



Fairhaven Select Board Meeting Minutes July 5, 2022

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

Also present: Finance Committee members Chair Padraic Elliot, Jennifer Dupras, Carolyn Roberts, Claire Millette, Stephen Levesque, Peter Gardner, Denise Barr, Therese Szala, Linda Gallant, Robert Grindrod and Finance Director Wendy Graves.

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

Joint Meeting with Finance Committee

Ms. Powers called the joint meeting with the Finance Committee to order at 6:33 pm in the Town Hall Auditorium.

Finance Chairman Pat Elliot called the July 5th, 2022 joint meeting of the Finance Committee and the Select Board to order at 6:33 pm.

Ms. Powers asked for a moment of silence for the families and community members affected by all the tragedies and death in our community and around the world. Our deepest sympathies and prayer go to each and every one affected by such tragedy.

Ms. Powers called for a motion to take the agenda out of order to hold the discussion and votes of the year end transfers at the beginning of the meeting.

Motion: Mr. Murphy motioned to take the agenda out of order to hold the discussion and votes of the year end transfers at the beginning of the meeting. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Year End Transfers

The Finance Committee and the Select Board discussed the year end transfers and took votes as follows:

Finance Committee Motion: Mr. Grindrod motioned to transfer for the Select Board from Fairhaven Wind line to Workers compensation line in the amount of \$65,000. Ms. Dupras seconded. Vote was unanimous. (10-0-0)

Select Board Motion: Mr. Murphy motioned to transfer for the Select Board from Fairhaven Wind line to Workers compensation line in the amount of \$65,000. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Finance Committee Motion: Mr. Grindrod motioned to transfer for the Fire Department line from salary line to gasoline line in the amount of \$3,000. Ms. Millette seconded. Vote was unanimous. (10-0-0)

Select Board Motion: Mr. Murphy motioned to transfer for the Fire Department line from salary line to gasoline line in the amount of \$3,000. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Finance Committee Motion: Ms. Millette motioned to transfer for the Select Board from purchases of services line and transferred to salaries line of off duty school and police in the amount of \$792.59. Mr. Grindrod seconded. Vote was unanimous. (10-0-0)

Select Board Motion: Mr. Murphy motioned to transfer for the Select Board from purchases of services line and transferred to salaries line of off duty school and police in the amount of \$792.59. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Finance Committee Motion: Mr. Grindrod motioned to transfer for the Human Resources from Human Resources salary line to Human Resources contracted services line in the amount of \$32,175. Mr. Millette seconded. Vote was unanimous. (10-0-0)

Select Board Motion: Mr. Murphy motioned to transfer for the Human Resources from Human Resources salary line to Human Resources contracted services line in the amount of \$32,175. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Finance Committee Motion: Mr. Grindrod motioned to transfer for the Select Board from Fairhaven Wind line to legal line in the amount of \$6,000. Ms. Millette seconded. Vote was unanimous. (10-0-0)

Select Board Motion: Mr. Murphy motioned to transfer for the Select Board from Fairhaven Wind line to legal line in the amount of \$6,000. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

At 7:38 pm The Finance Committee adjourned their meeting and a 10-minute recess was taken by the Select Board. The meeting reopened at 7:48 pm with review of the minutes.

Minutes

Motion: Mr. Murphy motioned to approve the executive session minutes of May 23, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Motion: Mr. Murphy motioned to approve the open session minutes of June 6, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Motion: Mr. Espindola motioned to approve the executive session minutes of June 6, 2022 with some edits. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Motion: Mr. Murphy motioned to approve the open session minutes of June 18, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Town Administrator Report

Ms. Ellison update the Select Board on:

Staffing Updates

- Candidates for a Human Resources Director have been narrowed down and a decision will be made soon. Searches for Conservation Agent, Principal Assessor and Recreation Director are currently underway.

Citizens Emergency Rescue Team (CERT)

- Fire Chief Correia explained to the Select Board his efforts in trying to reestablish the CERT and requested volunteers from the public. Cable access has been working with Chief Correia to create a public service video to reach out to members of the community.

Search and Rescue efforts

- Chief Myers said Harbormaster Tim Cox found a boat and it led them to believe there may be a missing boater. Southeastern Mass Search and Rescue team was contacted for their assistance. This group is made up of 32 other communities that support each other in efforts such as this one. Off road vehicles were brought in to help with a search and rescue. Fortunately, this did not turn out to be a missing person but rather a case of a criminal act.

Electric Vehicle Incentive Program (EVIP) Charging Station

- The town EVIP consultant has been contacted to research grant opportunities for 2 more charging stations that will be in more visible locations in Fairhaven.

Opioid Litigation update

- Updates will be provided for the Opioid Litigation to Ms. Ellison through an online portal. Funding ideas are for mental health and school education programs.

Office Relocation

- Several offices will be relocated in the Town Hall. The Veteran's Agent is now located within the Council on Aging Center; leaving that office space for the Conservation Office. The Collector's Office and the Select Board office will swap locations. Part of the proposed change is to add a Dutch door therefore eliminating the need for customers to enter the office space; the counter in the current collector's office will be removed and then moved to the Select Board office space. Several residents had concerns over this potential move, stating privacy issues when they are paying bills or asking questions to the staff. Wayne Oliveira, Chairman of the Historical Commission raised some concerns over this proposed move due to the preservation restriction that is in place for Town Hall; he has contacted the Mass Historical Commission to inform them of the proposed changes. Some residents expressed their gratitude for the change and feel this will make the new Collector's office more ADA compliant.

Other

- Police K9 Blue has attended therapy dog training and has earned a promotion as a therapy dog. Bristol County sheriff's department is forming a therapy dog coalition that will allow schools and agencies to reach out for assistance if a tragedy has occurred and K-9 Blue is expected to be part of this effort.

Committee Liaison Reports

Mr. Espindola reported:

- The Fairhaven Bikeway Committee voted Amy Roderick as the new chair of the committee. The committee discussed ruts and bumps on the bike path and signage and agreed to set up a field trip to take a closer look and provide recommendations thereafter.
- The Broadband Committee met on June 27, 2022 to discuss a multitude of potential broadband funding sources including grant opportunities. Guest speaker was Joshua Eichen from Mass Broadband Institute (MBI).
Housing Authority Director, Ms. Krissanne Sheedy, is very interested in integrating the Housing Authority initiative to add sensors in apartments to prevent illegal smoking on the property and MBI confirmed that this would be something that MBI grant funds could be used to supplement the grant the town already received from the Community Compact Cabinet grant program to help accomplish this.
- The Southeastern Mass. Metropolitan Planning Organization (SMMPO) held a joint meeting with the Joint Transportation Planning Group (JTPG). Planning Director Paul Foley was elected to serve as Vice Chair to the JTPG. One highlight from the SMMPO portion of the meeting was the announcement by Mass DOT representative Pamela Hazner, the Fairhaven-New Bedford Bridge engineering study has been funded for a cost of \$5M. Representative Bill Straus and Senator Montigny played a critical role in this process.

Mr. Correy reported:

- The Millicent Library Trustees met and closed out their budget. The Trustees would like to meet with Ms. Ellison to gain clarification on the Library's role in Fairhaven.
- SRTA also met and closed out their FY22 books but also did discuss the closing of the bus stop in Fairhaven.
- The Belonging Committee met and are eager to get started meeting and moving forward to educate the public.
- The Economic Development Committee met and voted Cathy Melanson as the chair and Travis Raposa as the vice chair.

Mr. Silvia reported:

- The Homecoming Fair and July 4th parade were both well attended.

Mr. Murphy reported:

- The Whitfield Manjiro Society is holding several classes this summer that are open to the public and available for course credits for those interested.
- The Mayor of Lagoa met with Ms. Ellison and Ms. Powers to commemorate the 500th anniversary of Lagoa and to prepare for the visit of the moving Lagoa art display.

Action

Zoning Board of Appeals

This item will be tabled until the next meeting to allow for others who have submitted a request to be considered.

Belonging Committee

Rachel Medeiros told the Board she is looking forward to serving on the Belonging Committee.

Motion: Mr. Murphy motioned to appoint Rachel Medeiros to the Belonging Committee for a term to end May 31, 2023. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Appointment of Measurer of Wood and Bark

Ms. Powers said it is customary per the town's by law to appoint a Measure of Wood and Bark. Tree Warden Don Collasius has agreed to accept the position as Measure of Wood and Bark.

Motion: Mr. Murphy motioned to appoint Don Collasius to as the Measurer of Wood and Bark for a term to end after the Annual Town Meeting in 2023. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Southcoast Community Foundation Scholarship

Ms. Powers said the Select Board has received a letter from the Southcoast Community Foundation listing the name of the Fairhaven High School Scholarship winners. The Select Board offered their congratulations to Marina Torres: Ladies Branch of the New Bedford Port Society Scholarship (\$1,200) Nellie Zygiel: Daniel P. Bergeron Scholarship (\$550) and the Matthew "Matty" Ryan Oliveira Scholarship (\$1,230).

Rogers School National Historical Register

Rogers Reuse Committee Chairwoman Sue Loo told the Select Board this is the second application for the former Rogers School to place the school on the National Historic Register after the first application was returned as incomplete. The Rogers Reuse Committee is seeking approval from the Select Board to submit the updated application to The Massachusetts Historical Commission. A discussion followed on the benefits of the former school being listed on the National Historic Register. (Attachment A)

Motion: Mr. Murphy motioned to approve the application to the national historic registry and to proceed with the process of gaining a historic designation as presented by the Roger School Reuse Committee. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Update of Oxford School Bell placement at Town Hall

Bell Committee Chairman Doug Brady provided an update to the Select Board on the placement of the Oxford School bell on the eastside lawn at Town Hall. New Bedford Vocational students have created a mock up facade of the Bell housing. On Saturday, July 10, 2022 members of the community are invited to come out and help determine placement on the Town Hall lawn. Mr. Brady stated, once a location has been selected, he will contact the Mass. Historical Commission to seek their approval.

Northeast Maritime Graduation

Ms. Powers stated the Select Board has received an application for the use of the Town Hall Auditorium for the Northeast Maritime Institute's graduation ceremony. Mr. Silvia suggested the Select Board waive the rental fee for the auditorium but only charge the custodian's fee.

Motion: Mr. Murphy motioned to approve the use of Town Hall on September 24, 2022 from 10:00 am –2:00 pm for the Northeast Maritime Graduation, waiving the town hall rental fee but charging the custodian's fee. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Our Lady of Angels Annual Three-Day Feast

Ms. Powers said the Select Board has received a request for a one day all alcohol beverages license for the Our Lady of Angels Annual Three-Day Feast, September 3, 4 & 5, 2022 Ms. Powers said this is an annual event in the town. Mr. Murphy stated he will abstain from the vote because he is the Treasurer of the Our Lady of Angels Association.

Motion Mr. Correy motioned to approve the one-day event alcohol beverage license for Our Lady of Angel Annual Three-Day Feast on September 3-5, 2022. Mr. Silvia seconded. Vote carried. Mr. Murphy abstained. Vote carried (4-0-1)

Land Donation: Austria Avenue

Ms. Ellison said Mrs. Janice M. Oliveira is looking to donate a small piece of land on Austria Avenue to the town. Ms. Ellison stated the Conservation Commission has already determined this is not a parcel they are interested in and there is no value for the town in taking this land over.

Motion: Mr. Murphy motioned to not to accept the parcel of land Lot 59 on the Fairhaven Assessor's map #29A. Mr. Silvia second. Vote was unanimous. (5-0-0)

Ms. Powers asked to take the agenda out of order.

Motion: Mr. Murphy motioned to take the Discussion on the Municipal Light Plant out of order. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Municipal Light Plant Discussion

Mr. Espindola reminded the Select Board the Municipal Light Plant was passed at the Annual Town Meeting and the Town is ready to take the next steps. Ms. Ellison said she has reached out to several attorneys seeking information regarding the next steps the town will need to take implement the plant; she has requested the Select Board to appoint Select Board member Espindola to work with her to move forward with this project.

Motion: Mr. Murphy motioned to appoint Select Board member Bob Espindola to work with the Town administrator on the establishment of the Municipal Light Plant and update the Select Board on a regular basis. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Dissolving the Broadband Study Committee

Ms. Powers said the Select Board will need to determine whether they would wish to dissolve the Broadband Study Committee. Mr. Espindola reminded the Select Board the charge says "Be present at the

Board of Selectmen's meeting when the final report is presented and comment on areas of agreement or disagreement." Mr. Espindola feels by disbanding the Broadband Study Committee too soon will result in the loss of some opportunities for the Town in regards to grants and will add more responsibility to the Town Administrator.

Ms. Ellison provided some edits to the charge of the Broadband Study Committee to read "To assist and guide in the municipal light plant and the broadband structure." Mr. Espindola would like to wait another meeting of the Select Board to update the charge once the Broadband Study Committee has a chance to meet and come up with the appropriate wording.

Residents John Methia and Gary Lavalette discussed their concerns regarding the formation of the Municipal Light Plant and the costs that it will have on the tax payers. Mr. Espindola reminded the Select Board that the Broadband Study Committee is exploring all options that will be the best fit for the Town.

Policy on Committee Attendance and Residency requirement

This item was tabled until a future meeting.

Holds on Committee Reappointments

Ms. Powers stated that there were 4 people who have been contacted regarding reappointment to committees. Mr. Espindola stated that he has not heard from Mr. Gledhill in many months in regards to the Bikeway Committee. Ms. Powers reported that Geoff Haworth has reached out and said he does not wish to be reappointed to the Belonging Committee. Mr. Silvia will follow up with Mr. Pond by phone to be sure that he has intentions of remaining on the Sustainability Committee. John Methia spoke to the Select Board regarding his reappointment to the Cable Advisory Committee and stated that he has attended 75% of the meetings of his committee and feels that he should not be removed, since there is not currently a policy on attendance. Ms. Ellison said she has been working on creating an attendance policy for boards and committees.

Motion: Mr. Murphy motioned to appoint John Methia the Cable Advisory Committee for a term to end May 31, 2023. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Select Board meeting of September 6, 2022 and State Primary Date

Ms. Powers said that there is a State Primary scheduled for the same day as the Select Board meeting and is recommending that the Select Board still meet that night as this meeting is already moved over due to the Labor Day holiday. All Select Board members agreed to hold a Select Board meeting Tuesday, September 6, 2022.

Public Comment

Kevin Gonsalves Jr., President of Local 1555 Fire Fighters Union asked the Select Board what their intentions are for the ARPA (American Rescue Plan Act) funds and premium pay for first responders who worked through the COVID pandemic. Ms. Powers said currently, the ARPA funds disbursements have not been decided. Ms. Ellison stated that there will be an ARPA discussion at a Select Board meeting and what the recommendations will be.

Board Member Items

Mr. Espindola wanted to remind anyone in the community that would like to speak with him to reach out directly to discuss any issues and he will still continue to hold his office hours the first Tuesday of each month.

Select Board members thanked the organizers of the Town’s July 4th parade and thanked The Fairhaven Village Militia for the opportunity to fire the cannons at the Fort Phoenix.

Correspondence

Ms. Powers said the Sustainability Committee is conducting a Plastic Free Challenge and encourages members of the community to participate.

Ms. Powers read a letter from the Riverside Cemetery thanking the Select Board for the use of the Town Hall Auditorium for their spring meeting.

Adjournment

Motion: At 10:10 pm Mr. Murphy motioned to adjourn the regular meeting and go into executive 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. Espindola in favor, Mr. Correy 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
Administrative Assistant
(Approved 8/1/2022)

Attachments:

- A. National Historic Register benefits and FAQ’s



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

THE NATIONAL REGISTER OF HISTORIC PLACES: EFFECTS AND BENEFITS OF LISTING

The National Register of Historic Places is the nation's official list of historic places worthy of preservation. Listing in the National Register (NR) recognizes historic properties that are significant to our communities, our state, and our nation. The NR is a federal program of the National Park Service, administered in Massachusetts by the Massachusetts Historical Commission (MHC). The NR recognizes unique and irreplaceable historic resources that give a sense of time and place to our downtowns, neighborhoods, village centers, and rural landscapes, and contribute to our communities' character, making Massachusetts a special place.

NR listing is an important preservation planning tool that encourages preservation, but it does not guarantee that listed properties will be preserved. The NR is not a design review program, but it does provide limited protection from state and federal actions, as well as eligibility for certain matching state restoration grants (when available) and certain tax benefits for certified rehabilitation projects.

STATE REGISTER OF HISTORIC PLACES:

Properties listed in the NR are automatically listed in the State Register of Historic Places as well. The State Register is a compendium of properties with historic designations, listed by municipality, and serves as a reference guide, helping to determine whether a state funded, permitted, or licensed project will affect historic properties. The State Register review process helps ensure that listed properties will not inadvertently be harmed by activities supported by state agencies. The State Register is published annually and is available through the Statehouse Bookstore.

EFFECTS OF NR LISTING FOR PRIVATE PROPERTIES:

NR status in itself places no constraints on what owners may do with their property when using private funding, unless state or federal funds, permits, or licensing are used, or when some other regional or local bylaw, ordinance, or policy is in effect. NR listing does not impose additional restrictions to already existing local regulations or ordinances, nor does listing eliminate regulations currently in effect. Please be aware, however, that certain local ordinances, including demolition delay, may reference NR designation as a condition triggering review. NR-listed buildings may qualify for exemptions from some aspects of the State Building Code. Owners of private property listed in the NR have no obligation to open their properties to the public, to restore them, or even to maintain them. Owners can do anything they wish with their private property provided that no federal or state funding, licensing, permitting, or approval is involved. If owners use state or federal funds to alter their property or need state or federal permits, the proposed alteration will be reviewed by MHC staff. The review is triggered by the funding or permitting source, not by the historic designation. Local funding and permitting do not trigger MHC review. Owners may affix plaques to their listed properties, if they choose, but it is not required. MHC does not provide or review plaques. City or town sign ordinances should be consulted.

EFFECTS OF NR LISTING FOR PROPERTIES OWNED BY MUNICIPALITIES AND NONPROFIT ORGANIZATIONS:

All NR properties that are owned by municipalities and nonprofits are eligible to compete for grants from the Massachusetts Preservation Projects Fund (MPPF), a state-funded competitive matching grant program that supports the preservation and maintenance of properties and sites listed in the State Register. These may include buildings, parks, landscapes, cemeteries, sites, objects, and archaeological locations. Eligible projects may include: pre-development projects, such as pre-construction documents or feasibility studies; development projects, for construction activities including stabilization, protection, rehabilitation, and restoration; and acquisition projects, specifically allocated for endangered listed properties.

Municipalities may erect markers identifying National Register historic districts, but this is not required. MHC does not provide or review markers.

EFFECTS OF NR LISTING FOR INCOME-PRODUCING PROPERTIES:

Certain federal tax provisions may apply for NR-listed income-producing properties. The federal tax code contains a variety of incentives to encourage capital investment in historic buildings and to spur revitalization of historic properties. These incentives encourage the preservation and rehabilitation of historic commercial, industrial, and rental residential buildings listed in the NR. The federal tax incentive program has encouraged private investment and rehabilitation of historic properties since 1976 and has been particularly valuable to Massachusetts. This program allows owners of applicable NR buildings to qualify for a 20% Investment Tax Credit, in effect a 20% rebate, based on rehabilitation costs. These credits help pay for the unique costs associated with rehabilitation of historic properties.

The National Park Service certifies the rehabilitation, and the MHC Technical Services staff advises and assists owners during the application and review process. The rehabilitation must be deemed substantial and must meet the U.S. Secretary of the Interior's Standards for Rehabilitation. Applications should be submitted to MHC before rehabilitation work begins in order to receive the most useful advice and best results.

Under the Massachusetts Historic Rehabilitation Tax Credit Program, a certified rehabilitation project on an income-producing property is eligible to receive up to 20% of the cost of certified rehabilitation expenditures in state tax credits. There is an annual cap, so there are selection criteria that ensure the funds are distributed to the projects that provide the most public benefit. The MHC certifies the projects and allocates available credits. Properties on the NR, or those eligible for listing, may be eligible to receive the credits. As with the federal program, rehabilitation under the Massachusetts tax credit program must meet the Secretary of the Interior's Standards for Rehabilitation. The state rehabilitation tax credit may be used in tandem with the federal investment tax credit.

The Federal tax code also provides for federal income, estate, and gift tax deductions for charitable contributions of partial interest in historic property, principally easements. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Individuals should consult their legal counsel or the appropriate Internal Revenue Service office for assistance in determining the tax consequences of these provisions.

FURTHER INFORMATION REGARDING ALL THE PROGRAMS MENTIONED ABOVE MAY BE OBTAINED THROUGH MHC'S WEB SITE (WWW.SEC.STATE.MA.US/MHC) OR BY CONTACTING MHC AT 617-727-8470.