



Fairhaven Board of Selectmen  
Meeting Minutes  
June 21, 2021

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FAIRHAVEN,  
MASS.

Present: Chairman Daniel Freitas Vice-Chairman Robert Espindola, Selectman Keith Silvia, Interim Town Administrator Wendy Graves and Administrative Assistant Vicki Oliveira

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

Chairman Freitas opened the meeting at 6:31 pm in the Town Hall Banquet Room

**Minutes**

Mr. Espindola made a motion to approve the Open Session minutes of June 1, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the Executive Session minutes of June 1, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the Open Session minutes of June 7, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the Executive Session minutes of June 7, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the Open Session minutes of June 9, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the Open Session minutes of June 10, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the Open Session minutes of June 12, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

**Town Administrator's Report**

Ms. Graves told the Board there are approximately 165 storage boxes that will be shredded on Wednesday.

Ms. Graves has been busy working on the performance reviews and reminding employees to clean out the boxes.

Ms. Graves met last week with the ARPA working group and discussed the process they will follow; the next meeting will be in July.

Ms. Graves told the Board, the recent Town Meeting vote increasing the Board of Selectmen from 3 to 5 members will be going to the legislature for approval.

(Attachment A). Mr. Espindola made a motion to appoint Kyle Bueno as the School Representative to the Lagoa Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Graves told the Board the Economic Development Committee has appointed Eddie Lopez to the Lagoa Committee as their representative at a most recent meeting; and since the Lagoa Committee must meet soon due to the arrival of Mayor Calisto this is a time sensitive appointment. Mr. Espindola made a motion to appoint Eddie Lopez as the Economic Development Representative on the Lagoa Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Taylor Cultured Seafood: Title Transfer of 44 Acres Aquaculture License**

Mr. Freitas said the Board will table this item until a future meeting.

### **Year-End Transfers**

Mr. Espindola made a motion to approve the year end Fire Department transfer for \$1,614. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the year end transfer of \$22,000 from Unemployment to Dept-Interest. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the year end Information Technology Department transfer of \$12,480.75 from salary to contracted services. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Purple Heart Town Designation**

Resident Kathy Lopes and Veterans Agent Brad Fish met with the Board of Selectmen to request support in designating the Town of Fairhaven a Purple Heart Community. Ms. Lopes told the Board she saw the Purple Heart Community sign in Taunton MA and thought this would be a nice idea for Fairhaven to honor our purple heart recipients. Mr. Fish said the Department of Transportation will supply the signs at the entry points of Fairhaven. (Attachment B)

Mr. Espindola made a motion to support the application process for the Town of Fairhaven to become a Purple Heart Community. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Rogers School Update**

Health Agent Dave Flaherty told the Board there is evidence mold and moisture at Rogers School but not sure what type of mold there is. He feels the repair of the roof and the sources of moisture will alleviate the problem. The asbestos is an easy fix by a qualified professional. (Attachment C).

Mr. Silvia feels SMEC is owed an apology for suggesting that they would be putting their students in harms way by putting them in a molding building. Mr. Espindola said he went into Rogers School prior to Town Meeting to see the building and any signs of mold because he wanted to have all the information for Town Meeting members before the article was voted on. Mr. Espindola said he spoke at Town Meeting for himself and not as a Selectman. Mr. Espindola is still concerned about the law suit by Mike Ristucia and Zach Mayo.

*At 7:20 pm the Board took a two-minute recess due to the loss of the internet connection*

Mr. Espindola is worried about the costs to update the Rogers School building and would like to have Joe Booth Architects evaluate the property.

## **Juneteenth 2022**

Mr. Freitas said an employee requested to have the Juneteenth holiday off but the request was made too late for the Board to decide. Ms. Graves reminded the Board; the short notice was not the only issue, by giving the employees a paid day off this would cost the Town approximately \$30,000 in overtime fees. Mr. Espindola would like to see what other communities are doing in terms of other holidays and what the Town's Unions position are on this. The Board will discuss further this at a future meeting

## **Board of Selectmen Meeting Schedule for Remainder of The Year**

Mr. Espindola is concerned about replacing the date of the cancelled meeting the night of the recall election because there are important issues that will be need be discussed.

Mr. Espindola made a motion to add meeting between July 27-29, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

## **Town Meeting Article 56: Amendment to Town By-law Chapter 50-13, part 2**

Mr. Espindola asked to place this on the agenda to discuss the impact of this article. The Board discussed the remote participation and the costs to the Town as a result of this article.

Mr. Espindola made a motion to continue with Zoom coverage and make no change until there is an update from the Cable Access Director. Mr. Silvia seconded. Vote was unanimous. (3-0)

*At 8:05 pm Mr. Silvia left the room*

## **Update to Interim Town Administrator Contract**

Mr. Freitas read a memo from Town Counsel regarding the contract of Interim Town Administrator. Mr. Espindola would like to make no changes at this time. Mr. Freitas agreed. (Attachment D).

*At 8:07 pm Mr. Silvia returned to the room*

## **Correspondence**

Mr. Espindola made a motion to accept the resignation of Ronnie Medina on the Commission on Disability and thank him for his service. Mr. Silvia second. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the resignation of John Dallen on the Conservation Commission and thank him for his service. Mr. Silvia second. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the resignation Susan Spooner on the Sustainability Committee and thank her for her service. Mr. Silvia second. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the resignation James Anderson on the Sustainability Committee and thank him for his service. Mr. Silvia second. Vote was unanimous. (3-0)

## **Notes and Announcements**

Mr. Espindola thanked the anonymous artist who put the Pride Flag in the crosswalk with sidewalk chalk.

The Board wished everyone a Happy July 4<sup>th</sup>.

At 8:10 pm Mr. Espindola made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

# Attachment A

June 21, 2021

Vicki Oliveira  
40 Center Street  
Fairhaven, MA, 02719

Dear Select Board,

Please accept this letter as my sincere gratitude and appreciation to serve on the Lagoa Friendship Pact Committee as the School Committee representative. As a proud Portuguese-American and, more specifically, a proud son of an Azorean mother myself, I am eager to get to work to ensure our connection between Fairhaven and Lagoa stays forever intact through shared partnerships that promote mutual exchanges and a deeper understanding of each areas' lives and traditions. I am grateful to Pam Kuechler who has served this committee well as our past School Committee representative and I look forward continuing building on her work with Maria Carvalho and Eddie Lopez.

Thank you!

Sincerely,  
Kyle Bueno

Cc: Daniel Freitas, Chairman  
Bob Espindola, Vice Chair  
Keith Silvia

George Washington created the 'Badge of Military Merit' to honour gallantry. This cloth badge fell into disuse after the war but on 22 February 1932 in honour of the bicentennial anniversary of George Washington's birth, General Douglas MacArthur restored it as the 'Purple Heart' medal.

The origin of the Purple Heart Trail is well defined on the monument dedicated on 7 August 1998 at Mount Vernon, whereby it "commemorates the establishment of the Purple Heart decoration by General George Washington, Commander-in-Chief of the Continental Army, on August 7, 1782" and "the Purple Heart Trail memorializes those patriots who were awarded the Purple Heart medal in combat in defense of their nation." The idea of the Purple Heart Trail came from Frank J. Kuhn, Jr., and was established at the national level by George Gallagher – both from Virginia – as a resolution during the 1992 national convention of the MOPH held in Cherry Hill, New Jersey. The design of the tablet was created by Mickey Gallagher, the wife of George Gallagher. There are many such tablets erected across the U.S., including one that was fittingly placed at MacArthur Square, Norfolk, Virginia and dedicated on 22 February 2003. As shown in the photograph, "This monument commemorates General Douglas MacArthur who, as chief of staff of the Army, revived the Badge of Military Merit and renamed it the Purple Heart Medal on February 22, 1932 in honor of the 200th anniversary of George Washington's birth. This monument memorializes those patriots, living and departed, who were awarded the Purple Heart medal by a grateful nation for the wounds they suffered in combat in defense of their country".

On this day, 7 August 2020, we commemorate the 238th anniversary of the creation of General George Washington's original concept of the Purple Heart and mark 27 years since the establishment of the Purple Heart Trail across the United States.

André M. Levesque

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**Attachment D**  
Wendy Graves <wgraves@fairhaven-ma.gov>

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## Interim contract

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**Thomas P. Crotty** <tomcrotty@tcrottylaw.com>  
Reply-To: tomcrotty@tcrottylaw.com  
To: Wendy Graves <wgraves@fairhaven-ma.gov>

Thu, Jun 17, 2021 at 11:54 AM

Wendy

I think the board should at least put this on the agenda for discussion to acknowledge that the 180 days is running out.

I believe that the 180 day provision should be viewed as 'suggestive' – meaning that it directs the board as to how it should treat the appointment. But there is no provision for circumstances where the appointment runs past 180 days. So if someone brought the issue to court, a judge would not be able to fashion a remedy.

If the board can't agree on renewing the current interim contract, or appointing another interim town administrator, then I think the current appointment continues of necessity.

Tom

[Quoted text hidden]