



**Fairhaven Select Board
Meeting Minutes
March 14, 2022**

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2022 MAR 29 A 9:12

FAIRHAVEN,
MASS.

Present: Chairman Robert Espindola, Clerk Keith Silvia and Interim Town Administrator Wendy Graves and Administrative Assistant Vicki Oliveira

Also Present: Special Projects Coordinator, Mark Rees and Members of the Board of Public Works: Chairman Brian Wotton, Cameron Durant, Marcus Ferro and Robert Hobson

Absent: Vice-Chairwoman Stasia Powers

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

Chairman Robert Espindola opened the meeting at 6:33 pm in the Town Hall Banquet Room.

The Board offered a moment of silence for the people of Ukraine.

Minutes

Mr. Silvia made a motion to approve the open session minutes of February 22, 2022. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to approve the Executive session minutes of February 22, 2022 as amended. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to approve the open session minutes of February 28, 2022. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to approve the Executive Session minutes of February 28, 2022 Mr. Espindola seconded. Vote was unanimous. (2-0)

Town Administrator Report

Ms. Graves reported to the Board that the Department of Revenue will begin the audit at Town Hall on March 24 and do interviews over a few days period.

Ms. Graves said the Requests for Proposals for the former Rogers School were opened on Friday with the Town receiving 3 bids. The Rogers School Reuse Committee and Town Planner Paul Foley will begin the process of reviewing them before presenting them to the Select Board.

Committee Liaison Reports

Mr. Silvia said the Marine Resources Committee met and Harbormaster Tim Cox will be planting 600 bushels of quahogs this season as well as starting the upwheller up so the Town can

grow our own quahogs. Mr. Silvia also noted Harbormaster Cox will be putting the Seaview Avenue ramp back in the 2nd week of April.

Mr. Silvia said he was able to reach Representative Straus on behalf of the Historical Commission regarding the Route 6 Bridge plaque and the State will not be charging the Town to replace their plaque.

Mr. Espindola met with Broadband last week where they discussed financing options for the proposed Broadband project.

Mr. Espindola said SRPEDD will be back to meeting in person on March 23, 2022.

Mr. Espindola and Planning Director Paul Foley will be meeting with Eric Rousseau and SRTA regarding the night time bus service on the Fairhaven route

Mr. Espinodola said the Belonging Committee did not have a quorum at their last meeting and the Bikeway Committee discussed the use of E-bikes and is also looking at signage along the bike path (Attachment A)

Joint meeting with Board of Public Works: Parks and Recreation

Mr. Espindola said he spoke with Board of Public Works (BPW) Chairman Brian Wotton earlier tonight to see if there would be an interest in re-forming the for Open Space and Recreation committee. He presented a few of his ideas to both Boards (Attachment B).

Mr. Wotton reminded the Select Board that the BPW is the Park Commissioners per Town by-law but are open to the idea of an advisory committee. Mr. Wotton said the BPW is always looking to put money back into the community and always monitor and have percentages that are looked at before a park is changed. Mr. Espindola is concerned the Community Preservation Commission is clear of the vision of the BPW before they assign money for a project.

Conservation Commission members Gary Lavalette and Karen Isherwood expressed concerns with the Open Space wording and feel this doesn't just fall under the parks commissioners because open space is not only for parks but for the entire town.

Both Boards discussed the Town's Master plan and how this relates to the reformation of the Open Space and Recreation Committee and will meet at a later meeting to discuss more.

APRA- update and discussion

Special Projects Coordinator Mark Rees showed a power point presentation (Attachment C) to the Board to update them on the ARPA funds. Mr. Rees said ARPA funds are just one portion of funds coming from the State for Covid response. The Town has been awarded \$1,682,861 over 2 years and as of now has only used \$30,000 for a grant consultant and \$50,00 for the evaluation for the proposed new public safety facility. All funds must be expended by December 31, 2026 and can be spent on large capital projects or allocated for smaller ones. Mr. Espindola would like to wait until the new Town Administrator is here before making any decisions.

Election warrant for the Annual Town Election

Mr. Espindola read the election warrant from Town Clerk Linda Fredette for the annual town election scheduled for Monday, April 4, 2022. (Attachment D)

Mr. Silvia made a motion to approve the annual election warrant for April 4, 2022. Mr. Espindola seconded. Vote was unanimous. (2-0)

Poll Workers for the Annual Town Election

Mr. Espindola read a list of names of the poll workers as provided by the Town Clerk.

Mr. Silvia made a motion to approve the list of names of poll workers for the annual town election. Mr. Espindola seconded. Vote was unanimous. (2-0)

Yoga at Grimshaw Park

Mr. Espindola read the email from Pam Teves requesting to hold the Yoga at Grimshaw Park for the summer months. Mr. Espindola said the Council on Aging has already given the approval for use of the Park for this is a recurring event.

Mr. Silvia made a motion to approve the Yoga in the Park at Grimshaw Park. Mr. Espindola seconded. Vote was unanimous. (2-0)

Father's Day 5K Road Race

Mr. Espindola read a letter of request from Heidi Hacking to hold the Father's Day 5K Road Race on June 19, 2022.

Mr. Silvia made a motion to approve the event permit for the Father's Day 5K Road Race on June 19, 2022. Mr. Espindola seconded. Vote was unanimous. (2-0)

Pride Day, June 26, 2022

Residents Kylie Bateman and Jessica Fidalgo met with the Board to express their interest in holding another Fairhaven's Got Pride event on Sunday, June 26, 2022 from 11-2 in front of the Town Hall. Ms. Bateman feels this is important for others to have their voice heard and feel welcome.

Mr. Silvia made a motion to approve the event permit for Fairhaven Pride Day on Sunday, June 26, 2022 from 11-2. Mr. Espindola seconded. Vote was unanimous. (2-0)

Discuss Flag Policy

This has been tabled until a future meeting.

Request to Fly Pride Flag Banner

This has been tabled until a future meeting.

Calculation of Quorum with Vacancies

Mr. Espindola said the issue of quorum calculations has come up at meetings and he wanted to get some clarification to pass along to the town's boards and committees. Mr. Silvia and Mr. Espindola discussed ideas regarding having quorums and ways to help correct this.

Discuss DOR Budget and Forecast Analysis Tool

Mr. Espindola would like to hold off for now on this item and revisit this at a future meeting.

Review of Town Meeting Articles for June 18, 2022 Annual Town Meeting

Ms. Graves said she has added a few more articles and is in the process of working on the article wording.

Mask Mandate update

Mr. Espindola read a memo from Health Agent Dave Flaherty stating that the Covid case count for the Town has gone down to 21 cases and is moving in a positive direction

Public Comment

Resident Gary Lavalette had concerns over the proposed Broadband project.

Mr. Espindola reminded residents about Candidates night on March 24, 2022

The Board wished everyone a Happy Saint Patrick's Day.

Ms. Silvia made a motion to adjourn at 8:36 pm to convene to executive session, not to reconvene to open session to discuss:

- To Discuss Complaints or Charges Brought Against, A Public Officer, Employee, Staff Member or Individual- MGL C. 30A, § 21(A)(1)

Mr. Espindola seconded. Vote was unanimous. (2-0)

Roll Call vote: Mr. Silvia in favor, Mr. Espindola in favor.

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant
(Approved 3/28/2022)

- A. Bike path signage
- B. Mr. Espindola's memo
- C. ARPA presentation
- D. Election warrant

Attachment A



Attachment B

Joint Meeting of the Select Board and the Board of Public Works.

March 14th, 2022

D.1 – Parks & Recreation - Notes to facilitate discussion

- Consider that;
 - The Board of Public Works are the Parks Commissioners and the TA is responsible for the Recreation Department
 - The Select Board has received comments/concerns from members of the CPC that they are being asked about major development projects on Park Property and they feel that, when these planning decisions are brought before them to consider funding, there should be a resource to turn to that could help determine if the project in question serves the best current and long term interest of the Town.
 - The Town may want to consider re-forming the Open Space and Recreation Committee and to include in their charge to study long term plans for park property including evaluation of existing use of properties, trends in use guidance on future development of all Park properties.
 - There remains some ambiguity in the TA Special Act and BPW Special Act regarding roles and responsibilities (see clip below)
 - The State takes into consideration whether a Municipality has an Open Space Plan (which we have) and an Active Open Space and Recreation Committee to oversee that plan (which we do not have) when making decisions on which communities should receive grants in this area.

SECTION 2. The town administrator shall be the chief administrative officer of the town of Fairhaven and shall act as the agent for the board of selectmen. The town administrator shall be responsible to the board of selectmen for coordinating and administering all town affairs under the jurisdiction of the board of selectmen.

The town administrator's powers and duties shall include those outlined in subsections (a) to (aa), inclusive.

(a) Consult and advise the board of selectmen regarding its policies and implement those policies.

(b) Attend all meetings of the board of selectmen, except when excused, and consult with and advise the board of selectmen on all matters that come before the board.

(c) Attend all town meetings and advise the town meeting on all warrant articles within the jurisdiction of the board of selectmen.

(d) Attend all finance committee meetings, except when excused by the board of selectmen, and keep the finance committee informed on all matters under the jurisdiction of the town administrator that come before the committee.

(e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen including: assessors, building commission, council on aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, highway, water, sewer, tree and park, planning, finance, finance director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the board of selectmen and the fire department, subject to section 42 of chapter 48 of the General Laws.

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I have done some research on what other communities list for Mission Statement / Charge for their Open Space and Recreation Committees. Here are several examples from those communities, edited to replace their community name with Fairhaven, for reference only.

Example of Committee composition, for consideration

Nine (9) Voting Members (3-year term)

- One Member from each precinct (6)
- One Planning Board Representative (1)
- One Conservation Commission Representative (1)
- One Member of the Commission on Disabilities (1)
- Possible Advisory Roles (participate in meetings and/or comment, as required, at the request of the Committee chair). One of these could serve as Town Staff;
 - o Director of Planning and Economic
 - o Police Department representative
 - o Public Works representative
 - o School Department representative

- o Recreation Department representative
- o Conservation/Sustainability Agent
- o Commission on Disabilities representative
- o Historical Commission representative
- o Director of Tourism
- o Director of COA

Mission Statement (Based on **Beverly, MA**): The Open Space & Recreation Committee (OSRC) advises the Select Board, departments, private organizations and the general public on matters concerning open space and recreation, and works to acquire and preserve land and ecosystems within the Town of Fairhaven. The Committee's functions include preparing and updating a five-year open space and recreation plan for current and future use, preparing a continuing inventory of open space in the Town, researching and recommending financing alternatives for acquisition and preservation of open space and the **development** of recreational facilities, and recommending any changes in state and local laws to facilitate acquisition and preservation of open space.

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Mission Statement (Based on **Gloucester, MA**) Bullet format

The Open Space and Recreation Committee was formulated to create and implement an Open Space and Recreation Plan for the City which will:

1. Ensure the existence, smart use, and access to open space in perpetuity
2. Ensure that contiguous areas, functions, and values that depend on them are maintained
3. Propose a process for agreements with abutters with shared use/conservation interests for enhancing open space
4. Recommend planned city growth and business development in a way that fully contemplates and strives to maintain the functions, values, uses, and vision for open space in Gloucester
5. Establish a criteria and process for ceding open space to development or dedicated use
6. Promote awareness and use of open spaces through a descriptive inventory of open spaces

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The Open Space and Recreation Committee's charge (Based on **Mansfield, MA**): Bullet Format

- Review the most recent goals and objectives of the Fairhaven Open Space and Recreation Plan and follow implementation recommendations as feasible and appropriate.
- Work to establish a process of ongoing review and updating the Town's Open Space and Recreation Plan (OSRP) as appropriate. The next plan update is due in 20??.
- Maintain and update an inventory of Town-owned open spaces and recreational facilities Town-wide
- Based on the findings of the OSRP, work with the Board of Selectmen and other relevant Town boards, commissions, and committees to maintain a list of target properties considered desirable for protection for various municipal uses.
- Work with private property owners and non-profit agencies to identify opportunities to preserve priority open space properties. Work with the Town staff to research possibilities for outside funding for open space acquisition, management and recreation area improvements.
- Make recommendations to the Recreation Commission, the Conservation Commission, Board of Selectmen and to Town Meeting regarding the acquisition and management of open and recreational spaces for municipal purposes.
- Work with the Conservation Commission regarding oversight and stewardship responsibilities for existing open space parcels, including maintenance of existing at passive recreation parcels (i.e. trail maintenance, updating kiosks and trail head signs, associated parking area maintenance).
- Work with the Fairhaven Recreation Commission regarding oversight and stewardship responsibilities maintaining and updating existing recreation facilities."

Attachment C

ARPA Update

Awarded Funds

- Pass through from State: \$1,682,861
 - Reserve for Grant Consultant (\$30,000)
 - Reserve for PS Facility Site Review (\$50,000)
- Net Available: \$1,602,861
- Pass Through from Bristol County \$2,744.669

Authorized Use of Funds:

- **Pass through From State ***
 - “For Government services; generally, services traditionally provided by recipient governments are government services”
 - Except:
 - No debt service or replenishing financial services
 - No satisfaction of settlements and judgements

* Special rule provides that up to \$10 Million of Covid expenses can count as “lost revenue” and thus available for Government Services

Authorized Use of Funds:

- **Pass through from Bristol County***
 - Covid 19 mitigation or prevention expenses
 - Assistance to the unemployed
 - Assistance to small business in the form of grants or loans
 - In-kind or financial assistance to households
 - Assistance in the form of loans or grants to impacted industries
 - Aid to disproportionately impacted communities
 - Premium pay to employees providing essential work
 - Water, sewer and broadband projects

*Bristol County has not determined if “lost revenue” rule applies

Expenditure Deadlines

- Select Board is appropriating authority
- Funds must be used for costs incurred, on or after, March 3, 2021
- Funds must be obligated by December 31, 2024 (can be spent before then)
- All funds must be expended by December 31, 2026

Public Outreach/Stake-Holder Engagement

- Not required but many municipalities have developed programs
- Possible Elements of Public Outreach/Stake-Holder Engagement
 - Public Hearings
 - Written Comment Period
 - Surveys
- Sub-recipient application process

Attachment D

WARRANT

For Annual Town Meeting Election, Monday, April 4, 2022
and Meeting to Act on Articles in the Warrant
Saturday, June 18, 2022 at 9:00 a.m. in the
Walter Silveira Auditorium at the
Elizabeth I. Hastings Middle School.

COMMONWEALTH OF MASSACHUSETTS

BRISTOL: SS

To the Constable of the Town of Fairhaven in said county

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Fairhaven qualified to vote in town elections to meet as follows:

For election, Monday April 4, 2022

- Precinct One - Town Hall - William Street entrance
Precinct Two - Hastings Middle School - Ash Street entrance
Precinct Three - Hastings Middle School - Ash Street entrance
Precinct Four - Fire Station Meeting Room - 146 Washington Street
Precinct Five - Recreation Center - 227 Huttleston Avenue
Precinct Six - Recreation Center - 227 Huttleston Avenue

In said precincts in said town on Monday, April 4, 2022 at ten o'clock in the forenoon then and there to bring their ballots for question to be voted by ballot, viz:

One Town Clerk for three years, three Select Board Members for three years, two years and one year (terms to be determined by ballot count), two School Committee members for three years, one Board of Health member for three years, one Commissioner of Trust Funds for three years, one Commissioner of Trust Funds for one year (unexpired term), one Board of Public Works member for three years, two Planning Board members for four years, one Housing Authority member for 5 years, and Town Meeting Members in accordance with Section 2 of Chapter 285 of the Acts of 1930 and amendments thereto establishing in the Town of Fairhaven Representative Town Government by limited Town Meeting as follows:

- Precinct One 24 for 3 years - 1 for 1 year
Precinct Two 24 for 3 years - 3 for 2 years - 12 for 1 year
Precinct Three 23 for 3 years - 7 for 1 year
Precinct Four 25 for 3 years
Precinct Five 23 for 3 years
Precinct Six 24 for 3 years - 1 for 1 year

The polls shall be open from 10:00 AM to 8:00 PM. and the inhabitants qualified as Town Meeting Members shall meet on Saturday, June 18, 2022 at 9:00 AM in the Walter Silveira Auditorium of the Elizabeth Hastings Middle School to act upon the following articles:

Fairhaven Select Board:

Three horizontal lines for signature or name entry.

I, Linda Fredette, Constable of the Town of Fairhaven, do hereby certify that I have duly served this Warrant as required by the General Laws of Massachusetts and the By-Laws of the Town of Fairhaven by posting an attested copy thereof in the precinct/polling locations on ___/___/____.