



**Fairhaven Board of Selectmen
Meeting Minutes
November 16, 2020**

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FAIRHAVEN,
MASS.

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

Absent: Chairman Daniel Freitas

Present via Zoom: Town Counsel Tom Crotty, 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.

Vice-Chairman Espindola opened the meeting at 6:33 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.

Town Administrator’s Report

Mr. Rees told the Board the Fairhaven Fire Department held a soft opening for COVID testing, there will be more testing on Saturday, November 21, 2020.

The Town has recently received \$406,000 in reimbursement for COVID related expenses from the State.

Mr. Rees reminded the Board that at their last meeting they adopted new COVID meeting protocols. All Board members are required to wear masks even when social distancing in the meetings unless someone cannot hear you. The mask can be temporarily removed while talking. This was a continued joint effort with the Fire Department, Board of Health and Human Resources to address the COVID saturation.

Committee Liaison Reports

Mr. Silvia attended the Historical Commission meeting, where they discussed the ADA ramp in the back of the Academy Building and the idea of putting street lamps around Town Hall.

Mr. Silvia will meet with Cable Advisory and the Library this week.

Mr. Espindola said members of the Bikeway Committee, Mat Coes and Lois Callahan, produced a video that highlights the Fairhaven Bike path. Mr. Espindola said that SRPEDD also participated in the video and also created an interactive map of key spots along the bike path. Mr. Espindola will attend the regular SRPEDD meeting in December.

Mr. Espindola met with the Marine Resources Committee last week where they discussed the Casey Boat/Union Wharf issue. The Committee felt they needed the advice of Town Counsel for this issue.

Mr. Espindola said the Economic Development Committee will be addressing the Waterways Rules and Regulations at their next meeting.

Mr. Espindola said the Broadband Study Committee has received over 200 surveys back so far.

Request to join Historical Commission

Mr. Silvia made a motion to appoint Kathyne Moniz to the Historical Commission. Mr. Espindola seconded. Vote was unanimous. (2-0)

Request to join Sustainability Committee

Mr. Silvia made a motion to appoint Kathyne Moniz to the Sustainability Committee as an alternate member Mr. Espindola seconded. Vote was unanimous. (2-0)

Community Electricity Aggregation Program, revised electricity supply agreement

Mr. Silvia made a motion to table the Community Electricity Aggregation Program, revised electricity supply agreement until a future meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

FY19 CDBG: Hedge Street Phase 2, surplus funds

The FY19 Community Block Grant (CDBG) will conclude in March 2021 with a surplus of approximately \$15,000 in administrative accounts due to staff vacancies and conservative spending. Planning Director Paul Foley is recommending that the Town request the Department of Housing and Economic Development (DHCD) approve transferring this surplus to the Hedge

Street Phase 2 construction project to reduce the amount of the Town's Chapter 90 funds needed. (Attachment A)

Mr. Espindola made a motion to move to request DHCD to amend Fairhaven's FY19 CDBG by moving surplus administrative funds to the Hedge Street Phase 2 construction project and to authorize the Chairman of the Selectmen to sign all related documents. Mr. Silvia seconded. Vote was unanimous. (2-0)

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

At 7:06 pm Mr. Espindola opened the continued public hearing for Nasketucket Bay Vineyards.

Mr. Rees updated the Board that the Town has reached out to owner Nick Christy and offered assistance to him. There were no questions, comments or concerns from the public.

Mr. Silvia made a motion to continue the public hearing until such time the proper documents are received. Mr. Espindola seconded. Vote was unanimous. (2-0)

JEJM, Corp, d/b/a Travelers Ale House, 111 Huttleston Ave: Transfer of Restaurant/All Alcohol License and Pledge of said License

At 7:15 pm Mr. Espindola opened the public hearing for Traveler's Ale House. Owner Minh Tieu, Cathy Melanson and Attorney John Markey were present via Zoom to answer any questions the Board may have. There were no comments, questions or concerns from the public.

Vice-Chairman Espindola read the public hearing notice. (Attachment B). Mr. Rees said once the Board approves the transfer the information will then be sent to the State for final approval.

Mr. Silvia made a motion to approve the transfer of a restaurant/all alcoholic license and pledge of said license. Mr. Espindola seconded. Vote was unanimous. (2-0)

Screening Committee for Town Administrator search

Mr. Rees explained this is a seven person committee and each of the Selectmen will appoint a citizen-at-large. Selectman Freitas will be part of the search committee and therefore not appoint someone.

Selectmen Silvia has appointed Dr. Brian Bowcock as his choice and Selectman Espindola has chosen Eric Dawicki.

Mr. Silvia made a motion to table the employee appointment until the next meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

Meeting Schedule, 1st half of 2021

Mr. Silvia made a motion to table the Meeting Schedule, 1st half of 2021 until the next meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

Budget /Town meeting calendar FY22

Mr. Silvia made a motion to table the Budget /Town meeting calendar FY22 until the next meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

Consider Changes to the Wellness Committee Mission, Structure and membership

Mr. Silvia made a motion to table the Consider Changes to the Wellness Committee Mission, Structure and membership until the next meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

Selectmen's meeting agenda packet- public availability

Mr. Silvia made a motion to table the Selectmen's meeting agenda packet- public availability until the next meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

Personnel Policies and Procedures

Mr. Rees told the Board there are few final steps that need to be done before the Selectmen can vote to adopt the updated personnel policy. The Town Administrator is required by Town by-laws to hold a public hearing. Mr. Rees will conduct a public hearing on November 30, 2020 at 4:30 pm.

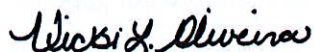
Mr. Rees will present his final recommendations to the Board at their meeting on December 7, 2020.

Resignation on Fairhaven Housing Authority

Mr. Silvia made a motion to accept the resignation of John Farrell Jr. from the Fairhaven Housing Authority and thank him for his time. Mr. Espindola seconded. Vote was unanimous. (2-0)

At 7:27 pm Mr. Silvia made a motion to adjourn. Mr. Espindola seconded. Vote was unanimous. (2-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 12/7/2020)

Attachments:

- A. Budget Revision Form/ Close out letter
- B. Public Hearing Notice- Traveler's Ale House



Town of Fairhaven Attachment A
Department of Planning & Economic Development

Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone (508) 979-4082 · FAX (508)-979-4087

Date: November 9, 2020
To: Board of Selectmen
CC: Paul Foley, Planning & Economic Development
Mark Rees, Town Administrator
RE: FY19 CDBG Contract Amendment

The FY19 Community Development Block Grant will conclude in March 2021 with a surplus of approximately \$15,000 in the administrative accounts due to staff vacancies and conservative spending. I recommend that the Town request DHCD to approve transferring this surplus to the Hedge Street Phase 2 construction project to reduce the amount of the Town's Chapter 90 funds needed.

I recommend the following motion:

I move to request DHCD to amend Fairhaven's FY19 CDBG by moving surplus administrative funds to the Hedge Street Phase 2 construction project and to authorize the Chairman of the Selectmen to sign all related documents.

Information Required for Close Out Report

Quarter # 8	Grantee: Town of Fairhaven Grant #: CDF-G-2018-Fairhaven-00828	Fiscal Year 2018 End Date of the period 06/30/2020 Fund Type CDF
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Final Statement of Costs and Computation of Grant Balance

B. Program Activities	Paid Costs	Unpaid Costs	Total Costs
1. Total Program Costs	\$793,794.400	\$0	\$793,794.400
2. Program Income Applied to Program Costs	\$22,097.00	\$0	\$22,097.00
3. Grant Amount Applied to Program Costs (line 2 minus line 1)	\$771,697.00	\$0	\$771,697.00
4. Estimated amount for unsettled third party claims			\$0
5. Sub Total (line 3 plus line 4)			\$771,697.00
6. Grant Amount per Grant Agreement			\$771,697.00
7. Unutilized grant to be canceled (line 6 minus line 5)			\$0
8. Grant funds received			\$771,697.00
9. Balance of grant payable (line 5 minus line 8)			\$0

Note if line 8 exceeds line 5, enter the amount of excess on line 9 as a negative amount. This amount shall be repaid to Mass. CDBG.

C. List Unpaid Costs and Unsettled Third Party Claims (Send in a revised page when the costs are paid to the vendor)

Check if continued on additional sheets and attach

Quarter # 8	Grantee: Town of Fairhaven Grant #: CDF-G-2018-Fairhaven-00828	Fiscal Year 2018 End Date of the period 06/30/2020 Fund Type CDF
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D. Remarks:

Check if continued to additional sheet and attach

E. Certification of Recipient

It is hereby certified that all activities undertaken by the recipient with funds provided under the grant agreement identified on Part B hereof, have to the best of my knowledge been carried out in accordance with the grant agreement; that proper provision has been made by the Recipient for the payment of all unpaid costs and unsettled third-party claims identified on part C hereof; that the Commonwealth of Massachusetts is under no obligation to make further payment to the recipient under the grant agreement in excess of the amount identified on Line B-7 hereof; and that every statement and amount set forth in this instrument is, to the best of my knowledge, true correct as of this date.

Date:	Name and Title of Local Official	Signature of Local Official
11/16/2020	Daniel Freitas Chairman, Board of Selectmen	

F. Mass. CDBG Approval

This certification of completion is hereby approved. Therefore, I authorized cancellation of the unutilized contract commitment and related funds reservation and obligation of \$ _____ less \$ _____ previously authorized for cancellation.

Comments and/or special conditions:

Date:	Name and Title of Mass. CDBG Official	Signature
	DCS Finance Manager	

Massachusetts Community Development Block Grant Program
Chapter 3 Grant Management Forms
Budget and Program Revision Form

Community/Grantee: Town of Fairhaven	Original Award: \$ 577,181.00
Program Name/Year:	Revision #: B: #2
Grant #: CDF-G-2019-Fairhaven-00858	P-number (program revision)
	B-number (budget revision)
	E-number (extensions)
Contract End Date: 03/31/2021	Date Revision Submitted: 11/05/2020

This request is for the following change(s). Grantee check all "Requested" that apply; DHCD will initial those that are approved in the approved column

Grantee Requested	An X in the left column indicates the item is included by the Grantee, an X in the right hand column indicates DHCD approval of the item when the form is signed.	DHCD Approved
	Budget Amendment to increase the grant award to \$ _____	
	Budget Revision for:	
X	<ul style="list-style-type: none"> Change in administrative dollars Transfer of funds from construction to non-construction or vice versa Cumulative transfers among separately budgeted activities which exceed or are expected to exceed 10% of the approved grant award if the grant award exceeds \$100,000 	
	Program Extension (to increase period of availability of funds/period of performance) to _____	
	<ul style="list-style-type: none"> This extension will extend period of performance beyond the end of the term of the current grant agreement 	
	Program Revision for:	
	<ul style="list-style-type: none"> Revision in scope or effectiveness of a project/program design or significant change in the accomplishment of the national objective or beneficiaries to be served. Changes in key personnel For non-construction projects, contracting out or subgranting or otherwise obtaining services of a third party to perform activities which are central to the purposes of the award if not specified in the application or grant award Other, specify _____ 	
<p>This request is submitted and all relevant information specified on page 4 is provided in attachments. I understand that the revision or extension requested is not approved unless and until this form is countersigned as "approved" or "approved with revisions" by The CDBG Program Director and returned to me.</p>		
	11/16/20 Daniel Freitas, Chair, Bd. of Selectmen	
Authorized Signature for Grantee:	Date / /	Print Name & Title:

TOWN OF FAIRHAVEN

Notice is hereby given, under Chapter 138 of the Massachusetts General Laws, that JEJM, Corp., d/b/a Travelers Ale House, 111 Huttleston Avenue, Fairhaven, MA, Minh Tieu, Manager, has submitted an application for the Transfer of a Restaurant/All Alcoholic License, and a Pledge of said License to Cathy Melanson, Stockholder

The premise consist of a total of 6,684 Sq. Ft., one (1) Floor, six (6) Exits & Entrances, Occupancy Number of 239 and a Seating Capacity of 215.

A hearing will be held at a Selectmen's Meeting, Fairhaven Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA on Monday, November 16, 2020 at 7:15 PM.

FAIRHAVEN BOARD OF SELECTMEN

Daniel Freitas, Chairman
Robert J. Espindola
Keith Silvia



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FAIRHAVEN BOARD OF SELECTMEN

Daniel Freitas, Chairman

Robert J. Espindola

Keith Silvia

November 5, 2020

The Advocate Newspaper

Notice also on www.masspublicnotices.org