when receipts are provided. Employees will not be reimbursed for tolls which would normally be paid by the employee during his/her commute to work.

The town retains the right to require employees who are reimbursed for work related travel, to show proof of the following minimum levels of insurance coverage:

1. Bodily injury: \$100,000/ \$300,000
2. Property Damage \$50,000

XI Special Circumstances

This Policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of Fairhaven, and, as such, cannot contain procedures governing every situation that might arise. Department heads seeking clarification of or exemption from the provisions of this policy should contact the Town Administrator who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

XII Sanctions

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.