



**Fairhaven Select Board
Meeting Minutes
June 6, 2022**

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2022 JUL 13 A 8:25

FAIRHAVEN,
MASS.

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

Present via Zoom: Select Board member Charles Murphy Sr. and Administrative Assistant Vicki Oliveira.

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

Chair Powers opened the meeting at 6:32 pm in the Town Hall Banquet Room.

Ms. Powers offered a moment of silence for the victims, families and community members of Uvalde TX and Buffalo NY; with deepest sympathies and prayers going to each and every one affected by such a needless tragedy.

Minutes

Motion: Mr. Correy motioned to approve the open session minutes of May 9, 2022. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Motion: Mr. Correy motioned to approve the open session minutes of May 23, 2022. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Motion: Mr. Correy motioned to table the executive session minutes of May 23, 2022. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Town Administrator Report

Ms. Ellison updated the Select Board on:

Staffing Updates

- Interviews will begin soon for a new Human Resources director. There will be a panel made up of Finance Director Wendy Graves, Fire Chief Todd Correia and Veterans Agent Brad Fish to the interview the seven candidates, 2 or 3 who will be forwarded to Ms. Ellison as a finalist.
- Union negotiations are currently underway with the Town's Collective Bargaining units.

Retreat date

- A retreat date for the Select Board members has been reserved for Saturday, July 30, 2022; the location to be determined at a later time.

Committee Liaison Reports

Mr. Espindola reported:

- The Fairhaven Bikeway Committee will be meeting on June 8, 2022 with two (2) new members.
- Mr. Espindola and Fairhaven Housing Authority Director Ms. Krisanne Sheedy attended an award ceremony last week, in Taunton for the Community Compact Cabinet (CCC) Grant; where the Town was awarded \$250,000 for the Municipal Fiber project by Lt. Governor Karyn Polito and Secretary of State Curtis Wood.
- The Broadband Committee is due to meet again on Thursday night at 7:00 p.m. and are distributing lawn signs for Article 34. The video that was produced last year for Town Meeting about Article 34 has also been updated and will be available to explain what the Broadband effort is all about.
- SRPEDD (Southeastern Regional Planning & Economic Development District) held the annual meeting where the keynote speaker was MassDOT Secretary and CEO Jamey Tesler. Topics included outlining state bond cap allocations for FY23 and the State Overview of the Bipartisan Infrastructure Law (BIL) for Massachusetts.

Resident Steven Darwin inquired if the municipal fiber will be at the library as well as the other town buildings. Mr. Espindola responded "yes."

Mr. Correy reported:

- The night time bus service after 9:00 pm between New Bedford and Fairhaven will be coming to an end as result of a lack of funding because the funding the priority goes to less affluent areas which included New Bedford. Planning Director Paul Foley and Mr. Correy both advocated for the service, as it brings people from New Bedford to do their shopping. However, that was unsuccessful. It has been noted and in the event funding changes that could change. As of this meeting there's no date for the end of service.
- The Library will be closed on Thursday so employees can attend the funeral of a coworker, Joe Rapoza, who passed away suddenly this week.

Mr. Silvia reported:

- The Historical Commission discussed replacing the rails on the cupola at the Academy and the back door should be repaired soon. The company doing the bridge plaque repair has backed down because they are too busy for the summer, so the commission will have to find someone else to install the plaque on the entrance to the bridge.

Ms. Powers reported:

- The Cable Advisory Committee met but did not have the meeting posted in time, so there were no votes taken and the meeting was purely informational. There was a guest speaker from Raynham discussing cable options and the decline in revenue in cable subscribers.

Action Items

Residency Requirement for Boards and Committees

Ms. Ellison discussed other communities and their policies for residency requirements on board and committees, remarking that most towns have a residency requirement. The Select Board discussed what was important to each of them for residency requirements; they noted that some employees that are on a committee do not reside in town but are appointed as part of their positions. Ms. Ellison said a factor to consider is the Assessor's appointments; currently two (2) of the current Board of Assessor members do not reside in Fairhaven but they have special skills that are important to that position. Ms. Ellison advised the Select Board to consider to the implications of changing the residency requirement when creating a policy.

Motion: Mr. Espindola motioned to ask the Town Administrator to draft a residency by-law with parameters as discussed to be reviewed at the next meeting on June 20, 2022.

Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Appointment to Sustainability Committee

Ms. Powers said the Select Board received a letter from resident Laura Gardner who would like to be a member on the Sustainability Committee.

Sustainability Committee Chair Ann Richard asked if the chairs of boards and committees could make the decision in appointing members to each committee. Ms. Ellison said she is hesitant to have the chair of each committee making the decision because the role of appointing is the Select Board and is to assure diversity of thought and opinions. If Chairs decided, the committee there may not be a diverse amount of people on a committee but rather a committee on the chair's perspectives and the Select Board would no longer be the appointing authority. Ms. Ellison will present a draft policy to the Select Board after the Annual Town Meeting has been completed.

Motion: Mr. Correy motioned to appoint Laura Gardner to the Sustainability Committee for a term to end May 31, 2023. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Second Half of the Year Select Board Schedule

The Select Board discussed the meeting schedule for the second half of calendar 2022. It was determined if there is a light agenda during the summer months then the Select Board may cancel some of the summer meetings. Ms. Ellison will contact the Finance Committee to consider changing the July 5 meeting to June 27 and possibly canceling July 5.

Motion: Mr. Correy motioned to accept the meeting schedule for July 2022 to December 2022. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Motion: Mr. Correy motioned to take agenda item #5 (committee member participation policy) out of order. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Committee Member Participation Policy

Ms. Ellison handed out samples of policies from other communities and how they handle attendance for committees (Attachments A). Many communities have a policy stating if a member is not participating then the appointing body does not have to reappoint them to the respective committee.

Mr. Espindola reminded the Select Board, this was one of the FY23 Goals and Objectives for the Select Board. The Select Board members discussed items they would like Ms. Ellison to put in the draft attendance policy.

Motion: Mr. Correy motioned to ask the Town Administrator to draft a participation and attendance by-law (or policy) with parameters as discussed to be reviewed at the next Select Board meeting on June 27, 2022. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Reappointment of Boards and Committees

Ms. powers read the list of committee members who are up for reappointment on their committees. Mr. Silvia had concerns of some members who have not shown up at committee meetings and therefore should not be reappointed. Select Board members will place a hold on those names that should be reviewed. Ms. powers read the list of names for reappointment (Attachment B).

The following names were held:

- Belonging Committee: Geoff Haworth
- Bikeway Committee: Justin Gledhill
- Cable Advisory Committee: John Methia
- Sustainability Committee: John Pond

Motion: Mr. Correy motioned to appoint the listed names, minus the ones that are held, for the term as listed on the appointment sheet. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Common Victuler: Mackatan Company Store

Ms. Powers said the application was in order for the common victualer for Mackatan Company Store.

Motion: Mr. Correy motioned to approve the Common Victualer license for Mackatan Company Store d/b/a West Island Creamery on 39 Causeway Road. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Public Comment

No comments questions or concerns from the public.

Board Member Items

Mr. Espindola:

- Fairhaven Rotary Club is holding a shredding event on Saturday, June 11, 2022 at R.A. Mitchell Co. on Popes Island; Donations are kindly accepted. Mr. Murphy said this a goodwill event for the community.
- Mr. Correy and Mr. Espindola attended the EPA (Environmental Protection Agency) event for cleanup from Cornell Dubilier Electronics pollution in the New Bedford harbor.

Mr. Correy:

- Thank you to Ms. Ellison for making sure Fairhaven was included in last week's EPA event.

- Thank you to Bristol Agricultural High School, Greater New Bedford Regional Vocational Technical High School (NB Voc) and Fairhaven High School for their hospitality at their graduation ceremonies and congratulations to Ms. Powers for her speech at the NB Voc Graduation.
- Encouraging people to joining committees.
- The Fairhaven Lions Club, Fairhaven Fire, Fairhaven Police and many members of the public all came together to honor a fallen soldier on his journey home this week.
- Fairhaven's Got Pride event will be held on Sunday, June 26, 2022; all are welcome to attend.

Mr. Silvia:

- The Annual Homecoming Day Fair is Saturday, June 25, 2022.

Ms. Powers:

- Thank you to the schools for their hospitality and inviting the Select Board to their graduations and it was an honor to present a speech at the NB Voc graduation.
- The Annual Father's Day road race is back on June 19, 2022.

Correspondence

Ms. Powers read an Invitation for the Select Board to join the 2022 Town Fourth of July parade.

Adjournment

Motion: At 8:00 p.m. Mr. Correy motioned to adjourn the regular meeting of the select Board and go into executive session and not to return to open session pursuant to MGL Ch. 30A § 21(a)(6), to consider the purchase, exchange lease or value of real property if the chair declares that and open meeting may have a detrimental effect on the negotiating position of the public body and not to return to open session. Mr. Silvia seconded. Roll Call vote: Mr. Correy in favor, Mr. Espindola in favor, Mr. Murphy in favor, Mr. Silvia in favor. Ms. Powers in favor. Vote was unanimous. (5-0-0)

Respectfully submitted
On behalf of the Select Board Clerk,

Vicki L. Oliveira

Vicki L. Oliveira

Administrative Assistant
(Approved 7/5/2022)

Attachments:

- A. Attendance policy samples
- B. Boards and Committees reappointment list



Town of Fairhaven
Office of the Town Administrator
40 Center St., Fairhaven, MA 02719

MEMORANDUM

To: Select Board Members

From: Angie Lopes Ellison, Town Administrator

Date: June 6, 2022

Re: Committee Attendance

Below are samples of different policies the surrounding communities have adopted.

Rehoboth:

Our policy is if the appointed person misses more than half of the meetings that have been scheduled, then they do not get reappointed.

Berkley:

do not have anything in our By-Laws that requires attendance, however if they are appointed would probably not be reappointed when their term expires.

Provincetown:

5-7-1. Vacancies caused by absences from meetings. If a member of an appointed town board be absent, without just cause, for three consecutive, duly-scheduled meetings, the remaining members of the body may declare the post vacant

Others have stipulations specific to the Finance Committee, such as if a member misses three consecutive meetings, the rest of the Committee can vote to declare an absence and have the Selectmen (or the appointing authority) choose someone else.

Tewksbury

Policy

RESIGNATION A Board member who is no longer able to serve should resign promptly to allow the vacancy to be posted and filled. A written letter of resignation is required for the appointing authority to act on filling the open position. A written letter, stating the member's intent and including a resignation date, shall be filed with the Town Clerk. Upon receipt of a resignation, the Town Clerk shall notify the remaining members, the Town Manager, and the appointing authority. (See M.G.L. c. 41, §109.)

Charter

REMOVAL OF MEMBERS In rare circumstances such as continued, unexplained absences or conflict of interest, the appointing authority may ask for a member's resignation, or if necessary, terminate the appointment in accordance with law. Absence

for more than 25% of its meetings within a calendar year is deemed cause for removal. (See Town By-law Section 2.12.010.) Prompt, written notification to the Board member will be given by the appointing authority and filed with the Town Clerk in the event of such action.

By-Law

2.12.010 Removal of members. Whenever a member of any appointed board, committee or commission is absent for more than twenty-five percent (25%) of its meetings during a calendar year, that by vote of the appointing authority without any hearing; except, however, where the General Laws provides that a member of a particular commission, board or committee may be removed for cause, just cause, good cause, or similar language, if a member of such committee, board or commission is absent for more than twenty-five (25%) per cent of its meetings during a calendar year, such absences shall be deemed cause, good cause, or just cause or grounds for removal. (Art. 12 (part), ATM 1983: By-Laws Art. IX § 12)

BOARDS AND COMMITTEES

Board/Committees	Name	Title	Expiration Date
Art Curator	Mark Badwey		5/31/2023
1 Year Term	Kelly Smith	Associate	5/31/2023
Board of Assessors	Pamela Davis		5/31/2025
3 Year Term	Ronnie J. Manzone		5/31/2025
	Ellis B. Withington		5/31/2025
Bell Committee	Lee Baumgartner		5/31/2023
1 Year Term	Doug Brady		5/31/2023
	Nils Isaksen		5/31/2023
	Jacqueline Kenworthy		5/31/2023
	Helena Oliveira		5/31/2023
	Cody Thibault		5/31/2023
Belonging Committee	Greg Weider		5/31/2023
1 Year Term	Kylie Bateman		5/31/2023
	Geoffrey Haworth II		5/31/2023
	Jessica Fidalgo		5/31/2023
Bikeway Committee	Chip Hawthorne		5/31/2023
1 Year Term	Mike Rotondo		5/31/2023
	James Anderson		5/31/2023
	Justin Gledhil		5/31/2023
	Tim Garcia		5/31/2023
Broadband Study Committee	Sean Daly	at large	5/31/2023
1 Year Term	Sean Powers	at large	5/31/2023
	Alyssa Botelho	at large	5/31/2023
Cable Advisory Committee	Barbara Acksen		5/31/2023
1 Year Term	Maria Carvalho		5/31/2023
	Ronald Medina		5/31/2023
	Thomas McAfee		5/31/2023
	John Methia		5/31/2023
Capital Improvement Planning Committee			
3 Year Term	David Faunce	Open Space Rep	5/31/2025
Commission on Disability	Marcus Ferro	Elected Official	5/31/2025
3 Year Term	Eleanor Chew		5/31/2025
Community Preservation Committee	Beth Luey	Select Board Appointment	5/31/2025
3 Year Term			

BOARDS AND COMMITTEES

Board/Committees	Name	Title	Expiration Date
Conservation Commission	Geoffrey Haworth II		5/31/2025
3 Year Term	Jacob Galary		5/31/2025
Economic Development Committee	Eddie Lopez	At- Large	5/31/2023
1 Year Term	Travis Rapoza	At- Large	5/31/2023
	Kevin McLaughlin	At- Large	5/31/2023
	Bernard Roderick	At- Large	5/31/2023
	Cathy Melanson	At- Large	5/31/2023
Historical Commission	Wayne Oliveira		5/31/2025
3 Year Term (Full)	Vicki Oliveira		5/31/2025
	Gary Lavalette		5/31/2025
1 Year Term (Associate)	Natalie Mello	Associate	5/31/2023
	Michael Kelly	Associate	5/31/2023
Local Emergency	Tara Kohler	School Representative	5/31/2023
Planning Committee	David Flaherty	Health Agent	5/31/2023
1 Year Term	Chris Carmichael	Building Commissioner	5/31/2023
	Todd Correia	Fire Chief	5/31/2023
	Vincent Furtado	Public Works Superintendent	5/31/2023
	Marc Jodin	Emergency Management Director	5/31/2023
	Michael Myers	Police Chief	5/31/2023
Marine Resources Committee			
1 Year Term	Eric Dawicki		5/31/2023
	Michelle Potter		5/31/2023
	David Hebert		5/31/2023
	Michael McNamara		5/31/2023
	Andrew Jones		5/31/2023
Matt River Valley Water	Jeff Furtado		5/31/2025
District Commission	Vincent Furtado		5/31/2025
3 Year Term			
Matt River Valley Water	Jeff Furtado		5/31/2025
Protection Adv Comm.	Vinnie Furtado		5/31/2025
3 Year Term			
Millicent Library Trustees	Kathryn Powers	Select Board Appointment	5/31/2026
4 Year Term			
Municipal Hearing Officer	Michael Myers	Police Chief	5/31/2023
1 Year Term			

BOARDS AND COMMITTEES

Board/Committees	Name	Title	Expiration Date
Oil Spill Coordinator	Todd Correia	Fire Chief	5/31/2023
1 Year Term			
Parking Clerk	Vicki Oliveira		5/31/2023
1 Year Term			
Rogers Reuse Committee	Doug J. Brady		5/31/2023
1 Year Term	Nils M. Isaksen		5/31/2023
	Susan Loo		5/31/2023
	Beverly Rasmussen		5/31/2023
	Barbara Acksen	Associate (non voting)	5/31/2023
	Gary Lavalette	Associate (non voting)	5/31/2023
Sustainability Committee	Ann Richard		5/31/2023
1 Year Term	Christin Ritz		5/31/2023
	Karen Gent		5/31/2023
	Susan Spooner		5/31/2023
	Deirdre Healy		5/31/2023
	Tim Garcia		5/31/2023
	Wendy Drumm		5/31/2023
	John Pond	Associate	5/31/2023
Zoning Board of Appeals			
5 Year Term (Full)	Peg Cook		5/31/2027
3 Year Term (Associate)	Nicholas Sylvia	Associate	5/31/2025
	Alberto B. Silva	Associate	5/31/2025