



**Fairhaven Select Board  
Meeting Minutes  
May 12, 2022**

*Joint Special Meeting  
with the  
Finance Committee*

RECEIVED  
TOWN CLERK

2022 MAY 24 A 11: 07

FAIRHAVEN,  
MASS.

**Present:** Select Board members Chair Stasia Powers, Vice-Chair Leon Correy, Clerk Robert Espindola, Mr. Silvia, Charles Murphy Sr. and Town Administrator Angie Lopes Ellison

**Present via Zoom:** Finance Committee Members Padraic Elliot, Lisa Plante, Kathi Carter, Robert Grindrod, Jennifer Dupras, Carolyn Roberts

**Also Present:** Harbormaster Timothy Cox, Planning Director Paul Foley, Police Chief Michael Myers, Fire Chief Todd Correia, Town Accountant Anne Carriero and Finance Director Wendy Graves

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

Select Board Chair Stasia Powers called the May 12, 2022 joint special meeting in the Town Hall Banquet Room of the Select Board to order at 6:38 pm with all members in person.

Finance Chair Padraic Elliot called the May 12, 2022 joint meeting of the Finance Committee to order at 6:38 pm with all members remote; he also stated, all statutory requirements and regulations addressed by the Select Board will also apply to the Finance Committee meeting.

Ms. Powers called for a moment of silence for the people of Ukraine.

**Review/Votes of FY23 warrant articles for the June 18, 2022 Annual Town Meeting**

Ms. Powers said there will be an addition to Article 23: Revolving Funds- FY23: Marine Resources: Shellfish Mitigation fees for \$25,000. Mr. Elliot asked Harbormaster Cox for clarification on this addition. Mr. Cox explained these are the fees that are the monies gained from Shellfish Mitigation Fees collected by the Conservation Commission to replace disturbed shellfish. The money will be used to replant the shellfish that was disturbed. The money will only be used to purchase shellfish.

The Select Board discussed Article 8: General Fund Operating Budget- FY23; Mr. Espindola shared some information regarding the revenue from the medical and recreational marijuana to the town; the town will receive approximately \$945,000 per year in projected funds.

**Select Board Motion:** Mr. Murphy motioned to recommend Article 8: General Fund Operating Budget- FY23. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Ms. Graves said with Article 18: Funding Capital Stabilization Fund- FY23 there is \$400,00 budgeted. And this is bringing the town in line with the town's financial policies.

**Select Board Motion:** Mr. Murphy motioned to recommend Article 18: Funding Capital Stabilization Fund- FY23. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

### **Review of General Fund Budget**

Ms. Ellison said the town is currently in negotiations with all the collective bargaining units. Ms. Ellison does not anticipate the contract negotiations will be completed by the Annual Town Meeting but would suggest recommending Annual Town Meeting vote to approve the funds that are already set aside for this purpose. Mr. Elliot and Mr. Espindola questioned weather it is appropriate to act on this article if the contracts have not been ratified prior to Town Meeting. Ms. Ellison explained the contracts don't get approved at town meeting; only the salaries and the salary funds have been reserved.

**Select Board Motion:** Mr. Murphy motioned to recommend at Town Meeting; Article 24: Funding Labor Contracts- FY23. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

The Select Board discussed Article 30: Public Shade Tree by-law in consideration of placing this article back on the warrant for the annual town meeting. After much discussion the Select Board did not reconsider the vote on Article 30: Public Shade Tree by-law for the annual town meeting. They stated they will add this to the Fall Town Meeting warrant.

Ms. Powers yielded the meeting to Finance Committee Chair Mr. Elliot

Mr. Elliot said the Finance Committee has several articles they will need to vote their recommendations but will do so after the conclusion of the joint meeting.

Mr. Elliot had questions regarding Article: 41: Union Wharf purchase, 900 sq. ft. parcel. Harbormaster Tim Cox showed a map of the parcel on Union Wharf and explained, this parcel is next to the public safety dock and in the event this property was sold to a private developer it could hinder the access to the Public safety dock. By purchasing this parcel, the town will own the entire piece of Union Wharf. Both Boards discussed the property and the importance of this piece of land to the town.

Mr. Elliot stated the Finance Committee had questions regarding Article 39: Public Facilitates setback- FY23. Planning Director Paul Foley updated both Boards with a memo regarding Phase 2 of the Public Safety Facility (PSF) (Attachment A) Mr. Foley expects more answers on phase 2 within the next few weeks from the Department of Environmental Protection (DEP) if the lot will be suitable for a building. The five million dollars will be paying for the design and engineering of the new complex. Both Chief Myers and Chief Correia feel this is a suitable site for a new PSF pending positive testing results. Mr. Elliot had concerns that this piece of property may be in competition with the Department of Public Works to be used as the recycling center. Mr. Foley assured Mr. Elliot that the property is large enough to accommodate both departments but there was also concern the town will be left with empty buildings once a new complex is built. Mr. Espindola said there is long range planning in place to dispose of underutilized properties.

Mr. Espindola questioned whether the Finance Committee would offer their recommendation on Article 35: Municipal Light Plant. Mr. Elliot stated Article 35 is a procedural article and he feels the Finance Committee does not need to discuss this article because there is no direct financial impact and will yield to petitioner.

### **Year End Transfers**

Both Boards reviewed the year end transfers and made their recommendations as follows:

#### *Transfer \$16,000 from Retirement Appropriation to Repair and Maintenance (Fire Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$16,000 from Retirement Appropriation to Repair and Maintenance (Fire Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$16,000 from Retirement Appropriation to Repair and Maintenance (Fire Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

#### *Transfer \$16,016.80 from Retirement Appropriation to Traffic Cameras (Police Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$16,016.80 from Retirement Appropriation to Traffic Cameras (Police Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$16,016.80 from Retirement Appropriation to Traffic Cameras (Police Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

#### *Transfer \$11,331.14 from Retirement Appropriation to Dash Cameras (Police Department)*

**Finance Committee Motion:** Mr. Grindrod motioned to transfer \$11,331.14 from Retirement Appropriation to Dash Cameras (Police Department). Ms. Dupras seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$11,331.14 from Retirement Appropriation to Dash Cameras (Police Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$21,000 from Retirement Appropriation to Council on Aging salaries*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$21,000 from Retirement Appropriation to Council on Aging salaries. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$21,000 from Retirement Appropriation to Council on Aging salaries. Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$2850 from Housing Authority Retirement to Selectmen salaries*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$2850 from Housing Authority Retirement to Selectmen salaries. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

Ms. Powers stated the rule of necessity will apply when the Select Board vote on this transfer for the Select Board salaries.

**Select Committee Motion:** Mr. Murphy motioned to transfer \$2850 from Housing Authority Retirement to Selectmen salaries Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$1000 from retirement Appropriation to Regular pay, Board of Appeals*

Ms. Plante questioned if there had already been a transfer for this Department. Town Accountant Anne Carreiro explained; because of training needed there was a shortfall in the salary for the recording secretary.

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$1000 from Retirement Appropriation to Regular pay, Board of Appeals. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$1000 from Retirement Appropriation to Regular pay Board of Appeal Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$2,000 from retirement Salary and Wages to Gasoline and Diesel Account (Park Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$2,000 from retirement Salary and Wages to Gasoline and Diesel Account (Park Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$2,000 from retirement Salary and Wages to Gasoline and Diesel Account (Park Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$7,500 from Tax Title to Salaries (Treasurer/Collector)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$7,500 from Tax Title to Salaries (Treasurer/Collector). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$7,500 from Tax Title to Salaries (Treasurer/Collector). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$9,900 from Contracted Services to Salaries (Assessor's Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$9,900 from Contracted Services to Salaries (Assessor's Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$9,900 from Contracted Services to Salaries (Assessor's Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$15,000 from Fairhaven Wind to Town Hall utilities.*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$15,000 from Fairhaven Wind to Town Hall utilities. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$15,000 from Fairhaven Wind to Town Hall utilities. Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

Mr. Elliot stated the Finance Committee will continue to meet to discuss the vote on the articles and reserved fund transfers after the adjournment of the Select Board.

*Adjournment of Select Board*

**Motion:** Mr. Murphy motioned to adjourn at 8:23 pm. Mr. Silvia seconded. Vote was unanimous.  
(5-0-0)

Respectfully submitted  
On behalf of the Select Board Clerk,



Vicki L. Oliveira  
Administrative Assistant  
(Approved on 5/23/2022)

A. Attachments;

Memo from Planning Director re: Phase 2 ESA at 194 Bridge Street Update



# Town of Fairhaven Attachment A

## Department of Planning & Economic Development

Town Hall • 40 Center Street • Fairhaven, MA 02719

Telephone (508) 979-4023 • FAX (508)-979-4087

### Memorandum

Date: May 12, 2022

To: Finance Committee; Chief Michael Myers and Chief Todd Correia

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

RE: Phase 2 ESA at 194 Bridge Street Update

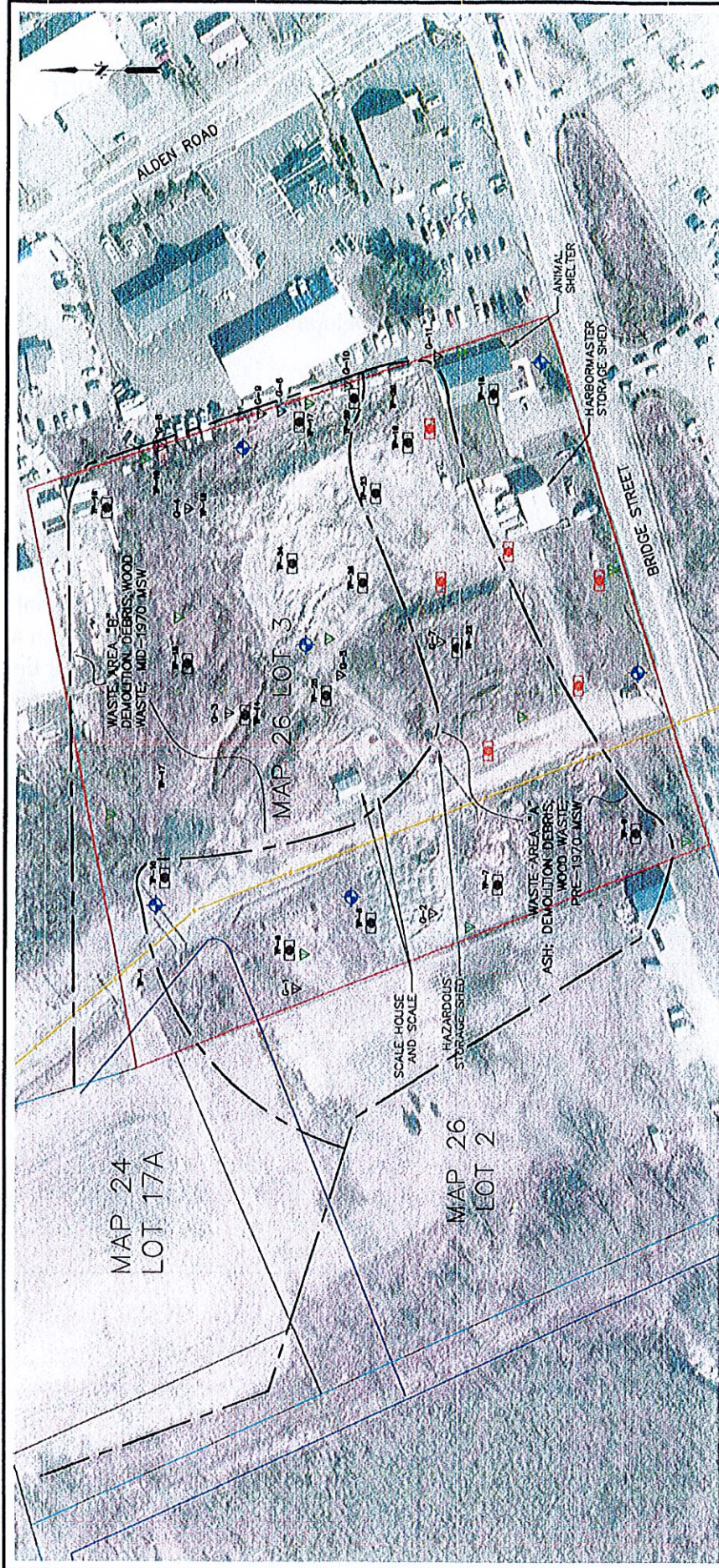
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The Town is evaluating the potential for redevelopment of 194 Bridge Street for a public safety complex in the first 200-feet north of Bridge Street east of the regional transmission lines. The parcel is presently occupied by the Animal Shelter, Harbormaster and a soil storage operation. In 2021, the Town received a \$75,000 Site Readiness Program Grant from MassDevelopment to review environmental conditions and development constraints in the Redevelopment Target Area. As part of this, our consultant Fuss & O'Neill, completed a Phase I ESA in February 2022. Historical records indicated that landfill operations and waste burial associated with the former Fairhaven Landfill were also conducted at this Site, despite the final cover system of the landfill being limited to just the adjoining properties to the northwest. Based on a review of available records for the Site, the horizontal and vertical extents of buried waste had not been fully evaluated or a thorough evaluation of the quality of environmental media (e.g. soil, groundwater, soil gas). With the remaining funds in the grant and up to \$50,000 in ARPA funds, the Town contracted to conduct a Phase 2 on the front of the Site.

In April and May 2022 Fuss & O'Neill has been conducting a Phase 2 ESA in the area described above. On April 13 they conducted a one-day soil gas survey at up to 10 soil gas locations throughout the Site for the purpose of evaluating the potential for vapor migration. On April 20 they installed 6 monitoring wells around the entire property. On April 27, with representatives of the Department of Environmental Protection on site, and with a backhoe provided by the DPW, six test pits were excavated up to 12 feet deep. The test pits were all within the first 200-feet of frontage on the northern side of Bridge Street for the purposes of delineating waste and performing sampling activities. They monitored for methane, oxygen, carbon dioxide, and hydrogen sulfide levels and collected soil samples looking for total organic vapors (TOV), Volatile organic compounds (VOC and SVOC), Total petroleum hydrocarbons (TPH), metals from the Compendium of Analytical Methods (CAM), and Polychlorinated biphenyls (PCBs).

I spoke with Brian Kortz of Fuss & O'Neill today. He said they received the groundwater data this morning and are still receiving lab data. So far, the soil data and groundwater data are looking okay. They did detect a hit for 1,4 dioxane, a common landfill contaminant with a very low exceedance. They have not received all of the data yet but nothing terrible, such as leaking hazardous waste, has turned up yet. So far it's just typical municipal waste. Garbage was found throughout the site, including within the first 100 feet which we thought was relatively clean. The key factors are methane and where to relocate excavated waste. If a building were to be placed here all of the waste would have to be removed and a barrier created to ensure methane did not migrate to the building. Some wells had hits for methane but it is nothing that cannot be vented. He said DEP at the site on April 27 was receptive to the idea of relocating excavated waste to the existing landfill to the north of the site. Trucking off-site or out of state would be cost prohibitive. They expect the rest of the data by the end of next week and should be able to give us a better idea of what is going on the week after that. I asked that they produce estimates for the area that would need to be excavated based on the 2018 public safety concept plans as well as for 75% of that area.

4 Dioxane



**LEGEND**

- SITE BOUNDARY
- PROPERTY BOUNDARY
- FAIRHAVEN LANDFILL BOUNDARY
- LIMIT OF WASTE
- SWALE
- ELECTRICAL TRANSMISSION UTILITY
- XX TEST PIT LOCATION (1993 COMPREHENSIVE SITE ASSESSMENT)
- XX TEST PIT LOCATION (1989 SUBSURFACE INVESTIGATION, CORRECTIVE ACTION ALTERNATIVES REPORT)
- ▽ SOIL GAS LOCATION (1989 SUBSURFACE INVESTIGATION, CORRECTIVE ACTION ALTERNATIVES REPORT)
- [C] PROPOSED TEST PIT
- [M] PROPOSED MONITORING WELL
- [G] PROPOSED SOIL GAS PROBE

**MAP REFERENCES AND NOTES**

THIS MAP WAS PREPARED FROM USGS COLOR ORTHO IMAGERY (2019) SOURCE: OFFICE OF GEOGRAPHIC AND ENVIRONMENTAL INFORMATION (MASSGIS), COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.  
 SITE FEATURES AND TEST LOCATIONS ARE APPROXIMATE.  
 LIMIT OF WASTE IS BASED ON PLAN TITLED "FIGURE 2: EXISTING CONDITIONS" PREPARED BY BROWN AND CALDWELL, DATED AUGUST 2005

NO.	DATE	DESCRIPTION

SCALE: 1" = 100'

0 50 100 FEET

0 10 20 METERS

DRAWING SCALE

**FUSS & O'NEILL**  
 MASSACHUSETTS REGISTERED ENGINEERS  
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 www.fussandoneill.com

TOWN OF FAIRHAVEN  
 PROPOSED SAMPLING PLAN  
 194 BRIDGE STREET  
 MASSACHUSETTS

PROJ. NO. 20190401.P02  
 DATE: 10/05/2019

**FIGURE 3**