



**Fairhaven Board of Selectmen
Meeting Minutes
March 11, 2021**

RECEIVED
TOWN CLERK

2021 APR 14 A 9:39

FAIRHAVEN,
MASS.

Present: Chairman Daniel Freitas Vice-Chairman Robert Espindola, Selectman Keith Silvia, Planning Director Paul Foley, and Planning Board Chair John Farrell, Interim Town Administrator Wendy Graves, and Cable Access Director Derek Frates

Present via Zoom: Planning Board member Cathy Melanson, and Production Coordinator Erick Sa.

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

Chairman Freitas opened the meeting at 4:30 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.

Planning Board and Board of Selectmen Joint Meeting

Mr. Freitas explained that the Planning Board and the Board of selectmen are meeting jointly to appoint to fill the vacant position on the planning board until the next election. Mr. Farrell said there was a vacancy due to Wayne Hayward resigning but he has since reconsidered and would like to be on the Planning Board. There were no other applicants except for Mr. Hayward that were interested in filling this role.

Mr. Silvia said the he feels Mr. Hayward brings a lot of wisdom and experience to the Planning Board due to serving on the board for more than 20 years. Mr. Espindola described Mr. Hayward as a “walking encyclopedia” in regards to the Planning Board.

Ms. Melanson made a motion to nominate Mr. Hayward for the vacant seat on the Planning Board. Mr. Silvia seconded. Vote passed.

Roll call vote: Mr. Silvia in favor, Mr. Espindola in favor, Mr. Freitas in favor, Ms. Melanson in favor, Mr. Farrell in favor.

Discuss the Town Administrator Screening Process

Mr. Espindola feels that Ms. Graves should be interviewed via Zoom as the other candidates had been interviewed and should be asked the same series of questions. Mr. Silvia said that he has to recuse himself because it was brought to his attention that there is a conflict of interest because his wife works for the town. Mr. Silvia feels the process was not even due to some information being presented about the candidates via the internet and would like to see Ms. Graves receive an interview.

Mr. Freitas said he received an email from the Neighborhood News regarding Mr. Silvia having to recuse himself. Mr. Freitas read a statement to the Board regarding the process for the Town Administrator’s search and his reasons for his actions thus far. (Attachment A)

Mr. Freitas handed a copy of a concerning email¹ that was sent out from one resident to other residents. Mr. Espindola and Mr. Freitas discussed their concerns over the search committee process.

At 4:58 Mr. Silvia left the room.

Interview of Town Administrator Finalist

Consultant Bernard Lynch joined the Board via Zoom. Mr. Espindola asked Mr. Lynch what the next step in the process should be and if the Board should start all over again to find new candidates in the search for Town Administrator. The Board also discussed the other interviews and now that Mr. Silvia should have recused himself if that voids out the other votes that were already taken. Mr. Lynch suggested that the Board seek legal counsel or state ethics for advice.

The Board took a t 2-minute recess at 5:34 pm

Mr. Lynch and the Board of Selectmen asked a series of questions of Ms. Graves regarding her job experiences.

Ms. Graves told the Board and Mr. Lynch that she is the current Finance Director/ Treasurer/Collector for the Town of Fairhaven and this is the natural progression for her to move forward in her career. Ms. Graves holds a Bachelor’s degree in Business Administration with a concentration in Accounting, Finance and Information Technology from Nichols College, as well as certifications for both Massachusetts Municipal Collector and Massachusetts Municipal Treasurer. Ms. Graves also has a corticate from Suffolk University in Local Government Leadership and Management.

¹ Not for Public Disclosure, GL Ch. 30A sec. 22(e)

At 6:05 pm the Board took a 2-minute recess.

The Board thanked Ms. Graves for her interview and thanked Mr. Lynch for his assistance.

Vote to Select and Appoint Town Administrator

Mr. Espindola said that he would like to move forward in selecting a candidate for Town Administrator.

Mr. Espindola made a motion to appoint Ms. Callahan as the next Town Administrator. There was no second.

Mr. Freitas made a motion to appoint Ms. Graves as the next Town Administrator. There was no second.

Discussion ensued regarding the appointment of the next Town Administrator. There was no resolution made at this time.

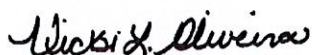
The Board tabled the next items on the agenda:

1. Vote to Authorize the Chairman and Legal Counsel to Enter into Contract Negotiations with the Selected Town Administrator
2. Executive Session: To conduct negotiations with non-union personnel pursuant to MGL, Ch. 30A, Sec. 21(a) (2) Town Administrator

Mr. Espindola requested that the item of the hiring of a Town Administrator be placed on the next meeting. Mr. Freitas agreed.

At 6:29 pm Mr. Espindola made a motion to adjourn. Mr. Freitas seconded. Vote was unanimous. (2-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 4/12/2021)

Attachments:

- A. Message read by Selectman Freitas

Attachment A

I would like to like to address some issues that have been falsely put out by some people about the TA search. I nominated myself to be on the committee because I heard some rumors about the process and some people who had been put on the committee to sabotage certain peoples chances of getting on the short list.

My role was to sit back and listen. I gave advice when asked but I did not ask a whole lot of questions. When the minutes are released you will see that for yourself. I want you to know that there are some things I can speak of but some things are still under the executive session so I cannot speak about those things this evening.

So let's get to what I can talk about. We interviewed 9 people over 3 days . The interviews lasted about 5-6 hours total. Each interview was about 1.5-2 hours each. All the potential candidates were asked a series of questions and for the most part no questions were any different than the first candidate. After we had interviewed all the candidates we had a meeting and we voted for our top 3 candidates. The top 3 were then notified that they had been chosen. Ms Graves was notified that she was chosen. I can tell you this because Ms Graves was noticed by Bernie Lynch. Then the article came out in the Neighborhood News. Someone had given Beth David Ms. Graves Personnel file from the town. This was highly unethical. There was only 2 people who could have gotten their hands on that file. The file was published and the rumor of some folks looking to sabotage people chances of getting the job went from rumor to fact. When the executive session meetings are released you will see an email from a committee member that was sent to all the committee members letting us know that Ms Graves was a terrible candidate

and we should exclude her! The email was sent to us before we voted for whom we should send to the selectmen. The email was extremely inappropriate. I have done close to 20 interviews and this was the first time I have seen anything like what happened in this case. After the article was published we had another emergency meeting and Ms Graves was then voted off the TA search. I tried to explain that some of the paperwork in her file was false but each time I tried to explain I was shut off. So, when Keith brought up that Wendy should be given a chance to interview, I thought it was appropriate that we at least

-----Page 1 End-----

give her a chance. Unfortunately the rumors have no end. I have a emails from a member of the finance committee. The email claims that Ms Graves is “racketeering” and giving me cash payments. It goes on to claim that Keith is only voting for her to get the Building inspectors job. A position he couldn’t hold for at least a year after he leaves his selectman post, this is Massachusetts state law. This email was a sent to all the finance committee members and you can only imagine who else got it. I won’t mention the member at this time but I will be asking him to resign from the finance committee. I was also upset that this email contained emails from myself and Bob Espindola. The email he sent to me and I responded was used to make it look like I am holding off on the Dept. of Revenue request from Bob because I am afraid what they might find out. The DOR report doesn’t look into our finance they look into the structure of our town government and give us advice on how to make it better. If you recall the last time they came to town the report caused a lot of problems and out of the 12 recommendations only 1 passed town meeting. The town has an Accounting firm that comes into town

every year and the last 5 years that they have come into town we have been given an A+ rating with little to no recommendations nothing that need to be done! The folks who who are doing the work for the A+ rating are Mrs Graves and Mrs Ann Correiro.

Tonite Ms Graves will be given a chance to interview for the TA position not because of bribes or promises to get people jobs. She will given the chance because the folks who have been trying to sabotage Ms Graves chances will not be allowed to succeed!

-----Page 2 End-----