



**Fairhaven Select Board
Meeting Minutes
November 8, 2021**

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2021 NOV 23 P 2:21
FAIRHAVEN,
MASS.

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

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

Chairman Robert Espindola opened the meeting at 6:30 pm in the Town Hall Banquet Room.

At 6:31 pm The Board took a brief one-minute recess to convene in the Auditorium for the swearing in ceremony.

Swearing in of new Fire Fighters

Fire Chief Todd Correia said Fire Fighter Chauncey Burr started as a member of the Department as a call fire fighter in 1993 and was promoted to permanent in 1995. Acting Town Clerk Linda Fredette swore in Fire Fighter Burr as a Lieutenant before family and friends, while Lieutenant Burr's father pinned his badge on him.

Chief Correia introduced the newest members of the Fire Department who were sworn in by Acting Town Clerk Linda Fredette. Todd Sexton and Spencer Espindola were sworn in as full-time fire fighters, while Heather Lopes and Matthew Foster were sworn in to the call department.

At 6:41 pm the Board took a one-minute recess to reconvene to the Banquet Room.

Minutes

Ms. Powers made a motion to approve the Open Session minutes of October 25, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator Report

Ms. Graves said there was recently an ARPA meeting with Representative Straus to discuss the ARPA funds from the State. Representative Straus gave guidance on strategies for grant funding and will take into advisement what was discussed and advocate for the Town.

Ms. Graves said after the recent Nor'easter, any residents who have claims regarding damage from downed trees must submit the information in writing to the Select Board office to be forwarded to the Town's insurance company.

Committee Liaison Reports

Ms. Powers said at the last Lagoa meeting they met with the Town Art Curator to discuss possible locations for the art exhibit coming next summer.

Mr. Silvia met with the Marine Resources committee where they were shown a presentation by an engineer regarding the dredging at West Island. The Marine Resources Committee also had questions regarding the land swap at Union Wharf and the parking issue there.

Mr. Silvia thanked town departments for all their hard work during the recent storm and for the great clean up that was done.

Mr. Espindola will meet with the Economic Development Committee and the Bikeway Committee this month. The Complete Streets should be done by the end of this year.

Mr. Espindola will discuss later in the meeting the Broadband Study Committee.

Mr. Espindola said SRPEDD is working on regional grants from the Federal Government, that could include the Wind project in the city.

Meet and Greet Precinct 5

There was no one from Precinct 5 who wished to speak.

2022 Seasonal Population Increase Estimation Form

Attorney John Markey was present via Zoom to answer questions from the Board regarding seasonal liquor licenses in Fairhaven. Attorney reminded the Board at the last meeting, he was tasked to gather some additional information. Mr. Markey did some research through the census form and provided a good faith estimate on the number of seasonal residents that are in Fairhaven. (Attachment A). After speaking to Ralph Sacramento from the Alcohol Beverages Control Commission (ABCC), it was determined the Select Board has sole discretion regarding the number and time frame of the seasonal licenses that they can issue and the seasonal licenses will not affect the number of marijuana licenses. Marijuana licenses are issued based on the number of package store licenses not on-premise licenses.

Ms. Powers made a motion to approve the population increase form for a seasonal liquor license as presented. Mr. Silvia seconded. Vote was unanimous. (3-0)

Fort Phoenix Polar Plunge

Organizer Kathy Lopes spoke to the Board via Zoom and said this year's event will be more low key this year in order to minimize contact due to COVID. As in years past, Ms. Lopes has requested an ambulance during the event in case of any emergencies. Ms. Powers made a motion to approve the 2022 Polar Plunge and to request the Fairhaven Fire Department send an ambulance to the event. Mr. Silvia seconded. Vote was unanimous. (3-0)

FY 21 Abatement of Ambulance Fees

Ms. Powers made a motion to approve the amount of \$4331.39 to be abated from the cumulative disposition for the uncollectable ambulance fees. Mr. Silvia seconded. Vote was unanimous. (3-0)

61A Notice Of Intent To Sell, 732 Sconticut Neck Road

The Board discussed possible dates for a public hearing for 732 Sconticut Neck Road. Ms. Powers made a motion to set the date for the 61A Public Hearing for the next Select Board meeting on Monday, November 22, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Setting Possible Date For Special Town Meeting

The Board discussed possible dates for a special town meeting but will wait until the new Town Administrator is hired to set a definite date.

At 7:20 pm Mr. Silvia left the room.

Update from The Collins Center on Town Administrator Search Process

Mr. Espindola said the Town Administrator search committee has narrowed down the candidates for the Town Administrator position and is currently conducting the background checks. The Board would like to hold the interviews by the end of November and will work with the consultant to secure a date for the interview of the finalists.

At 7:32 pm Mr. Silvia returned to the meeting.

Broadband Study Committee Update

Mr. Espindola provided an update on the Broadband project stating that he has met with Representative Bill Straus, who has expressed interest in this project. Mr. Espindola said the consultant will estimate the terms of the costs and has spoken to IT Director, Chirs Camara regarding setting up a test pilot for this. The Committee would like to do a Request for Proposal (RFP) and possibly apply for grants to help with the projected \$21 million it will cost for this to be completed.

Thank You Letter- Storm Mutual Aid

Mr. Espindola said Public Works Superintendent Vinnie Furtado placed a request for mutual aid during last weeks storm and the Town of Franklin sent over some help to Fairhaven. Mr. Espindola read a letter from the Tree Warden expressing his gratitude from Town Departments during the storm for all their help (Attachment B). Ms. Powers made a motion to send a Thank you letter to the Town of Franklin. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mask Mandate update

There has not been much change in the positive COVID-19 cases; Ms. Graves said the strong mask advisory is currently still in place.

Chapter 81 of the Acts of 2021

Mr. Espindola said the Town has received official correspondence from the State stating the Governor has signed this act allowing Fairhaven to add two (2) more Select Board members at the next town election. Mr. Espindola would like to send a "Thank you" letter to those who helped in getting this act passed. Ms. Powers made a motion to send thank you letters to Senator Mark Montigny, Representative Bill Straus and Town Moderator Mark Sylvia. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola read a series of questions and answers from Acting Town Clerk Linda Fredette regarding the passing of this special act. (Attachment C)

Notes and Announcements

Mr. Silvia thanked Harbormaster Tim Cox for his hard work during the Nor'easter last week.

Ms. Powers reminded residents about the Veterans Day Parade on Thursday, November 11, 2021.

At 7:58 pm, Ms. Powers made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 11/22/2021)

- A. Attorney Markey Letter and Population form
- B. Tree Warden letter
- C. Q&A regarding Chapter 81

Attachment A

MARKEY & WALSH
ATTORNEYS AT LAW

JOHN A. MARKEY**
TIMOTHY P. WALSH

Admitted in RI* CT* FL*

RECEIVED
2021 NOV -3 A 10:57
30 ANDOVER STREET
FAIRHAVEN, MASSACHUSETTS
HON. RICHARD T. MORSE
HON. JOSEPH P. MARKEY
WALTER SMITH
ROBERT STANFORD
IRVING D. SCHALL

November 8, 2021

Fairhaven Select Board
Town Hall
40 Center Street
Fairhaven, MA 02719

Re: Fairhaven Summer Population Increase

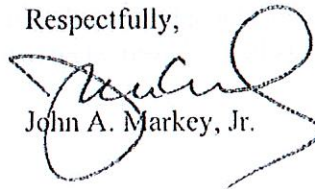
Mr. Chairman and Members,

Thank you for allowing me to present to the Board on this issue at your last meeting. Per your request I am providing you with support and documentation relating to the estimated increase in Fairhaven's population each summer. Attached you will find a reasonable, good faith calculation using available data, including the census numbers and surveys of Fairhaven's hotels.

Also attached is the Massachusetts Alcoholic Beverages Control Commission 2022 Seasonal Population Increase Estimation form, pre-filled out for your convenience.

Thank you for the consideration in this matter.

Respectfully,



John A. Markey, Jr.

ESTIMATATION OF FAIRHAVEN'S JULY 2022 POPULATION INCREASE

Seasonal Residency	
Number of Seasonal Residences (2010 Census)	472
Average Number of Household Members	2.5
TOTAL	1,180

Seasonal Hotel Occupancy	
Hotel Rooms (Confirmed as occupied by Hampton Inn, Seaport Inn, Delano B&B)	195
Average Number of Occupants	2
TOTAL	390

Seasonal Residents	1,180
Hotel Occupants	390
TOTAL SEASONAL INCREASE	1,570

Summary

According to the most recently available census data, Fairhaven has 472 homes designated as "seasonal". Using a reasonable estimate of 2.5 persons per household, Fairhaven has approximately **1,180** seasonal residents living in summer homes. Fairhaven's 190 hotel rooms are all reported to be filled during the first two weeks of July. Using a reasonable estimate of 2 persons per hotel room, Fairhaven also has **390** nightly hotel occupants during the relevant period.

Adding Fairhaven's seasonal resident population to its hotel guests, there are approximately **1,570** additional residents in Fairhaven on and around July 10th.

COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2022 Seasonal Population Increase Estimation Form

City/Town:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Date of Meeting

, estimated that the temporary increased resident population

of , as of July 10, 2022 will be

City/Town Name

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities

This certificate must be signed by a majority of the members of the local licensing authority.

Attachment B

Greetings from the Tree Department

It was a dark and stormy night, to say the least. At 3:45 AM John Q. Public was driving to Fairhaven from Acushnet on Alden RD. At that same time the Nor Easter that had been hitting us pretty hard all night ramped it up a bit and a gust knocked over a large tree. John was probably driving the speed limit or less and when he got to 350 Alden he found himself stopped dead in his tracks and fully covered by the canopy of said tree. John somehow managed to extricate himself from the car and dense foliage. The police and tree department arrived shortly after. The next three days are a bit of a blur to me now.

That was just one of so many things that happened during our bout with what is now called Wanda. This was a first time big storm for a number of town officials and workers. I'm pretty low on the command chain but from my perspective the response was impressive and efficient. We all started a plan worked out in the aftermath of some much smaller spring storms. Those provided an excellent learning opportunity as this last one will be for a major hurricane should one hit. The emergency response best practices we all utilized will only get better as we digest what went right and what could make it better.

I personally want to give thanks to all of the towns departments for coming together so well and working together during a trying time. The Police Dept., the Fire Department, the BPW, and of course my two tree guys who came out at 4:00 AM in 25 knots of wind and driving rain. Mike Lewis and Joey Borges. And as well the residents of Fairhaven deserve credit for their patience and resolve.

I want to in particular thank the Police Dispatchers who were my only contact for the first several hours of the storm and allowed us to react in an efficient way. Todd Correia's leadership did an outstanding job of bringing technology and personnel together to really get a unified response moving along at a rapid rate. Becky Vento in the BPW deserves a big shout out for her work and organizational skills as well as Vinny and his entire gang. It was truly all hands on deck.

Everyone really came together and I feel really good about the direction this town's government and administration is going in. We still have a lot work to do. A lot of deadwood needs to be picked up and stumps removed. That will take quite some time.

Lastly I want to publicly acknowledge Brutus Cantoreggi who is the Head of the DPW in Franklin Massachusetts. A call went out to MEMA (Massachusetts Emergency Mutual Aid) and Mr. Cantoreggi and the town of Franklin sent a 3 man crew on Thursday and Friday to help get roads open. Thank you Brutus, John, Jim, Brandon, Mike, Vito and Jared.

Let's replant,

Don C. Collasius Tree Warden



Re: Article 47 signed

Linda Fredette <lfredette@fairhaven-ma.gov>

Tue, Nov 2, 2021 at 1:40 PM

To: Bob Espindola <selectmanbobespindola@gmail.com>

Cc: Tom Crotty <tomcrotty@tcrottylaw.com>, Wendy Graves <wgraves@fairhaven-ma.gov>, Vicki Paquette <vloliveira@fairhaven-ma.gov>

I have condensed the Q&A from Tom's email. How does this look?

Q: How will the two new members be added to the Select Board?

A: There will be three openings for Selectboard on the April 2022 ballot. One of those is the term expiring in 2022, and the other two are for the new positions.

Q: When candidates take out papers, will they need to specify which term they are running for?

A: No. The openings will not have designated expiration dates. The three top scoring candidates will be elected for the three openings

Q: How will the terms be designated for the candidates with the highest votes?

A: The number of votes will determine the length of the term for each winning candidate. The top scorer will serve a three year term, the second place scorer for two years, and the third place scorer for one year. After that, when those terms expire, they will be succeeded by three year terms.

Q: How will the Select Board be paid? Will the five members split the stipend 5 ways instead of 3? Or will we be adding 2 more equal stipends to the budget?

A: If there is a special town meeting before the election, there should be a warrant article to address this question. The article should propose to either (a) increase the appropriation so that the additional select members receive the same stipend as the former three member board, prorated for the period between the election and June

30, 2022; or (b) maintain the current appropriation, and specify the per-member stipend to be paid currently, as well as when the board increases to five members for the period between the election and June 30, 2022; or to take any other action thereon. (The future stipend to be paid starting July 1, 2022 will be addressed at the 2022 annual town meeting.)

If there is no special town meeting before the 2022 election then we will have to determine the stipend based on the 2021 town meeting vote on Article 4.

Regards,

Linda

Linda Fredette
Acting Town Clerk
Justice of the Peace
Notary Public

508-979-4023 x 105
Fairhaven Town Clerk's Office
Fairhaven, Massachusetts

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c.66.s.10

ATTENTION:

*Public Meeting Notices and/or Agendas must be submitted to the Town Clerk's Office at least **1 hour** prior to the close of business.*

Except in an emergency, a public body must post a notice of a meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.

If you are submitting a meeting posting, please note that the following applies to the meeting: Minutes of all open and executive sessions shall be and approved in a timely manner. A "**timely manner**" will be generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. The minutes of an open session, if they exist and whether approved or in draft form, shall be available upon request by any person within "**10 days.**" MGL c30A, s22(c),(G2).

