



Fairhaven Board of Selectmen

Meeting Minutes

May 11, 2020

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FAIRHAVEN,
MASS.

Present: Chairman Charles Murphy, Town Administrator Mark Rees and Cable Access Director Derek Frates

Present via Zoom: Selectman Robert Espindola, Selectman Daniel Freitas, Finance Director Wendy Graves, Health Agent Mary Kellogg, Town Moderator Mark Sylvia, Veterans Agent Brad Fish, Town Clerk Carolyn Hurley, School Superintendent Robert Baldwin, Harbormaster Tim Cox, Town Counsel Tom Crotty, Human Resources Director Anne O'Brien, Zac Mayo, Michael Ristuccia, Laura Gardner, Jean Lawlor, Administrative Assistant Vicki Oliveira, and Cable Access Production Coordinator Erick Sa.

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

Chairman Murphy opened the meeting at 4:03 pm and read the following statement:

"This Open Meeting of the Fairhaven Board of Selectmen 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."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

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 allow public comment related to the posted agenda items only. For this meeting, Fairhaven Board of Selectmen is convening by telephone conference/video conference via Zoom App as posted on the Town's Website identifying how the public may join."

Minutes

Mr. Espindola made a motion to approve the minutes of the April 28, 2020 meeting – Open Session with one typo on page 2. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Town Administrators Report

Mr. Rees will combine his report with item F1: COVID -19 Response update

Committee Liaison Reports

Nothing to report at this time.

Review Town Election/Meeting Dates

Mr. Rees and the Board discussed with Ms. Hurley, Mr. Sylvia, Mr. Baldwin and Attorney Crotty the possibility of having to hold a virtual Town Meeting due to the restrictions in place caused by COVID-19. Mr. Rees revised the budget calendar to reflect the new dates and changes. The Town Moderator told the Board he has done some research with other towns and their moderators regarding holding a virtual town meeting but special legislation needs to be passed in order to enable towns to hold a virtual town meeting. Because the warrant has not been signed by the Board of Selectmen, Mr. Sylvia is suggesting moving the date to June 27, 2020 in order to allow time for training on a virtual meeting. The Town Clerk agrees this would be a good idea. Mr. Espindola made a motion to change the date of the annual town meeting to Saturday, June 27, 2020 at 9 a.m. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Appointment of Poll Workers

Mr. Espindola made a motion to appoint the poll workers for the June 8, 2020 local election as follows:

- **PRECINCT 1:** Bernadette Costa, Sandra LeBlanc, Diane Botelho, Heidi Winnett
- **PRECINCT 2:** Christine Alfonse, Elaine Burgo, Sandra Belliveau, Carole Fauteux
- **PRECINCT 3:** Lee Bachand, Janet Miranda, David Miranda, Kevin Gallagher
- **PRECINCT 4:** Linda Therrien, Pamela Greene, Diane Shifman, VACANT
- **PRECINCT 5:** VACANT, Anna Crawford, Emily W. Devlin-Riley, Cathy Melanson
- **PRECINCT 6:** David Chevalier, Linda Chevalier, Pauline Parker, Rachel Thomas

Mr. Freitas seconded. Vote was unanimous. (3-0)

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

JTPG Representative/SMMPO Representative

Mr. Espindola made a motion to appoint Economic and Planning Director Paul Foley as the Joint Transportation Planning Group (JTPG) representative and Public Works Superintendent Vinnie

Furtado as the alternate representative for the period of May 23, 2020 to May 23, 2021. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Mr. Murphy nominated himself for the self-nominating candidate for the Selectmen Representative to the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) for a two year term commencing on August 1, 2020. Mr. Espindola made the motion to support the self-nomination by Mr. Murphy to the SMMPO. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Eversource Pole Location – Mill Road

Mr. Espindola made a motion to approve the petition for the three proposed pole locations on Mill Road, South of Bridge Street, Pole #'s 166/34.75, 166/34.5, 166/34.25. 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 the Police Department have been working with Health Agent, Mary Kellogg to enforce regulations in place due to COVID-19 with an emphasis on education about wearing a mask. Ms. Kellogg has also put together a Public Service Announcement (PSA) with the same information. Mr. Rees said the first responders have adequate amount of Personal Protection Equipment (PPE) and have been participating in drive by celebrations when they have the time in an effort for community outreach. Mr. Rees told the Board that the Council on Aging just delivered Breakfast Bags to those seniors in need with the help of volunteers and a generous donation and the Fairhaven Public Schools donated the use of iPads to Southcoast Hospitals Group to use during the COVID-19 crisis. The Veterans office has also provided food boxes for veterans and their families.

Ms. Kellogg told the Board that the Town is still getting cases of COVID-19, roughly 4 or 5 a day but there has been more testing going on. Ms. Kellogg said most people are in compliant regarding the new safety rules. The State is currently monitoring contact tracing. The Board thanked Ms. Kellogg for all her hard work during this emergency crisis.

Memorial Day and July 4th parades

After speaking to the State, Veterans Service Agent Brad Fish told the Board that most communities are making videos to post on local cable t.v. in place of a parade. Since the parades have all been cancelled, Mr. Fish, with the help of Cable Access Director, Derek Frates and volunteers will film a small Memorial Day ceremony. Mr. Espindola made a motion to postpone the Memorial Day and July 4th parades until 2021. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Rogers School Update

Mr. Rees updated the Board about the status of the Rogers School project, reminding them that, at their last meeting Mr. Mayo and his team were supposed to meet with Mr. Rees to renegotiate a new purchase and sale agreement.

Developer Zac Mayo and his Grandfather, Michael Ristuccia, explained to the Board that their lender is still prepared to give the financing to Mr. Mayo but he would like to have the permits and plans in place prior to loaning out the funds. (Attachment A)

Selectmen agreed they would like to see a timeline of the project by the next Board of Selectmen's meeting and encouraged Mr. Mayo and Mr. Rissutccia to meet with Planning Director Paul Foley and Building Commissioner Kris White to discuss the permitting and zoning issues. Town Counsel, Tom Crotty explained to the Selectmen that since Mr. Mayo has missed the deadline, a new purchase and sale agreement (P&S) will need to be drawn up to reflect the timeline for the permitting. Mr. Mayo will have to comply with the new bylaw enacted last year for Historical preservation and the rules and regulations with the Planning Board. The time frame needs to be finalized for the purchase and sale agreement to be amended.

Mr. Espindola made a motion to schedule a further review a month from this meeting at which time the Town should anticipate having an amended P & S with time frames for permitting. 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 said each Selectmen had emailed their comments on the changes to the personnel policy. Mr. Rees has incorporated these changes into the document to allow for time for collective bargaining and have legal counsel review this. Mr. Espindola made a motion to approve the draft document into a dated revision to present to the Unions. Mr. Freitas seconded. Vote was unanimous. (3-0). (Attachment B)

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

Health Insurance Premium

Mr. Rees explained that this is an annual vote that the Board has been asked to take in terms of setting the premium health insurance rates as of September 1. Blue cross Blue Shield, the Town's carrier is recommending a 9% increase but he is recommending a 5% increase based on the FY21 projected increase in non-stop loss claims. Mr. Murphy will abstain from voting because he receives the Town's insurance. (Attachment C)

Mr. Espindola made a motion to approve the Town's insurance rates for FY21 at a 5% increase above the previous year. Mr. Freitas seconded. Mr. Murphy abstained. (2-0-1)

Roll Call vote: Mr. Espindola in favor, Mr. Freitas in favor, Mr. Murphy abstaining

Annual Town Meeting Preparation

Mr. Rees read through the articles that he feels can be moved over to a special town meeting in the fall to limit the number of articles for the annual town meeting, due to the COVID-19 restrictions and the limitations that will be at the annual town meeting this year. He will reach out to departments and petitioners for their opinion.

FEMA Flood Insurance Rate Maps

Mr. Rees explained to the Board that Fairhaven and 31 other communities are in the process of a FEMA map update. There is a deadline of July 8, 2020 to have the new updates approved, so many communities are looking to ask the Legislature for a one time basis the have Select Boards have the authority to vote on the adoption of the FEMA maps, currently the vote rests on the vote of Town Meeting. The Board of Selectmen, would like to request the active support in having House Docket 5065: "An Act relative to emergency action on FEMA flood insurance rate maps" be passed into law. This bill is critical for the Town to continue to participate in the National Flood Insurance Program. If Fairhaven were to lose its ability to part of the National Flood Insurance Program, our residents would no longer be able to purchase flood insurance policies, putting their properties at extreme risk. (Attachment D)

Mr. Espindola made a motion to authorize Town Administrator, Mark Rees, to send a letter to the Legislature on the Board's behalf to support for House Docket 5065: "An Act relative to emergency action on FEMA flood insurance rate maps." Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Municipal Electric Aggregation Program

Selectman Espindola said he had a successful meeting with Constellation New Energy (CNE) regarding the rate for renewable energy, stating that the Town will have more of a degree of flexibility in their own Renewable election options. Mr. Espindola encouraged feedback and comments from the public on this issue and would like to do a Public Service Announcement (PSA). Laura Gardner and Jean Lawlor from Climate Reality told the Board they would like to see a bigger percentage discount and a better opportunity for residents to get clean energy. Mr. Espindola stated that he would be the Selectmen's representative to the Climate Reality Group. (Attachment E)

Waterways Regulations

Harbormaster Tim Cox told the Board he submitted the updated waterways rules and regulations policy to Mr. Rees last week for review. Mr. Cox said the FOTH Engineering and his staff worked on the updates to the policy. There are two components missing and Mr. Cox and his office assistant will meet with Police Chief Myers and Police Captain Botelho discuss Union Wharf. Mr. Cox would like to hold public hearings before the final draft is presented and have the Marine Resources Committee review the document and provide their recommendations to the Board of Selectmen. Mr. Espindola made a motion to refer the document to the Marine Resources Committee for review. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Contributory Retirement Board COLA

Mr. Murphy read a public hearing notice for May 27, 2020, from the Retirement Board for the purpose of determining whether to grant a cost of living adjustment, to be effective July 1, 2020, to eligible retirees of the Fairhaven Contributory Retirement System.

Fairhaven Village Militia May Encampment

Mr. Murphy read a letter from the Fairhaven Village Militia announcing they were cancelling their May encampment for this year due to the restrictions caused by COVID- 19.

BASK Inc.

Mr. Murphy read a letter from BASK Inc. stating that they will be moving their Cultivation and Product Manufacturing operation from Fairhaven to Freetown. (Attachment F)

Expansion of Fort Phoenix

Mr. Rees told the Board that the Buzzards Bay Coalition has recently purchased land at Fort Phoenix for land preservation. The land is roughly 4.5 acres on the State side of Fort Phoenix.

Workers Compensation

Mr. Murphy read a letter from the Town's insurance company, Sylvia Group, that state the workers compensation renewal quote indicates a reduction in the overall premium. (Attachment G)

Notes/Announcements

Board members wished everyone a Happy Mother's Day and to stay safe and healthy through the COVID -19 crisis.

Mr. Espindola made a motion to adjourn at 6:17 pm. 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 May 28, 2020)

Attachments:

- A. New England Preservation letter regarding Rogers School
- B. Personnel Policy changes
- C. Health Insurance memo/rates
- D. Flood Insurance correspondence
- E. Email regarding renewable energy
- F. Letter from BASK, Inc.
- G. Letter from Sylvia Group

Attachment A



**Zachary Mayo
27 Cherry St
Medford Ma, 02155**

28/ April/ 2020

April 28, 2020

Mark Rees
Board of Selectmen

Gentlemen,

My financing source cannot provide specific terms and rates for the Rogers School Redevelopment Projects until all permits are in place. Therefore, I ask that the P&S be revised to move the financial contingency until after the permitting process is complete. I am aware of the financial scope of this process and am committed to seeing it to fruition. Also, New England Preservation and Development is aware of the costs of applying for permits including legal, architectural and engineering expenses and has the financial capacity to do so,

**Thank you,
Zac Mayo**

Attachment B

MEMO

TO: Board of Selectmen
FROM: Mark Rees, Town Administrator
DATE: March 6, 2020
RE: Personnel Policy Revisions
CC: Ann O'Brien

Enclosed is the draft personnel policy that includes suggested changes made by the members cross referenced by the written comments you suggested. Since the suggested changes come from individual members, the Board as whole should review them and determine if the proposed changes should be included. At the completion of that process the revised personnel policy will be sent to legal counsel for review, after which we will be begin the outreach with union and non-union employees.

Mark:

#1 Unpaid Leave of Absence (pg 51)

Charlie:

- #1 Internal posting (pg 18)
- #2 Fingerprinting (pg 19)
- #3 Reasonable searches/personal property (pg 37)
- #4 Probationary period - could not find in document

Dan:

- #1 Affirmative Action (pg 16)
- #2 Internal Postings (pg 18)
- #3 Credit Checks (pg 19)
- #4 Vacancies (pg 18)
- #5 Performance Appraisals (pg 22)
- #6 Dress Code (pg 28)
- #7 Office Closings (pg 29)
- #8 Reasonable searches/personal property (pg 37)
- #9 Reasonable Suspicion and Testing (pg 40)
- #10 Reasonable Testing - not allowed to drive (pg. 41)
- #11 Authorization of vehicle (pg 63)
- #12 Identification of vehicle (pg 64)
- #13 Identification exemption (pg 64)
- #14 Trip Tickets (pg 66)
- #15 Travel - effort to stay local (pg 67)
- #16 Travel - cost estimate (pg 68)
- #17 Access to Town car negates mileage eligibility (pg 69)
- #18 Meal cost limit (pg 69)
- #19 Social Media Use (pg 73)

Bob:

- #1 Applicability (pg 9)
- #2 Revision # and Date (throughout document)
- #3 TA responsibility for personnel decisions (pg 14)
- #4 "Maximum" to "Equal" (pg 15)
- #5 Residency Requirement (pg 17)
- #6 Vacancies posted (pg 18)
- #7 Failure to report (pg 20)
- #8 Town's liability and reputation (pg 28)
- #9 Media Statements (pg 30)
- #10 Media Statements and OML (pg 30)
- #11 Town letterhead (pg 30)



Mark Rees <mrees@fairhaven-ma.gov>

Personnel Policies

2 messages

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

Fri, Feb 21, 2020 at 6:55 AM

Hello Mark

Here are some of my thoughts... Page 17 for internal posting to continue to post them for a small period of time. Page 18 the question of fingerprinting for references and background checks. Page 35 section 16-3 just at the very bottom... The town reserves are right at any time and it's discretion to search with a reasonable suspicion all town owned or leased vehicles. And the rest of the wording of that paragraph just cleaned up a bit so that we don't take away anyone's personal rights of personal property. Page 39 first paragraph question about probationary period included in that statement. I like the rest of the document to be honest with you especially the employee acknowledgment form at the end. Thank you for all this great work! Thanks, Charlie

Sent from my iPhone

Mark Rees <mrees@fairhaven-ma.gov>
To: Anne O'Brien <aobrien@fairhaven-ma.gov>

Mon, Feb 24, 2020 at 10:16 AM

FYI

Mark

[Quoted text hidden]

--
Mark H. Rees
Town Administrator
Town of Fairhaven
Fairhaven Town Hall
40 Center Street, Fairhaven, MA 02719
(508) 979-4023
mrees@fairhaven-ma.gov

- ✓ Charlie #1 - internal posting
- ✓ Charlie #2 - fingerprinting
- ✓ Charlie #3 - reasonable searches/
personal property
- Charlie #4 - probationary period (2)

Bob's comments

Personnel Policies and Procedures Manual

General Comments / Questions

- ✓ (1) • Does this policy document apply to all employees, including elected officials, volunteers serving on committees, etc? Does the definition of Employee match the definition the Attorney General uses in ethics guidance documents?
- ✓ (2) • The document should include a footer that shows up on every page that indicates the date the document was approved and the revision number.

Specific Comments / Questions

Page # 13, section 2-1.

✓ (3) "The Town Administrator may delegate this responsibility (overall administration) to the Human Resources Director". Given the nature of this policy document, I would prefer that overall administration remain with the Town Administrator. The T/A can always rely on the HR Director for assistance, but I feel that the overall administration should remain with the T/A, especially in the early years after adoption and until the Policy is proven not to require substantial revision. I would be open to a compromise solution where the T/A would retain overall responsibility for given period of time, say three (3) years.

✓ (4) Page #14, section 2-3. "Ensure that the Town acts affirmatively to provide maximum opportunities for all persons, regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management."

Recommend changing the word "maximum" to equal.

✓ (5) Page #16, section 5-3. If the Town does not have a residency requirement, I would recommend that is stated in this section.

✓ (6) Page #18, section 5-4, "All Vacancies are posted in the Town Hall". I would recommend adding language to indicate postings will be on the Town Web site and possibly social media if practical to do so. I would also recommend using the 311 system the Town has software for now to allow people to sign up to follow the Town Employment postings such that they would receive an electronic message whenever a new job is posted (ideally with the option to select certain types of jobs or certain departments).

Page #19, Section 5-7.

⑦
✓
"Failure to report. An applicant who accepts an appointment and fails to report to work on the date set by the Appointing Authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn"

Should the word appointment be changed to "a job offer"? Are all positions we hire appointments?

I would recommend changing the word "shall" to "may" or rewording to allow the Appointing Authority to have discretion if someone does not show up for something like a true emergency that could not be foreseen.

Page # 26, section 12.0, Second paragraph beginning "Town employees are prohibited from ..."

⑧
I would like to see language added that emphasizes that individuals hired by the Town (covered by this policy) have the responsibility to the Town first and foremost and that they are obligated to consider any possible financial or legal ramifications of any action they take that is in conflict with this policy and could cost the town financially or in reputation, etc.

Part of the message I am looking to get across here is that people should, when confronted with a situation that makes them angry or upset, try to step back and allow for a cooling off period and to think carefully before taking action that could negatively impact the Town in any way.

Page # 28, section 12-8, Statements to the Media.

⑨
⑩
✓
I would like there to be further clarification on who can and can't speak to the media on behalf of the Town. It needs to be clear the role of elected officials vs. department heads, public safety, administration, etc. I think this part of the policy should also make reference to Open Meeting Law Policy as well.

⑪
I would like to have a new section added that states that no elected official may write a letter, on Town Letter head, on behalf of their Board, or with the intent of representing the Town without the prior, written, consent of that board.

TB: Mark
From: Dan

Page 16

#1 Affirmative Action Officer

*Who is the affirmative action officer and how much is this going to cost the town?

Page 17

✓ #2 Internal postings

*I do not support this. This is in practice now and I feel it adds to the morale and divide we keep hearing about. Which we have failed to address.

Page 18

#3 Credit checks

*Add that all checks of someone credit will be done with the employees' knowledge and sign off. This has not been the practice in the past and I believe it could lead to litigation if not done properly.

Page 18

#4 Vacancies

We should make it a practice to post all vacancies town wide. Not just the town hall. The same should be done for all promotions

Page 21

#5 Performance reviews

I do not see a section that gives the employee the right to appeal the performance review they receive. Who will be involved in the appeal process?

Page 35

Weapons policy

I have serious concerns with the fact that someone can have "reasonable suspicion" and the person who is suspected loses there 4th amendment rights. This paragraph has some serious flaws.

Page 38

#8 Drug and Alcohol policy

I do not think this should be left to one person to assume someone is on drugs or alcohol and then have the authority to have an employee drug tested. This will be abused! This policy should add that if a person is suspected that there Dept head is notified. The suspected person will then be interviewed by the Dept head and if there is still suspicion then a 3rd neutral party, union rep, selectmen or police officer is then brought in. If the person is asked to go for a drug /alcohol test they should not be driving themselves for the test. #10

Page 60

#12 Town Vehicles

All vehicle used for town business will clearly marked with the Town of Fairhaven Seal and Dept represented. Magnet plaques can be affixed to vehicles. If the employee is caught not using the plaque the 1st is a written warning. 2nd a day's suspension and the 3rd offense is termination.

Computers

#9 All one has to do is go on some of these social media sites and find Town employees posting during working hours. This practice should stop, immediately!

Added to this policy

#6
~~#10~~

I would like to see a section where we have our employees who are out in the public doing inspections wear clothing that identifies what dept they are from. Building Dept, Board of Health, Veterans services etc.. Of course the town will pay for the polos that need to be obtained.

assessor
off.

✓ #7 empty offices - eight ~~at~~ here

~~MARK~~
DAN

Changes to vehicle use policy

#18 ~~DAV~~ IV (Vehicle Assignment)

~~#3~~ *3. Add sign off by Selectmen

IX (General Rules)

#4 ~~#4~~ *4. Add daily trip tickets

#12 ~~#12~~ VII (Identification)

Add Selectmen

~~#17~~ #17.

#4: *Need to find a spot that states that the Town will not be paying for mileage if a Town Vehicle is available to them. Also, if they are authorized by the Selectmen or TA the vehicle shall have a magnetic identification plaque identifying it as a town authorized vehicle.

#12
+ #13

reimburse
- mileage issue

- meals/gas

FORWARD: Bureau supervisor

~~4/28~~

PAW

Travel Policy

15
#15
Employees requiring training shall make every effort to get the training required without traveling outside of Massachusetts. Every effort shall be taken to find classes which are cost effective which includes online training courses. Employees who cannot find training locally and require travel will have to get permission from the Selectmen, TA or the employees elected Board members before traveling outside of Massachusetts.

#16
**Travel costs will require an estimate for the cost of travel before the training class is booked.

#17
**All reimbursement checks shall be made out to the Town of Fairhaven. (?)

#18
** Add a limit for cost of meals \$15 breakfast and lunch and \$25 dinner.....



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: May 5, 2020

To: Mark Rees, Town Administrator
Board of Selectmen

From: Anne O'Brien, Human Resources Director

Re: Insurance Rates – FY21

Attached to this memo, please find the revised insurance rates sheet effective September 1, 2020, pending a Selectmen vote. This updated rate sheet will reflect a five (5) percent increase above the previous year, based on anticipated costs and our claims history.

While we never like to see increases, it is important to note that our plan usage is trending at a seven (7) percent increase, due to the cost of medical inflation from the previous year, specific to the Town's medical and pharmacy utilization. The FY21 projected increase in non-stop loss claims is around \$330,000, making for a five (5) percent increase. If costs run higher than projected, then the health claims trust will cover the difference.

If you have any questions, please contact me. Thank you.

MEDICAL-DENTAL-GROUP LIFE INSURANCE RATES EFFECTIVE SEPTEMBER 1, 2020

PLAN	52 PAY WEEKLY RATE	42 PAY WEEKLY RATE	40% EMPLOYEE MONTHLY	60% TOWN MONTHLY (FY20)	100% CONTRIBUTION (COBRA rate)	EMPLOYEE YEARLY
HMO SINGLE FY21	\$77.23	\$95.61	\$334.66	\$501.97	\$836.63	\$4,015.92
HMO SINGLE FY20	\$73.55	\$91.06	\$318.72	\$478.07	\$796.79	\$3,824.59
PPO SINGLE FY21	\$97.69	\$120.95	\$423.33	\$634.99	\$1,058.32	\$5,079.96
PPO SINGLE FY20	\$93.04	\$115.19	\$403.17	\$604.75	\$1,007.92	\$4,838.04
HMO FAMILY FY21	\$189.95	\$235.17	\$823.11	\$1,234.66	\$2,057.77	\$9,877.32
HMO FAMILY FY20	\$180.90	\$223.97	\$783.91	\$1,175.87	\$1,959.78	\$9,406.92
PPO FAMILY FY21	\$232.26	\$287.56	\$1,006.47	\$1,509.69	\$2,516.16	\$12,077.64
PPO FAMILY FY20	\$221.20	\$273.87	\$958.54	\$1,437.80	\$2,396.34	\$11,502.48
MEDEX (retirees)			\$130.00	\$195.00	\$325.00	\$1,560.00
No Change:			50%	50%	100%	YEARLY
DENTAL SINGLE	\$4.62	\$5.71	\$20.00	\$20.00	\$40.00	\$240.00
DENTAL FAMILY	\$11.42	\$14.14	\$49.50	\$49.50	\$99.00	\$594.00
			45%	55%	100%	YEARLY
LIFE INSURANCE	\$0.70	\$0.87	\$3.08	\$3.77	\$6.85	\$36.96
LIFE INS (retirees)			\$2.99	\$3.66	\$6.65	\$35.88

TOWN GROUP #s	
PPO	2345593
HMO	4000729
MEDEX	502223739
DENTAL	2314544

SCHOOL GROUP #s	
PPO	2345592
HMO	4055151
MEDEX	502325129
DENTAL	2314543



Old Colony
Planning Council



May 6, 2020

Representative Carole Fiola
State House
Boston, MA 02133

Dear Representative Fiola:

The undersigned regional planning agencies represent 31 of the thirty-two Massachusetts communities in the Cape Cod watershed that are currently in the process of a FEMA map update. The communities are facing deadlines ranging from June 19, 2020 to July 22, 2020 to adopt their maps. The vast majority of the thirty-two communities must adopt the maps at town meetings. Communities have scheduled their town meetings ahead of the map adoption deadlines. However, because of the impact of COVID-19, it is not at all clear that the town meetings will be able to go forward as scheduled. **In light of the coronavirus public health emergency and the particular challenges posed by town meeting governance we urge you to co-sponsor House Docket 5065 An Act relative to emergency action on FEMA flood insurance rate maps filed by Representative Josh Cutler.**

HD 5065 will give communities an alternative pathway to approving the required FEMA map while we are facing the inability to meet in large groups due to COVID-19. The proposal enables communities to adopt the FEMA maps by a 2/3 vote of their Select Boards. In many of the impacted towns this authority currently rests with Town Meeting.

Communities that fail to adopt the updated FEMA maps by the deadline will be suspended from the National Flood Insurance Program (NFIP). **As detailed on FEMA's website, suspension from the NFIP carries significant penalties:**

1. No resident will be able to purchase a flood insurance policy.
2. Existing flood insurance policies will not be renewed.
3. No Federal grants or loans for development may be made in identified flood hazard areas under programs administered by Federal agencies such as HUD, EPA, and SBA.
4. No Federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
5. No Federal mortgage insurance or loan guarantees may be provided in identified flood hazard areas. This includes policies written by FHA, VA, and others.
6. Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas that there is a flood hazard and that the property is not eligible for Federal disaster relief.

The impacts of losing NFIP coverage cannot be underestimated. In the 31 communities we represent, 26,500 structures intersect wholly or in part with the FEMA Special Flood Hazard Area, representing a total of over \$5.2 billion in assessed property improvements (as recorded in Level 3 Parcel Assessment Data, MassGIS). As we head into hurricane season, communities and property owners will be left unprotected. Removal from the NFIP due to the inability to pass map revision bylaw amendments will leave these properties vulnerable to flood damage without insurance coverage, and will impact the ability to buy and sell these properties given that mortgage lenders are highly unlikely to provide financing without flood insurance coverage.



Old Colony Planning Council



The affected communities include:

Abington	Fairhaven	Kingston	Norwell	Wareham
Acushnet	Fall River	Lakeville	Pembroke	Westport
Bourne	Freetown	Marion	Plymouth	Weymouth
Carver	Halifax	Marshfield	Plympton	Whitman
Cohasset	Hanover	Mattapoisett	Rochester	
Dartmouth	Hanson	Middleborough	Rockland	
Duxbury	Hingham	New Bedford	Scituate	

We have explored alternatives with FEMA to offer relief and the options are bleak. FEMA representatives have indicated that they do not have the authority to change the 6-month deadline specified in the Code of Federal Regulations. The second alternative is to begin the long and time intensive process again, with each individual community requesting that their maps be rescinded. By FEMA regulation, approval of a community request to rescind the maps will require rescinding the maps for all 32 communities. This would include communities that have already adopted the maps through Town or City Council. To remain in compliance with the NFIP, those communities would need to "unadopt" the new maps and readopt the current maps. In addition, the six-month map adoption process would have to begin anew.

The towns in our regions that participate in the NFIP strive to remain in full compliance with FEMA regulations and have continually allocated the necessary staff time and budget to pursue flood disaster mitigation planning. Municipalities were aware of the notification from FEMA Region 1 and made arrangements, held hearings and drafted warrants to adopt the necessary bylaw revisions at their spring Town Meeting in advance of FEMA deadlines. Those municipalities with a council form of government will be able to meet the deadline given the measures that have been put into place allowing for the convening of these governmental bodies, but the towns in this situation are in the vast minority.

HD 5065 An Act relative to emergency action on FEMA flood insurance rate maps filed by Representative Josh Cutler will give communities who must adopt their maps through town meetings an option that will ensure their ability to participate in the National Flood Insurance Program.

If you or your staff have any questions, please do not hesitate to contact Leah Robins MAPC Government Affairs Specialist at lrobins@mapc.org or 617-933-0710.

Sincerely,

Marc Draisen
Executive Director
Metropolitan Area
Planning Council

Jeffrey Walker, AICP
Executive Director
Southeastern Regional Planning
and Economic Development District

Mary Waldron
Executive Director
Old Colony Planning
Council

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to emergency action on FEMA Flood Insurance Rate Maps.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Josh S. Cutler

6th Plymouth

Mathew J. Muratore

1st Plymouth

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to emergency action on FEMA Flood Insurance Rate Maps.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for any community to maintain compliance with the National Flood Insurance , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

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

1 Notwithstanding the provisions of section 5 of chapter 40A of the General Laws or any
2 other general or special law, rule, regulation, charter, ordinance or by-law to the contrary, during
3 the governor’s March 10, 2020 declaration of state of emergency related to COVID-19 and for a
4 period of thirty (30) days after the termination of the state of emergency, the board of selectmen
5 or select board in a town having a town meeting form of government may, by a two-thirds vote
6 of the full board, adopt zoning amendments to maintain compliance with the National Flood
7 Insurance Program and to incorporate updated flood hazard areas as required by the Flood
8 Insurance Rate Maps prepared by the Federal Emergency Management Agency. Said action by
9 the board of selectmen or select board may only be taken following a public hearing on said
10 zoning amendments conducted by the planning board in accordance with the provisions of
11 section 5 of chapter 40A of the General Laws, except as provided herein. Any planning board

12 hearing held or report with recommendation on such zoning amendments issued prior to March
13 10, 2020 shall satisfy the requirement for a public hearing and report hereunder. A planning
14 board that has not held such public hearing must conduct said hearing within thirty (30) days of
15 the effective date of this act, notice of the planning board hearing shall be posted on the town's
16 website in addition to other methods of posting required by said section, and the report
17 containing the recommendation of the planning board must be delivered to the board of
18 selectmen or select board within ten (10) days following the hearing. If no report with
19 recommendation of the planning board is rendered within ten (10) days of the public hearing, the
20 board of selectmen or select board may act on the zoning amendment. No zoning amendment
21 acted unfavorably upon by the board of selectmen or select board shall be precluded from being
22 considered by Town Meeting following the termination of the state of emergency. The effective
23 date of any zoning amendment adopted hereunder shall be the date of approval by the board of
24 selectmen. Further, notwithstanding the provisions of section 32 of chapter 40 of the General
25 Laws, the time for review by the attorney general shall be thirty days from the date of submittal
26 of the by-law by the town clerk.

FEMA Deadline for Flood Map Revision Bylaw Adoption
Update #1
April 30, 2020



FROM: Jeffrey Walker, Executive Director, SRPEDD
Bill Napolitano, Director of Environmental Programs, SRPEDD
Helen Zincavage, Assistant Director of Environmental Programs, SRPEDD

TO: Floodplain Contacts for Communities affected by the Map Change (Acushnet, Carver, Dartmouth, Fairhaven, Fall River, Freetown, Lakeville, Marion, Mattapoisett, Middleborough, New Bedford, Rochester, Wareham, Westport, plus Bourne via Alan Slavin)

RE: Update with New Information – FEMA Flood Map Adoption Deadline

Dear SRPEDD Community Leaders,

We want to provide an update on the FEMA Flood Map Adoption Deadline issue as we understand it, based on conversations that we have had with FEMA Region 1, MEMA, and partner RPA staff at MAPC and OCPC since the SRPEDD Commission Meeting on April 22, 2020.

Regional Coordination

As previously shared, SRPEDD is working with neighboring RPA's, OCPC and MAPC, whose communities are also among the block of 32 municipalities impacted by these deadlines. We are working together in order to be able to speak with one voice on this issue in the positions that we advocate to the state and federal delegations. We are developing co-statements to utilize, together with SRPEDD statistical findings that over 26,000 parcels with improvements valued at \$5.5 billion are located in the floodplain across the 32 municipalities affected by the map revisions.

The Formation of a State Legislative Solution

Those of you who have KPL as your municipal counsel have been made aware that KPL is advancing a legislative solution to this problem, working with Representative Culter's office and the state Attorney General's office to draft legislation that would create a one-time, temporary procedure for adopting these specific zoning bylaw amendments by 2/3 vote of the Select Board in lieu of Town Meeting. This authority would only be active in conjunction with the ongoing state of emergency and only references this singular bylaw revision. A draft of this legislation has been prepared. Unless we hear strong opposition from the SRPEDD region, we plan to put our weight behind supporting the adoption of this legislation. Once the bill has been officially filed and assigned a name and number, we plan to issue a letter of support, co-signed with OCPC and MAPC, which can also be made available to you as a template for drafting a similar letter of support. A list of state senate and house representatives is appended to this memo for review, and it will be imperative that they hear support from as many voices as possible for this legislation. Should the bill be assigned to committee, we will also pass along the identity of committee chairs that can be contacted.

FEMA Deadline for Flood Map Revision Bylaw Adoption
Update #1
April 30, 2020



Options at the Federal Level are Limited

SRPEDD staff have established a weekly call with FEMA, the first of which occurred on April 30, 2020. FEMA confirmed that they cannot suspend the rules or change the deadline because they are tied to a schedule that renders preliminary maps effective 6 months after the issuance of a letter of final determination. This procedure is codified in the Code of Federal Regulations. While FEMA does not discourage interested communities from contacting their federal delegation, they are as concerned as we are at SRPEDD about the ability of the federal delegation to draft and pass legislation that would amend the Code of Federal Regulations at this time.

Individual community requests for a rescission remains a possible option; however, FEMA has confirmed that rescission will undo the timeline put into place by the issuance of the final letter of determination. If granted, the preliminary maps prepared in the Cape Cod Study RiskMAP analysis (the present pending revisions) would remain preliminary, existing maps would remain effective, and communities would remain in the NFIP as a new letter of final determination is prepared and issued. The downsides of a request for rescission remain the same – those communities that have passed the bylaw revisions would need to formally *un-adopt* them, those properties that are included on the revised maps, but not on the existing maps, would be exposed unless they consult the revised maps and apply for flood insurance, there is no guarantee that FEMA will respond favorably to the request for rescission, and it is unknown when new letters of final determination would be issued, re-starting the 6-month timeclock on bylaw adoption in uncertain times.

Our Conclusions

FEMA staff confirmed that there is no advance deadline for submitting a request for rescission. Communities can submit these requests up to the day prior to the bylaw adoption deadline (June 18th for Norfolk and Barnstable County, July 7th for Bristol County, and July 21st for Plymouth County). Consequently, there is a fairly substantial period of time for affected communities to lobby for and see through the attempts for a state legislative approach. Communities could pursue the legislative fix by impressing its importance on their representatives for now, and reevaluate the need to request a letter of rescission only if, and as necessary, at or around the beginning of June depending on the course that the legislation takes.

Thank you for your continued attention to this matter. It is our hope at SRPEDD that the above information is helpful to all of you, and we will continue to pursue answers and options as best we can. Please continue to keep us posted regarding your opinion on the suggested legislation to get a sense of its favorability among SRPEDD member cities and towns.

Best wishes,

Jeff, Bill, Helen, and the team at SRPEDD



Attachment 1 of 1: State Legislators from the effected 32 Town Region

SENATE

District	Senator
Norfolk and Plymouth	John Keenan
First Plymouth and Bristol	Marc Pacheco
Second Bristol and Plymouth	Mark Montigny
Plymouth and Norfolk	Patrick O'Connor
Second Plymouth and Bristol	Michael Brady
First Bristol and Plymouth	Michael Rodrigues
Plymouth and Barnstable	Vacant – pending May 19 special election

HOUSE

District	Representative
11 th Bristol	Christopher Hendricks
13 th Bristol	Antonio Cabral
3 rd Barnstable	David Vieira
5 th Barnstable	Randy Hunt
6 th Bristol	Carole Fiola
7 th Bristol	Alan Silvia
8 th Bristol	Paul Schmid
9 th Bristol	Christopher Markey
10 th Bristol	William Straus
3 rd Norfolk	Ronald Mariano
4 th Norfolk	James Murphy
1 st Plymouth	Mathew Muratore
2 nd Plymouth	Susan Gifford
3 rd Plymouth	Joan Meschino
4 th Plymouth	Patrick Kearney
6 th Plymouth	Josh Cutler
7 th Plymouth	Alyson Sullivan
5 th Plymouth	David DeCoste
12 th Plymouth	Kathleen LaNatra
12 th Bristol	Norman Orrall



Re:

John P. O'Rourke <john.orourke@goodenergy.com>
To: Bob Espindola <selectmanbobespindola@gmail.com>
Cc: Philip Carr <philip.carr@goodenergy.com>, Stefano Loretto <stefano@goodenergy.com>, Whitney McClees <wmccllees@fairhaven-ma.gov>, Mark Rees <mrees@fairhaven-ma.gov>, Vicki Paquette <vloliveira@fairhaven-ma.gov>

Fri, May 8, 2020 at 11:50 AM

Bob,

Hope all is well with you and at Fairhaven.

Massachusetts has recently been experiencing a very favorable energy market due to the warmer than usual winter resulting in fewer heating degree days and a surplus in natural gas supplies. Natural gas futures were recently near a 12 month low and our energy analysts have been encouraging us to renew our electricity supply agreements (ESA) in the near term to obtain the best electricity prices for our clients.

The SRPEDD (Southeastern Regional Planning and Economic Development District) Community Electricity Aggregation (CEA) is a very established and stable community electricity aggregation that has greatly benefited the participating residents and businesses and is well known in the participating municipalities. It is the largest CEA in the Commonwealth and the second largest in the country. It is a very attractive electricity aggregation to major, national electricity suppliers.

The Town of Fairhaven participates with 22 other municipalities in the SRPEDD CEA. This electricity aggregation was initially launched in January, 2016, renewed the ESA based on a competitive bid in January 2018 and renewed the ESA on April 21 based on a competitive bid for the period starting in January 2021 through December 2023. The competitive bid was won by Constellation New Energy (CNE) over two other competitive suppliers for a fixed rate for the term of the ESA for \$0.10385 per kWh.

Renewable energy options and pricing is outlined in the following table:

Table with 3 columns: Renewable, RECs, Total. Rows include Basic rate (\$0.10385), REC rate (\$35.49), Default Rate (\$0.10385), and percentages from 5% to 100%.

Please let me know if you need any other information. Thanks.

Stay safe.

All the best,
John

[Quoted text hidden]

John P. O'Rourke | Director of Marketing and Municipal Affairs
Good Energy, L.P. | 155 Mathews Road, Conway, MA 01341 | www.GoodEnergy.com
P: 413.548.0999 | F: 617.830.0832 | john.orourke@goodenergy.com

BASK

2020 MAY -6 A 10: 59

BOARD OF SELECTMAN
FAIRHAVEN MASS

Attachment F

Bask, Inc.
2 Pequot Road
Fairhaven, MA 02719
Telephone (774)305-4749
E-mail chapman@cometobask.com
www.cometobask.com

April 30, 2020

Mr. Mark Rees
Town Administrator
Town of Fairhaven 40
Center Street
Fairhaven, MA02719

RE: Q1 2020 HCA Payment

Mr. Rees,

Please find enclosed with this letter our payment to the Town of Fairhaven for the Host Community Agreement from Bask, Inc. for the period of January 1, 2020 through March 31, 2020.

On February 26, 2020, Bask, Inc. relocated its Cultivation and Product Manufacturing operation from Fairhaven to Freetown. As per our Host Community Agreement dated December 1st, 2014: "In the event that CCI continues to operate a dispensary, but ceases to cultivate or produce marijuana in the TOWN, the percentage of gross revenue referenced under this agreement shall be reduced from 3% to 2%.

The calculation of the HCA has been adjusted to 2% starting on February 27th 2020 which is reflected in the attached calculations.

All wholesale activity from Bask, Inc. is connected to the Cultivation and Product Manufacturing licenses which have relocated to Freetown, so there is a corresponding decrease in the revenue generated from the Fairhaven location.

We believe that any decrease in HCA payments to the Town will be transitory and will be more than off-set by payments made to the Town from Bask's planned Adult-Use dispensary in Fairhaven. We conservatively anticipate double the volume and revenue from the Fairhaven dispensary once Adult-Use sales are fully permitted and commence.

With the expanded cultivation and product manufacturing capacity at the new facility in Freetown, the Town of Fairhaven is a great position to benefit from the partnership with Bask, Inc. as a vertically integrated cannabis company.

We thank the Town for the opportunity to operate our business and support the Town and community of Fairhaven through the HCA.

Please do not hesitate to contact me directly,

Sincerely,

Chapman Dickerson
CEO

April 29, 2020

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719
ATTN: Mark Rees

RE: Workers Compensation Renewal

Dear Mark,

We have received the 2020-2021 Workers Compensation renewal proposal from MEGA and it is indicating that our hard work is beginning to pay off. As a quick reference, the Workers Compensation premium is calculated using the payroll, state set rate and the Experience Modification (Mod). The Town has limited control over its payroll, the state sets the workers compensation rates so there is no control there but the Town can control its Experience Modification.

As you know, the Town had several difficult Workers Compensation claims that had caused the Experience Mod to increase over the past few years. The increased Experience Mod had a definite impact on the bottom line premium as the costs to the Town increased as the Mod increased. Mark, I can't thank you enough for your leadership as you brought a group together including myself, Anne O'Brien, Vinnie Furtado and representatives from our claims administrator, Stephenson & Brook. This group put a laser focus on managing existing claims, strategic training for employees, on going claim reviews as well as an increased awareness for all departments regarding safety. I like to say that the Experience Modification is like an ocean liner. It does not turn quickly but we are starting to see the fruits of our labor and the renewal quote indicates a reduction in the Experience Mod as well as a reduction in the overall premium.

I know we are not done and we will continue to focus on driving the Experience Mod even lower but I did want to take a moment to bring this positive development to your attention and congratulate you and your staff for all the hard work and dedication. I am happy to discuss with you and or the Select Board. Don't hesitate to call/email with any questions. Please stay safe and healthy during these difficult times.

Sincerely,


John R. Beauregard
Senior Partner

