



**Fairhaven Select Board  
Meeting Minutes  
August 15, 2022**

FAIRHAVEN TOWN CLERK  
RCUD 2022 SEP 8 AM 10:01

**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.

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

Ms. Powers opened the meeting at 6:35 pm. There was a moment of silence for Principal Town Assessor, Del Garcia who passed away. She also noted there are issues with the power this evening. The meeting will not be streamed live on Facebook, but will be on Zoom as well as recorded for the public.

**Minutes**

The approval of minutes from August 1, 2022 were tabled until the next meeting.

**Town Administrator Report**

Ms. Ellison updated the Select Board on:

*Staffing Update*

- Branden Costa was introduced as the new potential Conservation and Sustainability Agent contingent upon the Select Board approval. Mr. Costa addressed the Board, telling them about himself.

**Motion:** Mr. Murphy motioned to approve the appointment of Mr. Branden Costa as the Conservation and Sustainability Agent. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

- Interviews have been completed for the Recreation Department Director. Ms. Lopes Ellison should have a candidate for the Board by the next meeting. The Town Assessor's position interviews have been completed and the only position still pending the interview process is the Building Commissioner. This job opportunity is posted until August 26, 2022 so will have more updates next month.

*Safe Route to School Public Hearing*

- This item is on today's agenda to bring awareness to the community regarding the Public Hearing. The Board of Public Works is sponsoring this Public Hearing on September 15, 2022, from 7:00 to 8:00pm. This will be hosted on the Mass DOT website, more information is also posted on the School's website.

### *Marine Resources Gold Star*

- Ms. Ellison would like Mr. Cox to be present for this item. He was unavailable, helping with the current power outage issue. Harbormaster Cox has another agenda item this evening, we can address the Gold Star Audit then.

### *S & P Global Rating Summary Report*

- We received the highest rating that is possible for Fairhaven.

### *Special Town Meeting Calendar*

- A copy of the Special Town Meeting Calendar has been provided in your packet. It is important to have the dates available so one can plan accordingly. Ms. Powers pointed out that the next important date is September 9, 2022. This is the deadline for all Departments, Boards, & Committees that need to submit Articles for the Warrant. Ms. Powers also noted that the Special Town Meeting date is November 15, 2022 which is on a Tuesday night. There is a second night scheduled on the 16<sup>th</sup>, if needed.

### **Committee Liaison Reports**

#### *Mr. Espindola reported:*

- The South Coast Bikeway Alliance met for an Annual Meeting August 9, 2022 to elect Officers. They are looking for volunteers for the Pedal for the Path Ride on September 11, 2022. In related news, the advocacy efforts for e-bike legislation have passed. There are now regulations relative to e-bikes which will help Towns like ours with bike paths. Mr. Espindola stated the bill is primarily aimed at classifying the bikes into different categories, then locally we can regulate the type of bikes allowed on the bike paths.
- Broadband Study committee has not met since the last meeting. He requested Ms. Ellison set up a meeting with the new Town Counsel to discuss relative Articles 34 and 35 from the Town Meeting. They will be meeting early September.
- The Digital Infrastructure Collaborative has not kicked off. They should be meeting in September.
- The SMMPO held an extra meeting on Tuesday, August 9, 2022 to review and approve amendments. Mass DOT has stepped in and helped fund the Mansfield to Logan airport run.

#### *Mr. Correy reported:*

- The Belonging Committee meeting was reschedule until September.

#### *Mr. Silvia reported:*

- Harbormaster Cox advised The Marine Resources Advisory Board that he is getting quotes for repairs at Union Wharf in order to spend the \$500,00.00 ARPA Grant. Also, Ms. Lopes Ellison was able to observe and help plant the 600 bushel of quahogs with the Harbormaster this past week.
- The Historical Commission put up a hitching post behind the Academy Building. There is one house applying for a house plaque.

#### *Mr. Murphy reported:*

- Lagoa Committee will not meet until next month, hopefully with a new member.

*Ms. Powers reported:*

- The Bristol County Advisory Board met and went through year end transfers, approved the budget and county tax for 2023. The Agricultural School had interesting news. They are executing the four year plan and have built new buildings. They have brought in 100 out of the 200 allotted new students for the four year plan (50 students per each new incoming class). They have hired nine new teachers. The budget had a significant growth in the salary line, which resulted in an overall ten percent increase. They also had some increases in transportation. The Advisory Board asked to change the way expenditures are shown for the yearly review. They have \$109,000,000.00 in ARPA Funds. Ten percent is set aside for County use. Building studies are being done to identify what the needs are. They have received 67 applications for funds. Only 12 out of 20 towns have applied. They have funded \$12.3 million in projects so far. Out of the 67 applications, 47 have been related to public health, 19 went to water and sewer, and one to broadband.

**Representative Bill Straus: New Bedford Bridge Project:**

Representative Bill Straus greeted the Board stating he was here to give an update on the New Bedford Bridge project. He met with the company from Pennsylvania that specializes in mechanical bridges. Also invited were municipal officials from the area. A copy of the slide presentation from that meeting was provided. On August 10, 2022, the day the meeting was held, the Governor signed the new Transportation Bond Bill which also contains the e-bike provisions that Mr. Espindola touched upon earlier. The largest earmark was at \$100,000,000.00 for the design, permitting, and some early construction steps that can be taken to help the construction process. The design process is about to kick off, which includes some that believe the bridge should be left alone. Even if it is left alone it will cost millions of dollars to repair. The bridge was built in 1899, some of the components become more and more difficult to repair and replace. The consensus is around building a new bridge with a new design, and this will be starting this fall. The public meetings to discuss the issue, will be held in both New Bedford and Fairhaven and will occur under the sponsorship of the Massachusetts Department of Transportation. Everything will be discussed as far different designs and mechanics because this bridge opens approximately 4,000 times a year. The added parties drawn into the discussions will be the abutters and the United States Coast Guard.

He then touched upon the e-bike legislation, stating that they are asking for e-bikes that can go up to 30 miles per hour not be allowed in bike lanes or bike paths. Those bikes that are pedal with assist can now be regulated within the community. There will likely be State regulations that can guide the Towns.

Mr. Espindola asked Representative Strauss to confirm that it is not easy to get money into the Bond Bill, but it is even more difficult to get money out. Representative Straus agreed stating the Bond Bill is necessary to get the projects into process. The project becomes real when permitting and design are being worked on. This is why all the community meetings are so important.

Resident Mr. Robert Hobson asked how long it will take for the project to be completed once it is started because the fishing industry will be effected. Representative Straus noted there will be different closures at different times. There may possibly be overnight closures, weekend closures. If there is a need for anything longer than that, the road traffic would be the closure that would take place, not the water navigational traffic.

**Board of Public Works: Appoint to Fill Vacancy:**

Ms. Powers welcomed the Board of Public Works members to the meeting; Mr. Robert Hobson, Anne Morton-Smith, and Board of Public Works Superintendent, Vincent Furtado. Ms. Powers noted there are two residents that showed interest in the position. She then asked for Nominations.

*Nomination:* Mr. Espindola nominated Mr. Travis Raposa.

*Nomination:* Mr. Silvia nominated Mr. Daniel Lopes.

Mr. Raposa was asked to address the Board and tell them about himself and state why he would like to serve. Mr. Espindola then asked Mr. Raposa if he would be willing to run for the seat on this Board in the spring regardless of tonight's turnout. Mr. Raposa confirmed that he would indeed run if he is confident he can serve the board in full capacity. Mr. Correy mentioned Mr. Raposa served on the Economic Development Committee and asked if he is on any other boards or committees. Mr. Raposa is not on any other committees and if he is appointed to the Board of Public works, he will resign from the Economic Development Committee. Mr. Robert Hobson asked if Mr. Raposa would be able to attend the meetings. Mr. Raposa confirmed.

Mr. Lopes was then asked to address the board and tell them about himself and state why he would like to serve. Mr. Espindola then asked Mr. Lopes if he would be willing to run for the seat on this Board in the spring regardless of tonight's turnout. Mr. Lopes confirmed.

Ms. Powers asked to hear from the current members on the Board of Public works regarding the candidates. Mr. Robert Hobson endorsed Mr. Lopes. Ms. Smith believes they have two solid candidates and the Board will very fortunate with either.

Ms. Powers then read a statement from Mr. Ferro, who was not in attendance, endorsing Mr. Lopes. Ms. Ellison stated there was an email sent from Mr. Wotton, also not in attendance, supporting Mr. Lopes.

Ms. Powers polled the Select Board on whom they would like to motion to appoint. The poll was in favor of Mr. Raposa. (3-2) Mr. Furtado expressed a dissatisfaction of the Boards informed decision if the Board of Public Works had demonstrated a favor for Mr. Lopes to serve on the vacant seat.

*Motion:* Mr. Silvia made a motion to appoint Mr. Daniel Lopes to the Board of Public Works. Mr. Correy seconded the motion. Mr. Correy noted three members on the Board of Public works endorsed Mr. Lopes and it is important that the members work well together. Mr. Vincent Furtado re-iterated Mr. Correy's statement. Discussion ensued. Mr. Correy and Mr. Silvia voted in favor of Mr. Lopes. Ms. Powers, Mr. Murphey, & Mr. Espindola voted in favor of Mr. Raposa. Motion failed. (2-3-0)

*Motion:* Mr. Espindola made a motion to appoint Mr. Travis Raposa to the Board of Public Works. Mr. Murphy seconded the motion. Ms. Powers, Mr. Murphey, & Mr. Espindola voted in favor of Mr. Raposa. Mr. Correy and Mr. Silvia voted in favor of Mr. Lopes. Motion passed. (3-2-0)

**Amendment to Dinghy Rack Permit Rules and Regulations:**

Harbormaster Cox first explained the Gold Star Audit. The State Board of Health and the Division of Marine Fisheries tested two of our shellfish areas after going over all our paperwork. We passed with no issues.

Harbormaster Cox explained the need to amend the Dinghy Rack Permit Rules and Regulations. The Seaview Boat Ramp has multiplied in permit holders over the last few years. People are using the racks as a storage facility. He would like to change the permits into two separate permits, one for Hoppy's Landing and one for Seaview and Pease Park. Effective April 1<sup>st</sup> through October 31. The permit holders will have to pay a \$50.00 fee if the Harbormaster has to remove the dinghy. If the dinghy is not claimed within a year it will go to the Town auction. He would also like to remove section 6.3 Dinghy Waiting List. Harbormaster Cox does not want to have a waiting list he would rather address the issue.

*Motion:* Mr. Murphy motioned to approve the Dinghy Rack Permit Rules and Regulations as stated by Harbormaster Cox. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

**Appointment to Lagoa Committee: Cristina Martins Pinto, At-Large Member:**

Cristina Martins Pinto addressed the Board stating her background and reason for applying to the Lagoa Committee.

*Motion:* Mr. Murphey motioned to appoint Ms. Cristina Martins Pinto as a member at-large to the Lagao Committee effective until May 31, 2023. Mr. Silvia seconded the motion. Vote passed unanimously. (5-0-0)

**Appointment of Historical Commission: Hillary Rotondo, Associate Member:**

Ms. Hillary Rotondo withdrew her candidacy. Appointment tabled.

**Approval of State Primary Warrant: September 6, 2022:**

Town Clerk Linda Fredette addressed the Board to approve election related items.

*Motion:* Mr. Murphy made a motion to approve the State Primary Warrant for September 6, 2022 as presented by the Town Clerk. Mr. Silvia seconded the motion. Vote was unanimous. (5-0-0)

**Approval of Poll Workers for State Election:**

Ms. Powers read the names of the poll workers for the State Primary Election on September 6, 2022.

*Motion:* Mr. Murphy made a motion to approve the poll workers for the State Primary Election on September 6, 2022 as presented by the Town Clerk. Mr. Silvia seconded the motion. Vote was unanimous. (5-0-0)

**Approval of Polling Location for State Election:**

Town Clerk, Linda Fredette, addressed the Board. Hastings Middle School is under construction and may not be done in time for the State Primary. There was a meeting of the Board of Registrars on how to resolve this issue. Rather than cause confusion moving just 2 precincts, they would like to move all voting to the Recreation Center. There is plenty of parking, it is handicap accessible, and has plenty of room for the polls.

*Motion:* Mr. Murphy made a motion to approve the polling location for the State Primary on September 6, 2022. Mr. Silvia seconded the motion. Vote was unanimous. (5-0-0)

**Approval of Police Officers for State Election:**

Town Clerk, Linda Fredette addressed the Board regarding the new State law stating that the Town's Select Board shall now decide how many police officers or constables will be at each polling location. In speaking with Police Chief Myers, it is suggested there be three officers at the polling location.

*Motion:* Mr. Murphy motioned to approve a sufficient number of police officers, no less than two at the polling location for the State Primary Election to preserve order and to protect the election officers and supervisors from any interference with their duties, and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54. Further move to designate the Police Chief the authority to assign the specific police officers according to scheduling and availability. The Town Clerk will advise the Police Chief on the location and time the officer is needed. Mr. Silvia seconded the motion. Vote was unanimous. (5-0-0)

**CEMP (Comprehensive Emergency Response Plan) Plan Review and Approval:**

Fire Chief Todd Correia addressed the Board. The final draft of the Comprehensive Emergency Response Plan has been given to the Board. Ms. Ellison noted the Board received the document electronically due to some sensitive information that cannot be made public. Chief Correia stated this was the old Hurricane Plan and Emergency Response Plan that has been adapted to satisfy MEMA & FEMA. In a time of a large disaster or emergency, the Department Head will advise the Town Administrator to declare a State of Emergency and she will present that to the Select Board to sign off on and give her the authority to make all decisions for the Town of Fairhaven, etc. Also developed some IT infrastructure. Mr. Espindola asked if this would be replacing the West Island Hurricane Plan. Chief Correia confirmed. This plan is more comprehensive and involves more than just hurricanes. The Board as well as Ms. Ellison do need to sign off on the plan. A copy will go to MEMA & FEMA.

*Motion:* Mr. Murphy motioned to approve the Comprehensive Emergency Response Plan as presented by the Fire Chief Todd Correia. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

**Event Request: Laurel Street Neighborhood Block Party: September 10, 2022:**

Mr. Larry DeSalvatore addressed the Board. He is requesting permission to have a block party on Laurel Street, bordered by South and Church Street. There are eight families that face Laurel Street in that vicinity. He is trying to do something uplifting post Covid for the community. Ms. Powers read the Fire Chief's comments, he has no issue as long as the street be opened immediately in case of an emergency. Ms. Powers then read the list of concerns from the Police Chief. Ms. Ellison stated she did not submit her recommendation regarding this matter to the Board, because she does not know the community well enough yet. The Board can reject the request and / or charge Ms. Lopes Ellison with the responsibility of overseeing the regulations regarding the event. Ms. Powers stated to Mr. DeSalvatore there is no formal policy, but as noted there are concerns with responsibility and liability issues and would like to open the discussion to the Board.

Mr. Espindola commended Mr. DeSalvatore for coming to the Town for permission for the request. He mentioned possibly tabling the topic until the next Select Board meeting in order to research more information. Ms. Powers noted that the next meeting was only days prior to the event so that would not

work as far as timing. Mr. Espindola then asked if the Town Administrator has or can look into how other towns are handling such a request. Mr. Correy re-iterated Mr. Espindola's notion of having Town Administrator, Ms. Ellison spearhead a policy. Mr. Correy asked about the time of the event. Mr. DeSalvatore would like it to be 12:00 pm to 5:00 pm. He is looking for this to be family friendly, no bands or loud speakers. He did state there may be drinking, but no one "getting drunk". He is looking for the neighbors to get to know one another. Mr. Silvia stated he thinks it's a great idea and would also like Ms. Ellison to look into how to make this happen safely. Mr. Murphy also loves the idea. He noted there may be some permitting needed.

***Motion:*** Mr. Murphy motioned to ask Ms. Ellison to work with Mr. DeSalvatore to build a policy and guideline so that we can move forward with the Laurel Street Block Party on September 10, 2022 pending approval from the Board on September 6, 2022. Mr. Silvia seconded the motion. Vote passed unanimously. (5-0-0)

**Request the Use of Town Hall Auditorium: Stalwart Productions, September 23 and October 24, 2022**

Josh Youman, location manager from Stalwart Productions addressed the Board. The show he is working on is called Invitation to a Bon Fire. They are shooting 6 episodes in Massachusetts this fall. He is looking to shoot two episodes in the Town Hall. There was some confusion over the dates. He stated they can be flexible and will have solid dates in a couple of weeks.

***Motion:*** Mr. Murphy motioned to approve the use of the Town Hall Auditorium, for Stalwart Productions, for Invitation to a Bond Fire, for dates to be determined. Mr. Silvia seconded the motion. Vote passed unanimously. (5-0-0)

**Request the Use of Town Hall Auditorium: Friends of the Millicent Library, September 26, 2022:**

Ms. Powers read the statement from the Friends of Millicent Library with their request to use the Town Hall Auditorium for Author Michael J. Tougis to speak about his best seller and Disney movie, The Finest Hours, on September 26, 2022. This event will be free to the public. Mr. Silvia asked if the rental fee can be waved, and only charge for the custodian.

***Motion:*** Mr. Murphy motioned to allow the Friend of the Millicent Library use of the Town Hall Auditorium on September 26, 2022, beginning at 5:30 pm ending at 7:30 pm, waiving the rental fee and charging a fee for the custodian. Mr. Silvia seconded the motion. Vote was unanimous. (5-0-0)

**Request the Use of Town Hall Auditorium: Off Broadway School of Dance, December 15-17, 2022:**

Ms. Powers read the application from Off Broadway School of Dance to use the Town Hall Auditorium on December 15, 16, and 17, 2022.

***Motion:*** Mr. Murphy motioned to rent the Town Hall Auditorium to Off Broadway School of Dance on December 15, 16, and 17, 2022. Mr. Silvia seconded the motion. Vote was unanimous. (5-0-0)

**Public Comment:**

Mr. Travis Raposa addressed the Board suggesting the means of applying for a Board or Committee via the website be streamlined with more information for what said committee may want to see. As it stands now the website asks few questions and prints out as an informal email.

Eleanor Chu via Zoom noted her concerns about having the voting at only the Rec Center. She is concerned about the traffic issue and would like to have some clear signage on how to enter and exit, with police on sight. She asked Mr. Correy to bring the issue of a Southeastern Regional Transit Authority bus driver on a cell phone as he was pulling out from the bus stop. Ms. Powers confirmed there would be an officer on site and will mention to the Town Clerk the suggestion of signage. Mr. Correy will relay his concerns to SRTA as well.

### **Board Member Items**

*Mr. Murphy:*

- Our Lady of Angels Feast is Saturday, September 3<sup>rd</sup>, Sunday, September 4<sup>th</sup>, and Monday September 5<sup>th</sup>.

*Mr. Correy:*

- Soliciting for people to sign up for committees. Hoping for more people to get involved.

*Mr. Espindola:*

- Has there been outreach on the Municipal Aggregate Program. Ms. Lopes Ellison will follow up again. Governor Baker signed a Clean Energy Bill that will have a heavy focus on the wind industry, and other items such as electrical vehicle incentive, solar, etc.

### **Correspondence:**

Mass DOT notified the Town of roadwork on I-195 Bridge East Bound over Alden Rd. Start date is August 11, 2022 night operations, from 8:00 pm to 4am. Ms. Powers noted work should already be done.

### **Notes and Announcements:**

The next regularly scheduled meeting of the Select Board is Tuesday, September 6, 2022 at 6:30 pm in the Town Hall Banquet Room.

The Board is going into Executive Session pursuant to MGL CH30A, 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

***Motion:*** Mr. Murphy made the motion to enter into Executive Session and not return into Open Session. Mr. Silvia seconded the motion. Roll call vote: Mr. Espindola in favor, Mr. Correy in favor, Mr. Murphey in favor, Mr. Silvia in favor, and Ms. Powers in favor.

*Adjourned 8:46 pm*

Respectfully submitted on behalf of the Select Board Clerk. (SS)  
(Approved 9/6/2022)