



Fairhaven Board of Selectmen

Meeting Minutes

March 23, 2020

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2020 APR 14 P 3:20

FAIRHAVEN,
MASS.

Present: Chairman Charles Murphy, Vice-Chairman Robert Espindola, and Town Administrator Mark Rees and Cable access Director Derek Frates.

Also Present via Zoom: Clerk Daniel Freitas, Administrative Assistant Vicki Oliveira., Town Counsel Tom Crotty, Town Moderator Mark Sylvia, and Attorney Jeff Lovely

The meeting was videotaped on Cable Access and Zoom meeting application.

Chairman Murphy called the meeting to order in the Town Hall Banquet Room at 4:30 p.m.

Mr. Murphy took attendance via roll call to verify attendance: Mr. Espindola present, Mr. Freitas present via remote access, Mr. Rees present, Mr. Frates present, Mrs. Oliveira present via remote access.

Mr. Murphy opened the remote meeting with a memo that read:

"The open meeting is being conducted remotely consistent with Governor Baker's Executive order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID -19 Virus. The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, the Board of Selectmen is convening by (telephone conference and video conference via Zoom) as posted on the Town's Website identifying how the public may join. All votes will be by roll call vote. "

Mr. Rees asked the Chair if the meeting could go out of order as one agenda item will affect the others.

COMMITTEE LIASON REPORTS

Mr. Espindola will be meeting with SRPEDD via remote meeting on Wednesday and will also meet with Good Energy via remote meeting.

Mr. Freitas said that at the Library meeting it was announced, Library Director, Carolyn Longworth has postponed her retirement. The library will also be waiving all late fees until the COVID -19 crisis is over.

Mr. Murphy said the Commission on Disability will be reevaluating how they will proceed with their meetings for the duration of the COVID-19 crisis.

DATE CHANGE FOR ANNUAL TOWN ELECTION/ANNUAL TOWN MEETING

Mr. Rees passed out a memo (Attachment A) to the Board from the State and Attorney Crotty regarding changing the date for the annual town election and the annual town meeting. Mr. Rees explained the House and Senate passed a bill today to allowing towns to change the date of the annual election and the annual town meeting, Mr. Rees consulted with Town Counsel and the town clerk Carolyn Hurley and since Governor Baker has declared there be no public gatherings until April 7, the consideration is to postpone both the annual election and the annual town meeting. Mr. Murphy stated that he is up for re-election this year but he has no financial interest in the election. Mr. Espindola made a motion for the Board of Selectmen to reschedule the annual town election from Monday, April 6, 2020 to be held Monday, May 18, 2020 as otherwise advised by State Law. Mr. Freitas seconded. Mr. Murphy abstained because the Board of Selectmen receive a stipend. Vote passed (2-0-1)

Roll call vote: Mr. Murphy abstain, Mr. Espindola in favor, Mr. Freitas in favor

Mr. Espindola made a motion to reschedule the annual town meeting from Saturday, May 2, 2020 to be held Saturday, June 20, 2020. Mr. Freitas seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor.

BOARD OF SELECTMEN/TOWN ADMINISTRATOR ANNUAL REPORT

This item is tabled due to the change in date of the annual Town Meeting.

APPOINTMENT OF POLLWORKERS

This item is tabled due to the change in date of the annual Town Election.

NATIONAL DAY OF PRAYER

Mr. Murphy read a letter from Steven Bouley requesting the use of the Town Hall front steps for the National day of prayer to be held on Thursday, May 7, 2020. Mr. Espindola made a motion to approve the National Day of Prayer on Thursday, May 7, 2020 at noon time on the steps of Town Hall and the use of the auditorium in the event of inclement weather with the condition that if the current prohibition of gatherings of more than 10 people is still in place, your event will not be allowed. Mr. Freitas seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor

COURTYARD RESTAURANT- CHANGE OF CORPORATE STRUCTURE

Mr. Rees told the Board this is a routine application for a change of corporate structure. Mr. Espindola made a motion to approve the change of corporate structure for Courtyard restaurant. Mr. Freitas seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor

GULF RESOURCES, INC.

At 5:08 Chairman Murphy continued the public hearing from March 9, 2020 for Gulf Resources, Inc. for a new package store/ beer and wine license. Via remote access Owner Richard Carrigg and his Attorney Jeff Lovely were available to answer questions from the Board. Town Counsel Tom Crotty explained to the Board that approving this license will not affect the number of recreational marijuana licenses issued by the Town. Mr. Espindola made a motion to approve the application for a beer and wine license for Gulf Resources, Inc. 277 Bridge Street. Mr. Freitas seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor

COVID-19 RESPONSE UPDATE

Mr. Rees said he put in a Continuing of Operations (Attachment B) plan in place and a list of essential employees and because of the most recent events and information from Governor Baker's office the policy had to be implemented before the Board could vote on it. Mr. Rees stated that the Board of Public Works will work in split shifts, Town Hall will have most employees work from home and First Responders will be taking extra precautions to limit their exposure. As of today at noon (March 23, 2020) Governor Baker has said all non-essential businesses must close. Mr. Rees will meet with the Department of Health to review this list. Mr. Rees said he was very proud of the Town employees who are working hard to maintain operations for our residents. The Board thanked the employees for working together and for their dedication and for updating the information frequently.

Because of the change in operations the Harbormaster has requested the Board to extend the expiration date on the parking passes and the permits. Mr. Espindola made a motion to extend the date of shellfish and parking permits to April 30, 2020. Mr. Freitas seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor

PERSONNEL POLICY

Mr. Rees told the Board this policy was extended at their last meeting and includes the comments and recommendations from the Board. The Board all agreed they would like to wait and postpone until a future meeting to discuss this when they are all in the same room together as it is a lengthy document.

FY21 BUDGETS

This item is tabled due to the change in date of the annual Town Meeting.

PREPARATION FOR ANNUAL TOWN MEETING

This item is tabled due to the change in date of the annual Town Meeting.

NOTES AND ANNOUNCEMENTS

The Board thanked everyone for their hard work and cooperation and reminded residents to check on your elderly neighbors.

At 5:30 p.m. Mr. Espindola made a motion to adjourn. Mr. Freitas seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Murphy in favor, Mr. Espindola in favor, Mr. Freitas in favor

Respectfully submitted,



Vicki L. Oliveira
(Approved 04/13/2020)

Attachments:

A: Memo regarding change in date

B: Continuing of Operations memo

FILED ON: 3/23/2020

SENATE No. 2608

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act granting authority to postpone 2020 municipal elections in the commonwealth and increase voting options in response to the declaration of emergency to respond to COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the rescheduling of elections as a result of the declaration of emergency to respond to COVID-19 and to increase voting options, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, any city or town with any municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election in accordance with this act.

The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a “reverse-911” call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official’s position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2 PM to 4 PM and from 7 PM to 8 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.

For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.

(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.

(c) Local election officials may use absentee ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws shall be provided to each qualified voter who participates in early voting by mail.

(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.

TOWN OF FAIRHAVEN Continuity of Operations Plan

This document provides planning and program guidance for implementing the Town of Fairhaven Continuity of Operations Plan and programs, to ensure the organization is capable of conducting its essential missions and functions under all threats and conditions.

Essential Personnel (EP) who are relocated under this plan are collectively known as the Essential Personnel Group (EPG). Upon plan activation, these members will deploy to areas, offices or departments assigned by the Emergency Management Team. Upon arrival, continuity personnel must establish an operational capability and perform essential functions within 12 hours from the time of the activation of the Continuity Plan, for up to a 30-day period or until normal operations can be resumed.

EP who are identified shall provide the Emergency Response team at least one alternate member for each key position.

This plan has been developed by guidance in Executive Order (EO) 12656, Assignment of Emergency Preparedness Responsibilities; National Security Presidential Directive – 51/Homeland Security Presidential Directive – 20, National Continuity Policy; Homeland Security Council, National Continuity Policy Implementation Plan; Federal Continuity Directive (FCD) 1, Federal Executive Branch National Continuity Program and Requirements, February 2008; Town of Fairhaven's Emergency Management Plan; and other related Directives and guidance.

Mark Rees, Town Administrator

The Emergency Management Director (Fire Chief) or their designee is responsible for maintaining the Town of Fairhaven Continuity of Operations Plan. This Continuity Plan, Town of Fairhaven essential functions, and supporting activities will be reviewed by the Town Administrator and updated annually as part of the annual maintenance of the Emergency Response Plan. The Emergency Management Director is responsible for the annual plan review and update.

Also, the plan will be updated or amended when there are significant organizational or procedural changes or other events that impact continuity processes or procedures.

Comments or suggestions for improving this plan may be provided to Town Administrator at any time.

I. IDENTIFICATION OF ESSENTIAL FUNCTIONS

The Town of Fairhaven has completed the review process and has identified those functions that must continue.

Government Functions

To identify, prioritize, and document essential functions, Fairhaven Fire Department/Emergency Management identified all government functions and missions and reviewed which functions were directed by applicable laws, presidential directives, executive orders, and other directives. Each department head is encouraged to implement procedures to minimize personnel on a particular shift and to rotate personnel to meet the needs of that department.

The Town Administrator has designated the following as the EPG:

Position	Name	Alt Name	Work from Home Capability
Town Administrator	Mark Rees	FC Timothy Francis	Yes
Fire Dept./EMS/EM	Timothy Francis	Todd Correia (Deputy)	No
Police Dept.	Michael Myers	Capt. Michal Botelho	No
Public Works:	Vinnie Furtado	Dept. Superintendent	No
Harbormaster/Shellfish	Timothy Cox	Steve Riley	Yes/No Depends on Event
Health Department	Mary Kellogg	Dan Shea	Yes/No Depends on Event
Human Resources	Anne Obrien		Yes
Finance	Wendy Graves	Anne Carreiro	Yes
IT Dept.	Nicole Potter	Chris Camara	Yes
Social Media	Erin Costa	Vicki Oliveira	Yes
Public Access Director	Derek Frates	Eric Sa	Yes
Council on Aging	Anne Sylvia	Richard Walker	Yes

II. Alert and Notification Procedures

The Town of Fairhaven maintains plans and procedures for communicating and coordinating activities with personnel before, during, and after a continuity event. Prior to an event, personnel in all departments must monitor advisory information, including the DHS National Terrorism Advisory System, the Federal Government Response Stages for Pandemic Influenza, intelligence, and any internal Emergency Response Plan (ERP) notifications.

In the event, normal operations are interrupted or if an incident appears imminent, the Town will take the following steps to communicate the organization's operating status with all staff:

- (1) The Emergency Management Director and/or the incident commander or their designated successor will notify the Town Administrator of the emergency requiring continuity activation.
- (2) Each department will notify all department personnel, as well as affected and interdependent entities with information regarding continuity activation and relocation status, operational and communication status, and the anticipated duration of relocation
- (3) EP will work with the Information Technology (IT) Department to ensure all essential equipment is working and alternative mechanisms are provided.
- (4) Personnel not identified as continuity staff may be required to replace or augment the identified continuity personnel during activation. These activities will be coordinated by the department head or by the Town Administrator with the staff on a case-by-case basis. Individuals who are not identified as continuity personnel will remain available to replace or augment continuity members, as required.

In the event of an activation of the Continuity Plan, the Town may need to procure necessary personnel, equipment, and supplies that are not already in place for continuity operations on an emergency basis. The Town Administrator maintains the authority for emergency procurement.

III. CONTINUITY OPERATIONS

Upon activation of the Continuity of Operations Plan, the Town Fairhaven will continue to operate at its primary operating facility until ordered to cease operations by the Town Administrator or their designee.

At that time, essential functions will transfer to the continuity facility or other prescribed location based on the Town of Fairhaven needs. The Town of Fairhaven must ensure that the continuity plan can become operational within the minimal acceptable period, but in all cases within 12 hours of plan activation and sustain operations for 30 days.

The Emergency Management Division (EM) will arrive at the Emergency Operations Center (EOC) to prepare the site for the arrival of the continuity personnel if needed.

Upon arrival at the EOC, the EM Division

- Ensure infrastructure systems, such as power and HVAC are functional
- Prepare phones and computers

- Field telephone inquiries from Essential and nonessential staff
- Ensure conference call equipment is operational.
- Provide Primary and Secondary communication with all local, regional and statewide partners.

All EP staff that is operating out of alternative locations shall perform the following:

- Contact the EOC and provide the following:
 - Current number and extension.
 - Current email
 - Alternative phone number (Cell phone)
- Provide plans for the current 12 hour period and the next 12 hour period. These plans should contain the following:
 - Essential work being performed.
 - Information needed from the EOC
 - Recommendations for the next 12 hour period (following the previous 12 hours)
 - Transportation assistance/request.

IV. RECONSTITUTION/RECOVERY OPERATIONS

Reconstitution – The process by which surviving and/or replacement agency personnel resume normal agency operations from the original or replacement primary operating facility.

Recovery – The implementation of prioritized actions required to return an organization’s processes and support functions to operational stability following an interruption or disaster.

Reconstitution procedures will commence when the Town Administrator or other authorized person ascertains that the emergency situation has ended and is unlikely to reoccur.

These reconstitution plans are viable regardless of the level of disruption that originally prompted the implementation of the Continuity of Operations Plan. Once the appropriate authority has made this determination in coordination with other Federal and/or other applicable authorities, one or a combination of the following options may be implemented, depending on the situation:

- Continue to operate from the continuity facility
- Reconstitute the primary operating facility location for all EP and begin an orderly return to the facility

Before relocating to the current primary operating facility or another facility, an appropriate authority (based on the emergency) will conduct appropriate security, safety, and health assessments to determine building suitability.

In addition, Information Technology (IT) Department will verify that all systems, communications, and other required capabilities are available and operational and that the

individual departments are fully capable of accomplishing all essential functions and operations at the new or restored facility.

Upon verification that the required capabilities are available and operational and that a department is fully capable of accomplishing all essential functions and operations at the new or restored facility, the Town Administrator will begin supervising a return of personnel, equipment, and documents to the normal operating facility or a move to another temporary or permanent primary operating facility.

The phase-down and return of personnel, functions, and equipment will follow the priority-based plan and determined by the Town Administrator or Incident Commander for each event.

All Staff

It is important that the Town of Fairhaven keep all staff, especially individuals not identified as continuity personnel, informed and accounted for during a continuity event.

- Town of Fairhaven will establish procedures for contacting and accounting for employees in the event of an emergency, including operating status.
- All employees are expected to remain in contact with their department head during any closure or relocation situation.
- Accounting for all personnel during a continuity event is of utmost importance. Accountability information has the responsibility of attempting contact with those individuals who are unaccounted for.
- Therefore, each department has the responsibility to create provisions and procedures to assist all staff, especially those who are disaster victims, with special human capital concerns following a catastrophic disaster.

