

**Fairhaven Select Board
Meeting Minutes
July 28, 2021**

RECEIVED
TOWN CLERK
2021 AUG 18 A 9:02
FAIRHAVEN,
MASS.

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

Also Present: Police Chief Michael Myers, Acting Town Clerk Linda Fredette and Rogers Reuse
Committee Chairwoman Sue Loo

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

Acting Town Administrator Wendy Graves opened the meeting at 6:31 pm in the Town Hall Banquet Room until the board reorganizes.

Swearing in of New Police Officer

Police Chief Myers introduced Zachary Viera, the newest police officer of the Fairhaven Police Department. Mr. Vieira is a lifelong Fairhaven resident and a graduate of Bridgewater State University with a degree in Criminal Justice. Officer Viera is a former dispatcher and part time police officer who recently graduated from the Police Academy where he earned a special award as the record holder for the fastest time running a mile and half. Acting Town Clerk swore Officer Viera into oath in front of family, friends and colleagues.

Minutes

Mr. Espindola made a motion to approve the Open Session minutes of July 12, 2021. Mr. Silvia seconded. Ms. Powers abstained. Vote carried. (2-0-1)

Town Administrator's Report

Ms. Graves reported:

The town's tax title auction has been rescheduled for Tuesday, September 28, 2021. The listing will change due to the Conservation Commission's interest in some of the properties on the list and adding some additional properties.

Several Town representatives attended the Bristol County Commissioner's meeting at Bristol Agricultural High School on July 15, 2021 to discuss the \$3.1 million of The American Rescue Plan Act of 2021 (ARPA) money that was sent to the county for municipal allocation.

Ms. Graves and Town Accountant Anne Carreiro met with a grant writer and will be meeting with a consultant to continue to investigate the options aimed at state and federal grant money for the town's various project.

Committee Liaison Reports

Mr. Espindola met with the Broadband Study Committee who will meet next week to discuss engineering and talk about grants to build the broadband project.

Mr. Espindola attended the Bristol County Commissioners meeting where he learned there is money for infrastructure through the State. Mr. Espindola will reach out to Representative Straus.

Mr. Espindola said the South Coast Bikeway Alliance is planning a bike ride through Fairhaven.

Mr. Espindola said the Economic Development Committee met last week to discuss a possible grant opportunity. There is also an opening for one committee member.

Mr. Espindola worked with Veterans Agent Brad Fish on the Purple Heart Community dedication that will take place on Sunday, August 8, 2021 at Veterans Park.

Mr. Silvia met with the library trustees where they have a new employee handbook and will also be looking into putting an air conditioning system at the library.

Mr. Silvia told the Board Paul Foley is still looking into options for the Dog Park.

Reorganization of the Board

Ms. Graves asked for nominations for the position of Chairperson of the Select Board.

Mr. Silvia made a motion to appoint Mr. Espindola Chairperson of the Select Board. Ms. Powers seconded. Vote was unanimous. (3-0)

Ms. Graves handed the gavel to Chairman Espindola.

Mr. Silvia made a motion to appoint Ms. Powers as the Vice-Chairperson of the Select Board. Mr. Espindola seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to appoint Mr. Silvia the Clerk of the Select Board. Mr. Espindola seconded. Vote was unanimous. (3-0)

Selectmen Liaison Appointments

The Board discussed the reorganization of the Select Board liaison appointments.

Ms. Powers made a motion to appoint the Board members as liaisons as follows:

- Ms. Powers as liaison for the Cable Advisory Committee, the Dog Park Committee, Lagoa Friendship Committee, and the Sister City Committee.
- Mr. Espindola to the Bristol County Advisory Board.
- Mr. Silvia to the Marine Resources Committee

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

Team Fuff Jimmy Fund walk

Mr. Espindola read the letter from Carol Landerville requesting use of the bike path for a 5K fundraiser in memory of her husband Christopher.

Ms. Powers made a motion to approve the event permit for Team Fuff on October 3, 2021 subject to approval by the Fairhaven Police Department. Mr. Silvia seconded. Vote was unanimous. (3-0)

South Coast Bikeway Alliance Pedal for the Path

At 7:27 pm Mr. Espindola recused himself, as he is a member of the South Coast Bikeway Alliance. Vice- Chairwoman Powers ran the meeting. Ms. Powers reviewed the route of the Pedal for the Path bike ride.

Mr. Silvia made a motion to approve the event permit for the South Coast Bikeway Alliance Pedal for the Path on Sunday, September 12, 2021. Ms. Powers seconded. Vote was unanimous. (2-0-1).

Mr. Espindola returned and regained the meeting.

2021 Turkey Trot 5K Fun Run

Mr. Espindola read a letter from Eric Tavares, president of the Greater New Bedford Track Club requesting to hold the annual Turkey Trot 5K on Thanksgiving Day.

Ms. Powers made a motion to approve the Turkey Trot 5K on Thanksgiving Day, November 25, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Loan extension request: The Adventurer

Mr. Espindola read a letter from Jobi Zink, Registrar at The Rosenbach asking for an extension on the loan of the ship model "*The Adventurer*" until early December 2021.

Ms. Powers made a motion to approve the extension of the loan of ship model "The Adventurer." Mr. Silvia seconded. Vote was unanimous. (3-0)

Request to join Zoning Board of Appeals- associate position

Mr. Espindola read a letter from Zoning Board Chairman Peter Deterra announcing a vacancy for an associate position on the Zoning Board of Appeals. Mr. Espindola would like to see the position advertised before appointing anyone to the position to see if there are more interested parties.

Ms. Powers made a motion to advertise the Zoning Board of Appeals associate position. Mr. Silvia seconded. Vote was unanimous. (3-0)

Public Hearing Application for Class I Dealer/Repair License Change of location: Alden Imports, Inc. d/b/a Alden Mazda, 250 Bridge Street

Chairman Espindola opened the public hearing at 7:00 pm and read the public hearing notice that was published in the local paper. Mr. Edward Craig Lutz, President of Alden Mazda, met with the Board and explained this application is for a change of location. Alden Mazda moved out of

the leased building on Alden Road to their new owned and operated location on Bridge Street. The new license grants them permission to operate out of the new address. Building Commissioner Chris Carmichael spoke in favor of the transfer and there were no questions, comments, or concerns from the public. At 7:04 pm Mr. Espindola closed the public hearing.

Ms. Powers made a motion to approve the change of location only for a Class I dealer/repair license for Alden Imports, Inc. b/b/a Alden Mazda, 250 Bridge Street. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mass Development RLTA Grant Opportunity

Planning and Economic Development Director Paul Foley met via zoom with the Board to request the Board's support for a possible grant opportunity for the former Rogers School. (Attachment A) Mr. Foley discussed the opportunity with the Chair and Vice-Chair of the Rogers Reuse Committee who are in full support of this grant. This grant would be used for a feasibility study to help develop a new Request for Proposal (RFP) for the former school. Mr. Foley said with this grant, if the town were to sell the Rogers School, then the money would have to be paid back. Mr. Foley is requesting a letter of support from the Board and the Town Administrator.

Ms. Powers made a motion to support the application for the MassDevelopment Real Estate Technical Assistance (RETA) program grant application. Mr. Silvia seconded. Vote was unanimous. (3-0)

Meet and Greet: Precinct 4

Precinct 4 Chairman Paul Foster told the Board the concerns he is hearing is in regards to the Town Administrator search. Residents are also concerned that the town departments are funded properly. Mr. Foster is in favor the individual precinct meet and greets but would like to see more residents be aware of this. Resident Ann Richard, via zoom chat, asked if Precinct 4 will be remapped. (Attachment B)

Precinct 4 resident, Marcus Ferro, expressed his concerns regarding the Tree Warden's avocation of willingness to do the tree warden job and not respond to emergencies. Mr. Ferro feels if the Tree Warden cannot fulfill his duties he was elected to, then he should resign.

Rogers Reuse Committee Mission Statement

Mr. Espindola read the updated draft mission statement (Attachment C) for the Rogers Reuse Committee (RRC).

Mr. Espindola would like to see all correspondence for that committee go through Mr. Foley. Ms. Loo explained that every correspondence has always been done that way. The Board made a few amendments to the mission statement to add:

"The Planning and Economic Development Director will be the non-voting staff member of the committee. All communications will go through the staff contact."

Ms. Powers made a motion to approve the Rogers Reuse Committee mission statement as amended. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator Screening Process

Mr. Silvia asked if the Board will table this item because there may be a potential conflict of interest. Mr. Silvia has reached out to Town Counsel this week and is awaiting the answer. The Board agreed they will table this until the next meeting or call a special meeting next week for this purpose if the information from Town Counsel comes back in time.

Tree Warden issues

Tree Warden, Don Collasius met with the Board to discuss some recent issues that have come up regarding the Tree Department. (Attachment D). Mr. Collasius said he hates having trees cut down, his goal is to plant them, but Eversource will be cutting down, for free, 55 trees that are deemed hazardous.

Mr. Collasius stated that he researched the Tree Warden position before running for election and thought he knew a lot about the job, but after the most recent summer storm in July he realized more of the department and what happens in an emergency situation. Mr. Collasius feels his department should not be expected to cover emergencies and has concerns that if a member of his department were to be injured or worse killed, their pay would not cover the workers compensation and the town could potentially get sued. Board members discussed the responsibility of the Tree Warden and of the past tree wardens. Mr. Collasius feels that per MGL he is in charge of shade trees, if a shade tree falls, it is no longer a shade tree because it does not produce shade. Mr. Collasius is concerned over the town's liability coverage for his crew. Town Accountant Anne Carreiro said there are other part time employees in similar situations including, Council on Aging van drivers, Harbormaster shellfish deputies and call fire fighters among a few. Ms. Carreiro stated they all receive the same type of liability coverage. The Town's insurance company has determined the Town is receiving adequate coverage for its employees.

Public Works Superintendent Vinnie Furtado told the Board, via Zoom, that he recognized there is a problem with the Tree Warden position, that is the reason why he placed an article on the Town Meeting warrant to change the position over to the Public Works but Mr. Collasius spoke against it and the article failed. Fire Chief Correia told the Board; in the Emergency Response Plan, there are provisions for tree emergencies. Police Chief Myers has concerns for what will happen in an emergency if Mr. Collasius is not responding. Chief Myers said his main concern is emergencies and the Tree Wardens have always chipped up the trees and taken them away. Mr. Furtado stated his department can push trees out of the road but it is the responsibility of the Tree Warden who needs to clean it up and take away the pieces.

Selectwoman Powers asked Mr. Collasius if he had the proper equipment and he answered "no." Ms. Powers would like to see a resolution to this issue.

Mr. Espindola suggested holding some meetings to come to a workable solution. Ms. Graves will coordinate a meeting with the Tree Warden, Town Attorney Crotty, Chief Myers, Chief Correia, Ms. Powers and Mr. Furtado to try to resolve some of the issues.

Building Commissioner Reminder Regarding Signs

Mr. Espindola read a press release (Attachment E) from the Building Commissioner regarding the town's sign bylaw.

Building Commissioner Chris Carmichael met via zoom to remind residents and business that there is a town by-law regarding temporary signs; yard/garage sale, political, advertisement, etc. Mr. Carmichael told the Board the number of temporary signs around town has been extensive and he has been going out twice a month removing the illegal signs. Mr. Carmichael stated that he will be issuing fines to repeat offenders if necessary.

Notes and Announcements

Mr. Espindola reminded residents about the Purple Heart Community ceremony to be held on August 8, 2021 at Veterans Park.

At 8:50 pm Ms. Powers made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 08/16/2021)

- A. Grant Opportunity memo- Rogers School
- B. Zoom Chat
- C. Rogers Reuse Committee Mission statement draft
- D. Tree Warden issues
- E. Sign by law press release



Paul H. Foley, AICP
Director

Town of Fairhaven

Department of Planning and Economic Development

Town Hall 40 Center Street Fairhaven, MA 02719

Telephone (508)-979-4082 FAX (508) 979-4087, Ext. 9

Memorandum

Date: July 27, 2021

To: Wendy Graves, Town Administrator
Board of Selectmen

From: Paul H. Foley, Director of Planning & Economic Development

RE: Real Estate Technical Assistance Grant for Rogers School

There is a grant for up to \$50,000 through the MassDevelopment Real Estate Technical Assistance (RETA) program that may help us address our situation at the Rogers School. The grant is to prepare either a feasibility study or assist with developing an RFP. I was thinking we should apply for a combination of updating the previous feasibility study and preparing a new RFP. The Kirk & Co. Feasibility Study was done almost five years ago and prices and markets have changed so we need updated numbers with regards to costs, market conditions and development scenarios. Since the study does not have to be done from scratch we should also be able to produce a new RFP that incorporates some of the information we have gained over the past few years.

If we receive the grant, MassDevelopment would then assign a professional independent consultant. I would be the contact person for the Town and report regularly at Planning Board meetings and consult with the Rogers School Reuse Committee at their meetings. There is one caveat with the grant. If the Town eventually disposes of the property the Town would then have to reimburse MassDevelopment the amount of the grant. For example, if the RFP is successful and we find a developer with a proposal that we like and we sell the building to them we have to incorporate the amount of the grant into the price in order to repay the grant amount. I have reached out to the Planning Board and Rogers School Committee and they have indicated their support to apply for this grant.

Attachment B

19:21:39 From Ann Richard - she/her/hers : i wonder if there is any thought about Pre 4 being remapped. it is an odd precinct

19:22:48 From Ann Richard - she/her/hers : i just wonder because it is very spread out

19:52:04 From Ann Richard - she/her/hers : why is Mr. Silvia even discussing this? I am confused

19:52:45 From Ann Richard - she/her/hers to Town Hall(Direct Message) : He should not be even discussing this issue.

20:03:03 From Leon Correy : People came down so hard on Wendy for respect but allowing the tree warden is being incredibly condescending towards everybody in the room.

20:09:03 From Leon Correy : People came down so hard on Wendy for respect in the last meeting. However you're allowing the tree warden to be condescending towards everybody in the room.

20:26:03 From Todd Correia : Give me one minutye

Attachment C

ROGERS SCHOOL RE USE COMMITTEE MISSION STATEMENT

The Rogers Study / Re Use Committee is an appointed Seven (7) member advisory board. Committee is appointed by the Select Board and reports to the Select Board involving matters relating to the former Rogers School property.

In that capacity the Committees work will include, but not limited to reviewing any proposals received for the re use of the former school property and providing advice to the Select Board on the proposals received. The committee will provide advice to the board of selectmen on all possibilities for reuse of the former school property. The committee at the request of the Board of Selectmen will assist the town staff in all processes or help in needed matters regarding the former school. The Rogers Study / Re Use Committee is an Ad hoc committee and will serve until the work of the committee is completed as determined by the Board of Selectmen after which time the committee will be disbanded.

The Rogers Reuse Committee shall consist of Seven (7) voting members who shall be appointed annually as follows:

1. Four (4) members will be at large and up to three (3) non-voting alternate members, as appointed by the of Select Board
2. One (1) Voting Member of the Economic Development Committee (appointed by the committee)
3. One (1) Voting Member of the Planning Board (appointed by the committee)
4. One (1) Voting Member of the Finance Committee (appointed by the committee)
5. One (1) Non-Voting Select Board liaison
6. In the event that there is no quorum of the 7 full voting members, alternate members may act as voting members for the purposes of quorum for that meeting. The alternate member(s) will be chosen by seniority in service as alternate members on the committee



Wendy Graves <wgraves@fairhaven-ma.gov>

Change of status tree department

6 messages

Don Collasius <dcollasius@fairhaven-ma.gov>

Fri, Jul 16, 2021 at 11:43 AM

To: Wendy Graves <wgraves@fairhaven-ma.gov>, Daniel Freitas <dfreitas@fairhaven-ma.gov>, Keith Silvia <ksilvia@fairhaven-ma.gov>, Robert Espindola <respindola@fairhaven-ma.gov>, Vincent Furtado <vfurtado@fairhaven-ma.gov>, Michael Myers <michael.myers@fairhavenpolice.org>, Mark Sylvia <msylvia@fairhaven-ma.gov>, "Thomas P. Crotty" <tomcrotty@tcrottylaw.com>, Todd Correia <tcorreia@fairhaven-ma.gov>, John Charbonneau <jcharbonneau@fairhaven-ma.gov>

Good Day

After having interviewed numerous town department heads and officials with widely varying success as well as professional safety consultants I have come to the following conclusions.

1. The Tree Department does not have legal responsibility nor authority per MGL to remove any tree related debris from public roadways, or private property.
2. The Tree Department does not have adequate insurance on its Warden and workers to do anything other than routine maintenance and tree related assessments. And that's a stretch.
3. The Town of Fairhaven's BOS and Interim Town Administrator as now staffed are of no help in mitigating the a fore mentioned issues.
4. The Tree Warden has no higher authority to report to other than his constituents of the Town of Fairhaven.

I reached out to the interim TA in regards to a current Job Description for the Tree Warden on 9 July with no response.

I reached out to Bob Espendola and asked he bring up these urgent issues at the July 12 BOS meeting. He was shut down by the Chairman.

I have requested guidance and information from Town, Council in regards to these issues and was stymied by the interim TA on 12 July.

Further queries to the interim TA proved as fruitful as the previous.

I want to thank the Fire Chief, Head of the BPW and Police for their help in researching these matters.

Based on the above I am forced to implement actions to protect both the town, myself and my employees. As of today July 16 2021 16:00 EST the Tree Warden and Tree Department will not be responding to any calls for service other than what is called out in the job description I sent out earlier today until such time town agencies and officials can work out a solution that does not expose the town to needless fiscal liabilities.

The lack of ability, experience, professionalism, and cooperation in some branches of our town government and agencies have led me to the a fore mentioned conclusions and subsequent actions. It is my hope as a taxpayer and public official someone can turn this around before it leads to a crisis.

Thank you,

Don Carlos Collasius

Tree warden

15-JUL-21

Town of Fairhaven Tree Warden Job Description

The following is the Town of Fairhaven Tree Warden Job Description based on Massachusetts General Law XIV Chapter 87 Section 2.

Section 2. The tree warden of a town may appoint and remove deputy tree wardens. He and they shall receive such compensation as the town determines or, in default thereof, as the selectmen allow. He shall have the care and control of all public shade trees, shrubs and growths in the town, except those within a state highway, and those in public parks or open places under the jurisdiction of the park commissioners, and shall have care and control of the latter, if so requested in writing by the park commissioners, and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths. He shall expend all money appropriated for the setting out and maintenance of such trees, shrubs and growths, and no tree shall be planted within a public way without the approval of the tree warden, and in towns until a location therefor has been obtained from the selectmen or road commissioners. He may make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than twenty dollars in any one case for violation thereof; which, when posted in one or more public places, and, in towns, when approved by the selectmen, shall have the effect of town by-laws.

7/21/2021

Town of Fairhaven Mail - Tree workers



INSURANCE
COMPANY
Response
Wendy Graves <wgraves@fairhaven-ma.gov>

Tree workers

6 messages

Wendy Graves <wgraves@fairhaven-ma.gov>
To: John Beauregard <jbeauregard@sylviagroup.com>

Fri, Jul 16, 2021 at 4:10 PM

Hi John,

The Tree Warden was asking if the tree workers got hurt on the job if they were covered for insurance. What exactly would they be covered for?

Wendy

John Beauregard <jbeauregard@sylviagroup.com>
To: Wendy Graves <wgraves@fairhaven-ma.gov>

Fri, Jul 16, 2021 at 4:19 PM

Hi Wendy,

If they are employees of the Town and being paid by the Town, they would be covered under the Town's Workers Compensation. If they are an independent contractor, the company that they are working for would be responsible for covering it's employees under their Workers Compensation.

I hope that answers the questions. Let me know if there are further questions.

John

John R. Beauregard, CIC, LIA

Senior Partner

Office: (508) 742-9228

Fax: (508) 742-9328

Email: jbeauregard@sylviagroup.com



500 Faunce Corner Road • Building 100, Suite 120

Dartmouth, MA 02747

Visit us at: www.sylviagroup.com

From: Wendy Graves <wgraves@fairhaven-ma.gov>
Sent: Friday, July 16, 2021 4:11 PM

7/21/2021

Town of Fairhaven Mail - Tree workers

To: John Beauregard <jbeauregard@sylviagroup.com>
Subject: Tree workers

CAUTION: External Email.

[Quoted text hidden]

Wendy Graves <wgraves@fairhaven-ma.gov>
To: John Beauregard <jbeauregard@sylviagroup.com>

Mon, Jul 19, 2021 at 9:36 AM

Hi John,

I think his question was related to, "what if a freak accident happened and a tree worker died". Would he be covered?

Thank you,
Wendy

[Quoted text hidden]

4 attachments

~WRD0443.jpg
1K



~WRD0443.jpg
1K



John Beauregard <jbeauregard@sylviagroup.com>
To: Wendy Graves <wgraves@fairhaven-ma.gov>

Mon, Jul 19, 2021 at 9:43 AM

A little confused by "he"...if Bourne is concerned that if the worker is injured and then Bourne got sued because of his negligence (ie sent him up in a tree without proper training or supervision) then as long as he is acting within the scope of his duties as an employee of the Town of Fairhaven, he would be covered under the Town's General Liability policy.

7/21/2021

Town of Fairhaven Mail - Tree workers

Does that make sense?

John

John R. Beauregard, CIC, LIA

Senior Partner

Office: (508) 742-9228

Fax: (508) 742-9328

Email: jbeauregard@sylviagroup.com



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From: Wendy Graves <wgraves@fairhaven-ma.gov>
Sent: Monday, July 19, 2021 9:37 AM
To: John Beauregard <jbeauregard@sylviagroup.com>
Subject: Re: Tree workers

[Quoted text hidden]

Wendy Graves <wgraves@fairhaven-ma.gov>
To: John Beauregard <jbeauregard@sylviagroup.com>

Mon, Jul 19, 2021 at 10:01 AM

He meaning the new tree warden Don Collasious. He is concerned that the tree workers don't have any coverage if there was an accident.

[Quoted text hidden]

5 attachments

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1K



~WRD2218.jpg
1K



SYLVIA GROUP
INSURANCE | EMPLOYEE BENEFITS | FINANCIAL PLANNING
AN ALETA GROUP COMPANY

image001.jpg
6K

~WRD2218.jpg
1K

John Beauregard <jbeauregard@sylviagroup.com>
To: Wendy Graves <wgraves@fairhaven-ma.gov>

Mon, Jul 19, 2021 at 10:14 AM

Oh ok...as long as the tree warden is working for the Town at the time of the accident, he would be covered under the Town's Workers Compensation policy.

John

From: Wendy Graves <wgraves@fairhaven-ma.gov>
Sent: Monday, July 19, 2021 10:01 AM
To: John Beauregard <jbeauregard@sylviagroup.com>
Subject: Re: Tree workers

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What Is a Tree Warden?

A tree warden is a person in charge of shade trees on public town lands. The word "warden" was a common title for natural resource officials in the late 1800s. Being a warden signified a unique legal responsibility: to guard public resources against destructive forces that might include persons, insects, or diseases.

Since 1899, Massachusetts General Law has mandated that all cities and towns in the Commonwealth have a tree warden who is responsible for trees on public property. The tree warden mandate is still in effect today under Massachusetts General Laws, Chapter 41, [Section 1](#) and [Section 106](#). For a recent scholarly analysis, see [Julie Steiner, J.D., *Guardians of Municipal Public Trees: Commonwealth of Massachusetts Tree Wardens' Authority and Accountability*](#).

A tree warden may be either elected by the people or appointed by the city or town. In either case, the responsibility is the same – to oversee the care, maintenance, or removal of all public shade trees. As both manager and advocate, the tree warden must protect the trees and, where necessary, protect the public from the trees.

The scope of the job is broad and includes responsibility for all community trees – on streets and town commons as well as in parks, schoolyards, and town forests. The position of tree warden requires qualified training in arboriculture, the science of tree care. A tree warden should also have good communication skills for dealing with the public, municipal department heads, and local politicians. The job may be physically challenging as well. On a day-to-day basis, a tree warden must plan, organize, control, and be accountable for all authorized activities in the public community forest, including

- Pruning of trees for safety and health
- Removal of trees that are dead or dying (from storms, insects, disease, or old age)
- Identification of appropriate planting sites
- Planting new trees
- Creation or updating of a tree inventory, often on computer
- Assessment of trees for potential hazards to public safety
- Oversight of utility arboricultural operations
- Preparation of budget presentations
- Supervision of town tree workers
- Creation of bid proposals for contract tree work
- Inspection of contracted tree work
- Conduct of public meetings and tree hearings
- Writing grant proposals

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 106** TREE WARDEN; APPOINTMENT; TERM

Section 106. If the town provides by vote or by-law that the tree warden shall be appointed, such appointment shall be made by the board of selectmen. The term of such appointment shall be for three years.

In any city or in a town which exceeds ten thousand inhabitants and which provides by vote, by-law or by ordinance that the tree warden shall be appointed, such appointment shall be made by the mayor, with the approval of the city council or by the board of selectmen. In such city or town, the tree warden shall exercise the duties of tree warden and of insect pest control. Such tree warden shall be qualified by training and experience in the field of arborculture and licensed with the department of food and agriculture in accordance with the provisions of section ten of chapter one hundred and thirty-two B. The term of such appointment shall be for three years.

Part I ADMINISTRATION OF THE GOVERNMENT

Title XIV PUBLIC WAYS AND WORKS

Chapter SHADE TREES

87

Section 2 POWERS OF TREE WARDENS

Section 2. The tree warden of a town may appoint and remove deputy tree wardens. He and they shall receive such compensation as the town determines or, in default thereof, as the selectmen allow. He shall have the care and control of all public shade trees, shrubs and growths in the town, except those within a state highway, and those in public parks or open places under the jurisdiction of the park commissioners, and shall have care and control of the latter, if so requested in writing by the park commissioners, and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths. He shall expend all money appropriated for the setting out and maintenance of such trees, shrubs and growths, and no tree shall be planted within a public way without the approval of the tree warden, and in towns until a location therefor has been obtained from the selectmen or road commissioners. He may make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than twenty dollars in any

one case for violation thereof; which, when posted in one or more public places, and, in towns, when approved by the selectmen, shall have the effect of town by-laws.



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

WORK ORDER

Fairhaven Public Schools - Work Order #1558 - NOTES UPDATED

info@masterlibrary.com <info@masterlibrary.com>

Wed, Jul 21, 2021 at 2:12 PM

Reply-To: mlwnotes+261_c6c9e07b-3590-4639-a5ac-8e99c314e009@masterlibrary.com

To: vpaquette@fairhaven-ma.gov

Work Order

No. 1558

Work Order #1558 - **NOTES UPDATED** by Don Collasius. Please review all Information below. You are able to reply directly to this email and a note will be added to the request within the system.

[View Work Order](#)

WORK ORDER INFORMATION

Requester	Vicki Paquette
Status	Assigned
Assigned To	Don Collasius
Date Submitted	7/14/2021
Building	Tree Warden
Space	Sidewalk - 40 Adams Street
Problem	TW Fallen Branches
Time Room/Area is available	ASAP - 40 Adams Street
Priority	Medium

DESCRIPTION

Mr. Dismore from **40 Adams Street** called to ask that the branches and the debris that fell from the recent storm in front of his house be picked up. He is disabled and cannot get out to the sidewalk and street to pick it all up. If you have any questions he can be reached at **508-990-0033**

NOTES

07/21/2021 02:12:11 PM - Don Collasius: Hello Vicki As much as I would like to my department does not have the resources for that. Thank you Don

[Please click here to view the full details.](#)

WORK ORDER #1558





(WorkOrderAdminList.aspx?

&ViewType=ShowOnlyCreatedByMe)

Details Files History

Requestor : Vicki Paquette(Rej) **Status :** Assigned - 07/14/2021 03:06:46 PM**Email :** vloliveira@fairhaven-ma.gov (mailto:vloliveira@fairhaven-ma.gov)**Phone :****Date Submitted :** 7/14/2021 3:06 PM**Time Room/Area is Available :** ASAP**Priority :** Medium**Building :** Tree Warden**Floor :****Purpose :** Weather Related**Space :** Sidewalk - 40 Adams Street - 40 Adams Street**Problem Type :** TW Fallen Branches**Request Type :** Maintenance**Pending Approval By :** N/A**Assigned To :** Don Collasius**Complete By:** 7/21/2021**Days Open :** 9

Description : Mr. Dismore from **40 Adams Street** called to ask that the branches and the debris that fell from the recent storm in front of his house be picked up. He is disabled and cannot get out to the sidewalk and street to pick it all up. If you have any questions he can be reached at **508-990-0033**

Notes				
Note	Is Internal?	Create Date	Created By	
If you need a rake and a dust pan, I am sure the Town Hall Custodian can let you borrow his. And I think he may have a leaf blower if you need it.	No	07/23/2021 08:36:47 AM	Vicki Oliveira	 
Hello Vicki As much as I would like to my department does not have the resources for that. Thank you Don	No	07/21/2021 02:12:11 PM	Don Collasius	 
<div>HomePrintCopyCancel</div>				



WORK ORDER

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fairhaven Public Schools - Work Order #1559 - NOTES UPDATED

1 message

info@masterlibrary.com <info@masterlibrary.com>

Thu, Jul 22, 2021 at 4:10 PM

Reply-To: mlwnotes+261_b7d08444-37c5-4af9-88e8-afcc5724a5aa@masterlibrary.com

To: vloliveira@fairhaven-ma.gov

Work Order

No. 1559

Work Order #1559 - **NOTES UPDATED** by Don Collasius. Please review all Information below. You are able to reply directly to this email and a note will be added to the request within the system.

[View Work Order](#)

WORK ORDER INFORMATION

Requester	Vicki Oliveira
Status	Assigned
Assigned To	Don Collasius
Date Submitted	7/22/2021
Building	Tree Warden
Space	Roadway/Sidewalk - Center street in front of Congo Church
Problem	TW Fallen Branches
Time Room/Area is available	any - Center street in front of Congo Church
Priority	Low

DESCRIPTION

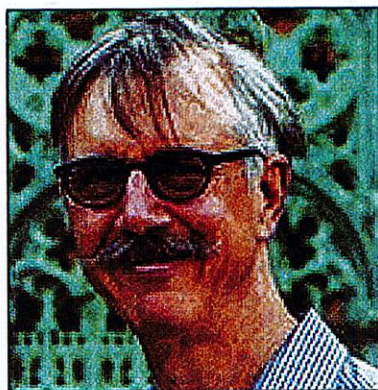
A resident called to say there is a large branch in the street in front of the Congregational church on the Corner of Center Street and William Street

NOTES

07/22/2021 04:10:43 PM - Don Collasius: Please call BPW for anything in the street. Thank you Don

[Please click here to view the full details.](#)

Candidate Statements: Tree Warden



Don Collasius

My name is Don Collasius and I am running for Tree Warden.

Trees are so important for our mental and physical health. They cool us, shelter us from the elements, and they clean the air. Trees, in a natural environment, prosper and pretty much take care of themselves.

Add people and unnatural landscapes to the mix and chaos can prevail if trees are not properly taken care of and removed at the end of their lives.

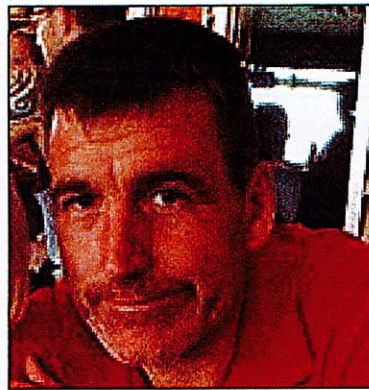
Our town has many trees that have suffered neglect due to ugly and unhealthy pruning practices and many are just beyond their safe lifespans.

This is not something that has happened in the last year. This town-wide issue has been brewing for years if not decades. The current system we have, has not and cannot take care of what should be a very important asset and is turning our trees into substantial liabilities.

If you feel you as taxpayers are getting what you need from the current Tree Department then no change is required.

However, if you want something different, and hopefully

COLLASIUS: cont'd on page 24



G. Bourne Knowles

I've been involved in the tree care industry all of my life and I've been a Fairhaven resident for over 30 years. I am a certified arborist with the International Society of Arbor Culture as well as the Massachusetts Arborist Association. I also hold a Rhode Island Arborists license and a commercial pesticide

license. I am required to satisfy continuing education requirements for these certifications every year and I work diligently to keep up to date with safety and industry advancements.

I would like to say that I am aware of the dissatisfaction expressed by some residents with regard to the response to requests for tree work.

I've discussed some of the obstacles faced by the tree department with the Board of Selectmen and we are in the process of addressing them. Primarily the need for full time employees and fair wages for them.

We currently have two part time employees who work 20 hours a week at \$14 per hour which makes it difficult not only to retain good workers but also impossible to keep up with demand. It's absolutely necessary to resolve

KNOWLES: cont'd on page 24

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Candidate statements: cont'd from page 22

COLLASIUS: cont'd from page 22

better, please vote for me. I promise to respect your time by responding to your calls in a timely manner. I have the time and experience to build a better Tree Department. I promise to tell you how we can help solve your issue.

I will need your help to change the structure of the current Tree Department budget to make sure your tax dollars have the maximum impact. A longer term fix would be to move the Tree Department into the Board of Public Works. Not a trivial task, but one that can streamline resources and provide better service to the community. This is a model that many towns in the state use and it can work very well.

As your Tree Warden I know there will be trees that need to be removed and far more that will need structural pruning to improve their health, longevity, and beauty. I hope to plant many more trees than are removed, but not just any trees. We will plant trees that are selected individually to each site so they can provide the most benefit and require the least maintenance.

I ask for your vote on April 5, trusting me with the very important job of Tree Warden for the town of Fairhaven. I will take this job very seriously and work hard to make Fairhaven a greener, safer, and even more lovely place to live.

Thank you very much,

Don Carlos Collasius candidate for Tree Warden.

these issues in order to make any progress going forward.

Finally, I'd just like to say that the beauty of our streetscapes and maintaining the character and historical significance of our town is extremely important to me.

Despite the unprecedented challenges that we've faced over the past year, due to COVID, it has been my pleasure to be of service to my community and I hope to be able to continue to do so.

G. Bourne Knowles, Tree Warden, candidate for re-election

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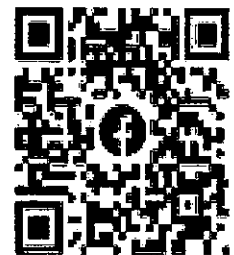
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1/4 page One week run: \$77.00 4+ weeks: \$52.00/ week (\$208/month) Color: \$328/mo.	Classified: \$7/first 3 lines, \$1.00 each additional line 3,200 copies every week

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Collasius announces run for tree warden

Hello, my name is Don Collasius and I am running for the position of Fairhaven Tree Warden.

"A tree warden is a person in charge of shade trees on public town lands and has the unique legal responsibility: to guard public resources against destructive forces that might include persons, insects, or diseases," as defined by the Massachusetts Tree Warden and Foresters Association.

Since 1899, Massachusetts General Law has mandated that all cities and towns in the Commonwealth have a tree warden.

Some towns have elected Wardens, like Fairhaven, some towns have the Highway Supervisor as the de facto Warden.

As Tree Warden I will make customer service a top priority. I will institute a real town wide pruning and planting program that will make the streets and parks safer and more beautiful. I will make this information easily accessible so you can see progress, or lack thereof.

Accountability, communication, transparency and follow up will be my mantra. I will work towards

merging the tree department with the BPW. This is how other towns our size do this and it makes good fiscal sense. I will apply for grants that will expand the budgetary capabilities of the department with no cost to the town. Technology will be part of the solutions we benefit from.

I know what a
good branch collar is
and why it's important
during tree pruning.

I want this job because I care about this town and trees in general. Trees have so many benefits if planted and maintained properly. They add beauty, increase property values, and help the environment, if done right. If not maintained correctly they can have the opposite effect.

What I bring to the job is an excellent work ethic and communication skills. I have experience in tree work. I started cutting cord wood in my early teens. I harvested 100 storm downed trees and used them to build my house after hurricanes Bob and Gloria. I have owned and managed a tree lot in New Hampshire for 30 years. I have planted hundreds of conifers and dozens of deciduous trees.

I know what a good branch collar is and why it's important during tree pruning. Most importantly, I know when to call in experts for consultation.

I spent my career as a mechanical engineer. As a project manager I had to be a communication link between sales, marketing and engineering and senior management. I had to deal with budgets and project time constraints. I know how to fix and design things. Our tree department is broken. I can be a big part of fixing that.

Please give me a chance to make things better.

*Thank you, Don C. Collasius,
Candidate for Tree Warden*



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10-20-2021
Special
Town Meeting

34:57

Mr. Collasius:

"I make a motion that we not approve the Tree Warden's compensation until such time he can provide metrics and that they can be verified that he is actually earning his pay and doing something, which by my experience, he is not."

Mr. Moderator suggest to him that he reword his motion

I make a motion to fix the Tree Warden's compensation at zero dollars

37:02

Mr. Collasius addresses Town Meeting members:

"I have issue with the Tree Warden's compensation and as I feel that he is not doing his job.

Eh, Pretty much he is waging a campaign of 'no one tells me what to do in my town' and by doing so he is setting the town up for yet more un needed legal liabilities though a town that is swimming in them now.

Now, Compensation is typically based on job performance. Now, the Warden took an oath to faithfully and impartially discharge all the duties his is responsible for.

He's not doing that. I know it's a part time position, but I've been chasing this monkey business for 2 years now.

One is committed to address some trees several times and is not.

The tree across from my house has lifted the sidewalk, yet, another inch in last week's wind storm. Each storm pushes the tree further over towards my house, which will eventually fall on and severely damage, if not destroy entirely. The tree has gas lines beneath it and power lines above it. And, when it comes over both of these will be taken out. Eh, And, it's going to fall directly on a child's bedroom when it does.

It's not whether or not if it will fall, it's when.

Now, the Tree Warden says some really cute things. He says things like 'I haven't said I am not going to take care of this, he's also said , I'll get over there, but he doesn't take care of it; and he doesn't get over there.

This guys actions or lack thereof speak louder than words. He's shown blatant disregard for the oath of office, public safety, the town's best interest and common sense.

As Town Meeting members, we have a responsibility to ensure that the tax payers of this town are not having their money spent, especially in times fiscally challenging as these.

How do we know the Warden is doing anything? He has no accountability, except to us, that is. I know I'm not receiving services that I pay for and thence I make the motion I did."

6-SEP-2019

To Fairhaven Selectmans Office

From Don Carlos Collasius

I am requesting the insurance policy # of the town's liability insurance and town hall building insurance.

Thank you,

Don Carlos Collasius

You can email this to me at

Collasius@hotmail.com

RECEIVED

2019 SEP -6 A 10:31

BOARD OF SELECTMAN
FAIRHAVEN, CT

TOWN OF FAIRHAVEN BUILDING DEPARTMENT

SIGN REGULATIONS PRESS RELEASE

The Town of Fairhaven would like to advise Residents and Businesses of the following sign regulations

Purpose: The sign regulations are designed to provide standards for the installation of signs as to reduce traffic safety hazards, protect property values, promote economic development and encourage the creation of an aesthetic appearance all the street frontages in the Town of Fairhaven.

- Political campaign signs shall be removed within 10 days following an election.
- Garage/Yard Sales signs are prohibited from any natural features and utility poles and must be removed immediately after the event.
- All on-site **temporary** signs shall include, but not be limited to, banners, commercial flags, balloons, stringers, movable sandwich boards and similar devices have a maximum size and number with maximum height and minimum setbacks for a time period of a maximum of 15 days per Permit, only one permit shall be issued per business per year.
- Real estate signs. There shall be one sign per street frontage up to a maximum of two signs per lot. Such sign shall be located on the lot for sale or lease. Such sign shall not exceed six square feet
- Home Occupancy business signs are only allowed to be 1'x1'
- Window signs within a retail display can't exceed 25% of the window
- Freestanding signs shall be 14' from the street and 5' from a side or rear property line

Signs prohibited in ALL Districts:

- NO Signs which interfere with official signs and traffic control devices
- NO Signs that prevent a drivers site line while driving, of approaching or merging traffic
- NO Signs that interfere with any street or highway intersections.
- NO Signs on natural features and utility poles.
- NO Flashing Signs
- NO Shimmering Signs
- NO Emitting Sound Signs
- NO Portable billboards except for grand openings not to exceed seven days
- NO Off site identification signs and or advertising signs
- NO Rotating Beams, moving letters, letter signs in which the letters change more often than once per hour.

The full list of Sign Regulations can be found in the Towns Zoning by Laws 198-26

Thank you for helping keep Fairhaven beautiful!

