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Fairhaven Board of Selectmen Meeting Minutes October 19, 2020

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FAIRHAVEN,
MASS.

Present: Chairman Daniel Freitas, Vice-Chairman Robert Espindola, Selectman Keith Silvia, Town Administrator Mark Rees, and Cable Access Director Derek Frates

Present via Zoom: Administrative Assistant Vicki Oliveira, Cable Production Coordinator Eric Sa and members of the public.

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

Chairman Freitas opened the meeting at 6:32 pm in the Town Hall Banquet Room 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 October 5, 2020 – Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of October 5, 2020 – Executive Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator's Report

Mr. Rees said he has been busy working on the Special Town Meeting.

Mr. Rees has heard back from Mary Beth Bernard of HR Key Solutions with their proposal for the workplace climate assessment and would like to bring her on Board to start working with Selectman Silvia.

Committee liaisons

Mr. Espindola said the recent Bikeway Committee will be meeting this month and the South Coast Bikeway Alliance will continue its progress on the Greenway feasibility study.

Mr. Espindola told the Board Marine Resources Chair Mike McNamara joined in the Economic Development Committee meeting to review the draft Waterways Rules and Regulations.

Mr. Espindola SRPEDD has met regarding the drought in Southeastern Mass.

Mr. Espindola said the Broadband Study Committee has sent out a survey with the recent water bills.

Mr. Silvia met with the Rogers School Reuse Committee members to discuss Rogers School and the Library Committee meets next week.

Approval of Appointment of Building Commissioner

Mr. Rees introduced Christopher Carmichael as his appointment choice for Building Commissioner. (Attachment A). The Board thanked Mr. Carmichael for attending the meeting and welcomed him to Fairhaven. Mr. Espindola made a motion to approve the Town Administrator's appointment of Chris Carmichael as Building Commissioner. Mr. Silvia seconded. Vote was unanimous. (3-0)

Moving Permit: Modular Home, 20 Misty Bay Road

Mr. Espindola made a motion to approve the moving permit for a modular home to 20 Misty Bay Road. Mr. Silvia seconded. Vote was unanimous. (3-0)

Continuance of Town Meeting for a second night

Mr. Espindola made a motion to make Wednesday, October 21, 2020 the continuance night for Special Town Meeting that begins on Tuesday, October 20, 2020. Mr. Silvia seconded. Vote was unanimous. (3-0)

McKensie Lane- One Proposed Electric Conduit Location

Mr. Rees reminded the Board at their meeting on October 5, 2020 they granted emergency approval of the electrical conduit on McKensie Lane. At 7:04 pm Mr. Freitas opened the public hearing for McKensie Lane, east of Peter Street, one Conduit Location. There were no comments, questions or concerns from the public. Mr. Freitas closed the public hearing at 7:05 pm.

At 7:08 pm the Board took a 4 minute recess.

Planning Board vacancy appointment

This item has been tabled because there were no letters of interest submitted for the vacant seat on the Planning Board.

A-1 Crane – follow up questions

Patrick Carr, owner of A-1 Crane met with the Board to address some concerns he had from the September 21, 2020 meeting where he met with the Board of Selectmen. He is upset because the former building Commissioner, Kris White, has put a cease and desist order on his business. Mr. Carr feels that the Mr. White acted with the help of other town departments and not on his own. Mr. Rees explained to Mr. Carr that it is good practice when a complaint comes in, that all departments that the complaint may concern get involved.

Mr. Carr would like to have the cease and desist order rescinded on his business. He has concerns over the police reports that show his business was being watched by the Fairhaven PD and he noted that Paul Foley, the Town Planning Director, was observed taking pictures of A-1 Crane in the evening.

Mr. Rees told Mr. Carr once the new building commissioner, Chris Carmichael, begins his position, Mr. Rees will introduce Mr. Carmichael to Mr. Carr and have Mr. Carmichael look at this case with a fresh set of eyes.

Casey Boat Realty LLC – License Agreement

Kevin McLoughlin met via zoom with the Board to follow up on the last meeting regarding the licensing agreement between the town and Casey Boat Realty LLC. Mr. McLoughlin is upset because he has not heard back from the town regarding the license agreement as per the discussion at the September 21, 2020 meeting. Mr. Rees read an email from Town Counsel, Tom Crotty, saying that he has been in touch with Mr. McLoughlin's attorney about a possible licensing agreement. Mr. Rees said he would ask Town Counsel to follow up on the license agreement. The Board discussed Union Wharf and the loss of potential revenue and the lobster boat slip if the floating dock is placed there.

Continued Public Hearing: Fairhaven Meadows, LLC, d/b/a Nasketucket Bay Vineyards: Farmer's Series Pouring License

Selectman Freitas continued the public hearing for Fairhaven Meadows from the meeting of October 5, 2020. Mr. Rees told the Board the Jim Marot, interim Building Commissioner has some concerns regarding the buildings and the setbacks and would like some extra time to address these concerns. A meeting will be set up with Mr. Christy and Mr. Marot. Selectman Espindola thanked Mr. Christy for reaching out to the neighbors and resolving some of their concerns. Mr. Espindola made a motion to continue the public hearing until November 2, 2020. Mr. Silvia seconded. Vote was unanimous. (3-0)

Screening Committee for Town Administrator search

The Board discussed the options suggested by Community Paradigm Associates, LLC in the search for a replacement for the retiring Town Administrator and what the structure of the Search committee should look like. The Board would like to see a 7 member committee with representatives from other committees. (Attachment B). There was a discussion regarding a Selectman serving on the search committee. It was agreed to discuss further at the next meeting. Mr. Espindola made a motion for option #3 and to notify the Finance Committee, School Committee and the Planning Board to appoint a member to serve on the Search Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Rogers School RFP

Mr. Rees told the Board there is a potential developers interested in Rogers School but in order for them to make a bid, the Town must re-issue a Request for Proposal.

Mr. Espindola made a motion to put another request for proposal out for the Rogers School property. Mr. Silvia seconded. Vote was unanimous. (3-0)

Preparation for October 20, 2020 Special Town Meeting

Mr. Espindola made a motion to recommend adoption of Article 1: Sewer Capital Fee, \$283,851. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend adoption of Article 3: Setting Salaries of Town Officers, increase Town Clerk's salary from \$63,011 to \$66,961. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend adoption of the motion that allows the land swap for Article 11. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to not recommend Article 26A: One Light Pole at Emerson Avenue, Pole #15/3A, \$800 from Raise and Appropriate. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Espindola made a motion to not recommend Article 26C: One Light Pole at Reservation Road, Pole #216/3, \$800 from Raise and Appropriate. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Espindola made a motion recommend adoption of Article 26D: One Light Pole at 90-92 Long Road, Pole #153/16, \$800 from Raise and Appropriate. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to recommend adoption of Article 31: Payment in lieu of taxes, Solar Array Project at 46 Charity Stevens Lane. Mr. Silvia seconded. Vote was unanimous. (3-0)

Wellness Program

Mr. Espindola told the Board that he wanted to address the concerns that Mr. Silvia had regarding the Wellness Committee. Mr. Espindola referred him to the documents labeled "modifiable health risk" (Attachment C)

Notes and Announcements

Mr. Espindola said the DEA is having a “take back day” for residents to drop off their unused prescriptions.

Mr. Espindola reminded residents that early voting is now taking place.

Mr. Espindola will hold his office hour the first Tuesday of November with guest Veterans Agent Brad Fish and Planning Director Paul Foley.

The COA has organized a drive by event for the Town’s Veterans in place of the annual Veterans luncheon.

Cable Access Director Derek Frates reminded residents that there is a virtual Halloween Party on October 29, 2020.

At 8:37 pm Mr. Espindola made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 11/2/2020)

Attachments:

- A. Chris Carmichael resume
- B. Community Paradigm memo/ draft charge
- C. Modifiable health risks

Chris Carmichael

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Summary:

Certified Building Official, Master Carpenter, General Contractor, Retired Call Fire Dept Captain

Education/ Certifications/ Licenses:

Southeastern Massachusetts University –Construction Engineering Major 1984-86
Boston Architectural Center – (nights) 1987
Northeastern University –Construction Management (nights) 1988–1991
Massasoit College – Building Codes leading to an Unrestricted Supervisors License 1992
Bristol Plymouth –Auto CAD 2004
North Bennett Street School – Fine Furniture and Cabinet Making 2005
Plymouth County Fire Fighting- Leading to a Massachusetts Certification 2006
EMS Academy- Leading to a Basic EMT 2008
Open Water SCUBA, Advanced, Nitrox and Rescue Diver Certifications 2009-2011
Local Inspector Prep Course 2014
Inspector of Buildings Prep Course 2016
ICC Plan Review Institute 2016
Citizen Planner Training Collaborative Level 1 Certification, 2017-19

Professional Experience:

Town of Norton

2018 - Present

Building Commissioner

Responsible for running all aspects of the Inspections Department including compliance with 780 CMR, the towns zoning by laws/MGL 40A, ADA and 521 CMR. I brought online permitting to Inspections and several other departments in town. Introduced the Stretch Code to Norton, realigned the permit fees, brought the Town up to State standards and hired a new Local and Plumbing Inspectors. Regularly attend Zoning and Planning board meetings. I am working closely with our LSP, the DEP and EPA on the Reed and Barton abandoned factory. I worked with the Town and Condyne to start and oversee construction of the Blue Star Industrial Park. I worked closely with the Planning Director to develop a new zoning district and update the zoning by laws. Deeply involved with Planning in writing grants and on a re-development plan for the former Reed and Barton site. I work closely with Facilities to ensure proper construction and maintenance of municipal owned structures. Member of the Stormwater Committee.

Town of Halifax

Special Building Inspector

2019-Present

Referred by council to act as Inspector when “conflict of interest” arises

Town of Braintree

2016-2018

Local Inspector/ Weights and Measures

Responsible for initial plan review and conducting plan review meetings, issuing permits on mostly commercial properties, annual inspections, code enforcement through the Court, Multi-Family Inspections, Working with the Attorney General's office for property receivership, working with Facilities for repairs/renovations of Town owned properties, owner/contractor conflict resolutions.

Chris Carmichael
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Town of Middleborough 2015 – 2016
Part time Local Inspector
Responsible for plan review, issuing permits and conducting inspections on mostly residential subdivisions.

Lakeville Fire Department 2005 – 2015
Call Captain of 81 Duty Group, EMS and Rescue Diver

CBC Inc. 1989 – 2017
Owner/ General Contractor
Residential/ Commercial Carpentry Contractor

I have constructed remodeled and put additions on numerous one and two family dwellings. I have my own cabinet shop and have built numerous kitchens, vanities and entertainment centers. I am known for the quality of my finish work.

I have also subcontracted my superintendent and carpentry services to several commercial contractors including:

- Business Construction, Taunton, MA (renovated 3 De Cell department stores, ground up construction of 4 Big Party stores, renovated several spaces for the Flatly Company 1992-94)
- M.J. Development, Norton, MA (built several Zoots Cleaners, remodeled numerous J Baker Stores and several McDonalds restaurants 1994-2000)
- Scully Development, Norwell, MA. (remodeled numerous commercial spaces for the Grossman Company including Fidelity ,Image Remit, EB Lens, Curves, Great Cuts, TJ Max and I party Stores, 2000-2005)

Morse Diesel International 1987 to 1989
Assistant Superintendent
Worked on the Esplanade in Cambridge which was a two tower fourteen story condominium project, and in the Charlestown Navy Yard for MGH in buildings 149/199.

John Norton Residential Framing Contractor 1986 – 1987

Goodhue Masonry 1985 – 1986
Labor and brick-laying

ATL Construction 1984 – 1985
Excavating Contractor

Mofford Foundations 1983 – 1984
Foundation Contractor

Chris Carmichael

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Skills:

Proficient in Microsoft Word, Excel, Outlook, Power Point, Auto CAD, Permit Eyes, Blue Beam Revue

Community Involvement:

Coach – T-ball, Little League, Pop Warner and Lacrosse

Boy Scouts of America Leader

President of the Lakeville Firefighters Association

Lakeville Zoning Board of Appeals Member

References:

Christine Stickney Director of Planning Town of Braintree 781-794-8232

Paul DiGiuseppe Director of Planning Town of Norton 508-285-0279

Jay Catalano Plumbing/Gas Inspector Towns of Middleboro/Lakeville 508-946-2426

MEMO

To: Fairhaven Board of Selectmen
From: Bernard Lynch, Principal
Date: October 14, 2020
Re: Town Administrator Screening Committee

The purpose of this memo is to provide assistance to the Board as you move forward with the appointment of a Town Administrator Screening Committee to work with Community Paradigm in presenting Town Administrator finalists to the Board of Selectmen. I have attached a draft Committee Charge that describes the work of the Committee in carrying out its responsibilities.

We would recommend that the Screening Committee have a membership of 5 or 7 members. This is a manageable size that should have the flexibility to meet as needed to keep the process moving forward in an expeditious manner. Larger committees can have difficulty in scheduling meetings. The 5 or 7 size is also large enough to ensure adequate representation.

Every Board of Selectmen has a different approach to selecting members to the committee and frankly there isn't one approach that is better than another except that the members be available and come to the meetings with an interest in choosing the best candidates to send move on to the Selectmen. It is important that they understand the Town government and that they are a screening committee, not a selection committee. Selecting the next Town Administrator is the responsibility of the Board.

Some options for the members:

- The Town Moderator
- A member of the Finance Committee
- A member of the School Committee
- A member of the Planning Board
- A business representative...is there a Chamber of Commerce member?
- A member of the Board of Selectmen. Some towns do this, but usually with a 5-member Board. Other Towns choose not to include a Board member as that person would arguably get more say in the process.
- A town employee but its important that the person know of the confidentiality requirement
- Citizens at large...are there active citizens, or former Town officials that may add to the quality of the Committee

A few different ideas for how the Board could choose members:

1. For a five-member Committee each member would choose one person, citizen-at-large or member of a Town board and perhaps you could include a Town employee and a single Town official, like the Moderator, if he were interested.
2. For a seven-member Committee, each member would choose two people, a citizen-at-large or member of a Town board, and perhaps you could include a Town employee or a single Town official, like the Moderator, if he were interested.
3. Another idea for a seven-member Committee is having:
 - A member of the Finance Committee
 - A member of the School Committee
 - A member of the Planning Board
 - Each member bring forth one citizen-at-large for appointment
 - A Town Employee

Obviously, there are all types of variations to each of these options. Please feel free to contact me if you wish to discuss in more detail. If you need we can provide you with a press release if you wish to publicize the Committee and request applicationsa.

Fairhaven Town Administrator Screening Committee

Committee Charge

The Town Administrator Screening Committee is responsible for presenting the names of 3-4 individuals, who shall be considered finalists, to the Town Board of Selectmen for consideration as appointment as the Town Administrator of Fairhaven. The Screening Committee members shall use their best judgment and understanding of the criteria for selection of the Town Administrator that is outlined in the Position Statement that has been prepared by the Town's recruitment consultant with the input and information of the Board of Selectmen and other town officials; and that will be utilized in conducting outreach to solicit candidates for the position. The Screening Committee shall work collaboratively with the Town's recruitment consultant in executing their responsibilities.

The Screening Committee's work shall include:

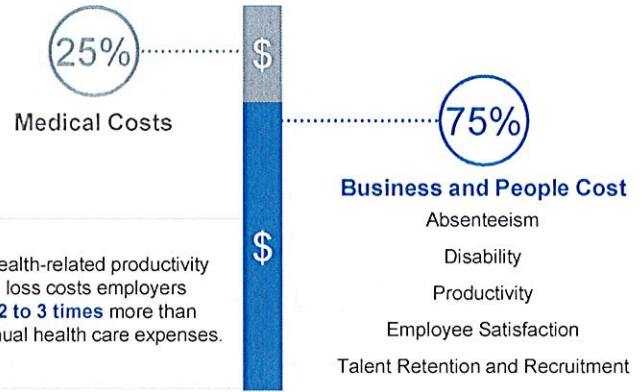
1. Meet to choose a committee Chairperson and Clerk
2. Meet with the Town's Recruitment Consultant to discuss questions regarding the Selectmen approved Position Statement, review process of interviews, discuss questions as prepared by recruitment consultant and possible additional questions, and set interview dates.
3. Receive and review resumes of Semi-finalists as presented by the recruitment consultant.
4. Conduct interviews of selected candidates utilizing established questions.
5. Compare the experience, qualifications and interview performance of candidates to identify up to 4 finalists for reference and background check by the recruitment consultant.
6. Meet with the recruitment consultant as needed to review the outcome of the reference and background checks and take a vote to present an unranked list of the chosen candidates to the Board of Selectmen.
7. Chairperson meets with the Board of Selectmen to present names and resumes of the Finalists.

It is anticipated that the work of the Screening Committee will be completed within eight weeks. The Committee shall function as a governmental body of the Town as defined in the Massachusetts Open Meeting Law, and utilize the provisions of said law pertaining to Executive Session in order to act in the best interests of the Town. To the extent permitted by law, the Screening Committee shall maintain the names and any information about the candidates in strict confidence until its recommendations are presented to the Board of Selectmen. Names and information pertaining to candidates not chosen as Finalists shall be retained as confidential.

Your modifiable health risks

75% of U.S. health care costs can be attributed to largely preventable chronic diseases.¹

Our Modifiable Health Risk Report summarizes your claims by health outcome and can attribute a portion of those claims to modifiable risk factors using evidence-based Population Attributable Fractions (PAFs).²



CLAIMS COST DRIVEN BY MODIFIABLE RISK (TOTAL)	% MEMBERS INCURRING A CLAIM DRIVEN BY MODIFIABLE RISK	CLAIMS COST DRIVEN BY A MODIFIABLE RISK (ASSOCIATED MEDICAL COST PMPM)
Unhealthy BMI	30.9% (Benchmark: 20.5%)	\$23.37 (Benchmark: \$20.14)
Poor Exercise Habits	4.5% (Benchmark: 3.9%)	\$5.88 (Benchmark: \$7.07)
Poor Nutritional Habits	3.3%	\$3.63
High Stress	4.9%	\$3.69
Smoking	0.9%	\$6.05
High Blood Glucose	0.9%	\$3.44
High Blood Pressure	6.4% (Benchmark: 5.1%)	\$6.69
High Cholesterol	7.7% (Benchmark: 5.8%)	\$3.54
Total:		

¹Centers for Disease Control and Prevention. "Preventive Health Care." <https://www.cdc.gov/healthcommunication/toolstemplates/entertainmenttips/PreventiveHealth.html>, September 15, 2017.

²Refer to Appendix for further information about the Modifiable Health Risk Report methodology.

■ Current ■ Benchmark

Modifiable health risk report methodology

This literature-based report indicates the association between specific modifiable risk factors (unhealthy BMI, high blood glucose, etc.) and health outcomes (e.g. Diabetes, Chronic Renal Failure, etc.). It is based on **Population Attributable Fractions (PAFs)**, which are commonly used in epidemiology to attribute a portion of a health outcome to an exposure or risk factor. PAFs allow us to estimate the percentage of health conditions that can be directly attributed to modifiable health risks. Only rigorous prospective cohort studies that included PAFs were used in order to most accurately attribute your total claims to modifiable risk factors.

The percentage of members who have incurred a claim as a result of a modifiable lifestyle risk does not equate to the risk prevalence in your population. This is an estimated percentage of your members who have ***incurred a claim as a result of a modifiable risk factor***. The prevalence of that risk factor in your population is likely much higher. The **National Prevalence** column will more accurately estimate your current prevalence based on national statistics.

