



## FAIRHAVEN SELECT BOARD

### Meeting Minutes

February 6, 2023

FAIRHAVEN TOWN CLERK  
ROLL 2023 MAR 9 PM 2:08

**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 6:30PM**

A moment of silence was observed for the people of Syria and Turkey due to the earthquake and loss of life.

A moment of silence was observed for Tyre Nichols and family.

**Motion:** Mr. Murphy made a motion to enter Executive Session pursuant to G.L. c. 30A, § 21(a)(3) “[t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares”: (Alves Case) Mr. Silvia seconded. Roll call vote. Mr. Espindola in favor, Mr. Correy in favor, Ms. Powers in favor, Mr. Silvia in favor and Mr. Murphy in favor. The motion passed unanimously (5-0-0)

**The Board returned to Open Session at 7:30PM**

#### Minutes:

**Motion:** Mr. Murphy made a motion to accept the open session minutes of the January 9, 2023, Mr. Silvia seconded. The motion passed unanimously (5-0-0) (*Attachment A*)

**Motion:** Mr. Murphy made a motion to accept the executive session minutes of the January 9, 2023, Mr. Silvia seconded. The motion passed unanimously (5-0-0)

#### Town Administrator:

- February is Black History month, an opportunity for all to research an aspect that people of color have had on American History and around the world, especially African Americans.
- Staffing updates: Daniel Lane has resigned his position as Assessor for a job offer in Fall River. Bruce Webb is our new Conservation and Sustainability Agent, he is on the agenda and here to speak. Rich Bienvenue is here as Budget Director, working to develop the budget. Due to the Municipal By-law an individual cannot be referred to as a Finance Director because they would automatically be Finance Director/Treasurer/Collector. Mr. Bienvenue has worked for about three weeks, a few days per week. He participated in all the budget hearings with the departments. We also have two per diem Building Commissioners, one working after normal hours and another working during the day to get the department caught up.
- Kylie Bateman has resigned her position on the Belonging Committee, if interested, please complete the volunteer application online.

- The Bureau of Local Assessment: Final 2022 Equalized Valuations is an informational piece showing what Town properties valuations are; the state uses these to determine cherry sheet allocations and some state appropriations.
- Housing Choice Community Designation is an opportunity to be identified as a “housing choice community.” The Planning Department and Assessors Office are working to see what is required to get Fairhaven named a Housing Choice Community.
- Fairhaven TV won two of the four Mass Creator Awards they were nominated for; Best Production Value for Hometown Haunts and Best Promotional for the Holiday Spook Promotions.
- Closed captioning for zoom has been added for all board and committee meetings. It can also be turned on as an option from within the zoom settings.
- Mr. Correy asked to table the item on information dissemination as the references in the response indicate the acting chair made the agenda item request. Mr. Correy does not want to be identified this way in an official document. The item can be placed on the next agenda under action items and the record will reflect the correct member who requested it was Mr. Silvia.
- Vinnie Furtado, Board of Public Works Superintendent, addressed the recent water issues. He reviewed his notes (*Attachment B*). The current filtration system needs to be upgraded to new technology. It is estimated that the upgrade will take place sometime in 2023 predicated on supply chain issues. The water is monitored in all four towns of the district (Rochester, Marion, Mattapoisett and Fairhaven). The water is safe. Due to the filters being past their lifespan, any turbulence in the system causes a re-suspension of particles which results in discolored water.

This weekend we experienced an issue on Pope’s Island where a contractor for the city of New Bedford broke one of the water lines. Through our inter-municipal agreement with New Bedford, Fairhaven was asked to supply water to Pope’s Island. With the extreme cold, New Bedford then had a break in the water line on Pope’s Island which caused turbulence that resulted in discolored water. Fairhaven had forty reported pipe bursts in homes and businesses which caused more turbulence.

A public service announcement will be recorded and played on Fairhaven TV, social media and the Town website. The information includes what to do when you experience discolored water. The BPW’s next meeting is Monday, February 13th.

The Board asked about impacts to residents' water bills. Mr. Furtado said it has not been discussed yet and estimated the cost of the first seven hundred-fifty gallons at just over two dollars. He will bring the question of an abatement to the next BPW meeting for discussion. The Board asked if it is possible to get water supplied from New Bedford. Mr. Furtado explained the way New Bedford disinfects their water is different and Fairhaven would need to take precautions for certain health care centers and other uses of the water supply due to the chemicals used.

- Ms. Ellison’s assistant has a change to her last name, you will see “Hart” now and “Almeida” will be phased out.
- The William Street entrance to Town Hall will be closed starting mid-day tomorrow for the masonry and electric work needed on the stairs. The main entrance on Center Street, the entrance on Walnut Street and elevator access all remain open.

**Bruce Webb; Conservation/Sustainability Agent**

The Board welcomed Mr. Webb. He is a wetland scientist by background with a Master’s degree in soil and water science and a graduate certificate in wetland resource management. He has worked in consulting and is looking forward to also working with sustainability.

**Motion:** Mr. Murphy motioned to approve the Town Administrator's appointment of H. Bruce Webb to the position of Conservation and Sustainability Agent. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Bikeway Committee appointment: Will Gardner**

Will Gardner addressed the Board. His interest is in transportation safety and in aspects of community health and working together on these initiatives.

**Motion:** Mr. Murphy motioned to appoint Will Gardner to the Bikeway Committee for a term to end May, 2023. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Proclamation: Dr. Jibreel A. Khazan**

Jessica Fidalgo, Chair of the Belonging Committee recently met Dr. Khazan at the MLK Day event in New Bedford. The proclamation is to recognize his work with the Civil Rights Movement. The Belonging Committee is hosting a Black History Month event at the Council on Aging, tentatively scheduled for Thursday, February 23rd from 5:00 - 7:00 PM.

Ms. Powers read the proclamation (*Attachment C*)

**Motion:** Mr. Murphy motioned to approve a proclamation for Dr. Jibreel A. Khazan for his accomplishments, his lifelong civil rights advocacy and actions and to be presented by Leon Correy at a scheduled Belonging Committee event on February 23, 2023. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Recreation Center Rate Increase**

Kelley Peterson, Recreation Center Director, reviewed the proposed new rate structure; rates have not been raised in nine years. The proposed structure will redefine categories, have a modest five dollar increase for residents, change the non-resident definition to include all surrounding communities, and increase the non-resident rate to be above the resident rate including for party/event rentals. Retention of current members and keeping resident costs as low as possible is the goal. Currently there are approximately sixty-one active non-resident members and surrounding towns, not currently eligible to join, have reached out seeking membership.

Another aspect of the proposal eliminates the half court rental option unless both sides can be rented simultaneously. Ms. Peterson said there is room for growth with the current number of memberships.

**Motion:** Mr. Murphy motioned to approve the rate increase for use and membership of the recreation center with resident and non-resident rates as outlined in the Recreation Center membership rates and facilities rental rate chart. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

**AMBULANCE BILLING AND COLLECTION POLICY**

Fairhaven Fire Chief, Todd Correia, presented the policy; this formalizes the process they have followed under the previous Town Administrator by putting it into a written policy.

**Motion:** Mr. Murphy motioned to approve the Ambulance Billing and Collection Policy. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

**MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION TITLE 5  
REGULATION CHANGES**

This item was tabled.

**BUZZARDS BAY COALITION (BBC) 17TH ANNUAL WATERSHED RIDE, PUBLIC ROAD  
USE**

Mr. Espindola asked that the organizers make note in pre-ride meetings of any items along the bike path, like cracks, that should be marked for safety and work with the Board of Public Works. Ms. Ellison will make the appropriate parties aware.

**Motion:** Mr. Murphy motioned to approve the use of town roads for the 17th Annual Watershed Ride sponsored by the Buzzards Bay Coalition on October 1, 2023 from approximately 10:30 A.M. to 12:00 P.M. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

**APRIL FOOD DAY - CANNED FOOD DRIVE, USE OF TOWN HALL**

Jessica Fidalgo, from the Belonging Committee and Rotary Club, presented the flyer and details of the event. There will be drop off boxes across town, including Town Hall. Ms. Fidalgo said both groups hope the event will be an opportunity to address the needs across the community. She is working with Fairhaven TV on a public service announcement and reaching out to other groups within the community.

Mr. Murphy asked it to be noted that since there is no monetary involvement with M.O. L.I.F.E., Inc. he does not need to recuse himself.

**Motion:** Mr. Murphy motioned to approve the use of Town Hall for the canned food drive, "April Food Day," event on April 1, 2023 from 9:00 A.M. to 1:00 P.M. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

**2023 SELECT BOARD MEETING CALENDAR**

Ms. Powers asked the Board to review the list of dates and their calendars and then send feedback or requests to Ms. Hart for the next meeting agenda.

**NEW WATER DISTRICT APPOINTEE**

The appointee to the Mattapoissett River Valley Water Supply Protection Advisory Committee and the Mattapoissett River Valley Water District Commission has been the Town Administrator.

**Motion:** Mr. Murphy motioned to appoint Angie Lopes Ellison as the Select Board appointee to the Mattapoissett River Valley Water Supply Protection Advisory Committee and the Mattapoissett River Valley Water District Commission. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

**TEMPORARY STREET CLOSURE POLICY**

The Board reviewed the updates and edits Town Counsel made to the previous policy draft and the application form.

**Motion:** Mr. Murphy motioned to adopt the Temporary Street Closure Policy. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

**EXECUTIVE SESSION MINUTE POLICY**

Ms. Ellison explained that while reviewing executive session minutes, the policy adopted by the Board in 2015 contains potential violations of parts of the Open Meeting Law (OML) and Public Records Request

(PRR) guidelines where it indicated requests were on paper only and in person only. The current OML and PRR guidelines support the released executive session minutes be included as part of the meeting minutes when they are approved for release. PRR guidelines encourage digital copies.

**Motion:** Mr. Murphy motioned to rescind the executive session minute policy adopted on April 27, 2015. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

### **GOALS AND OBJECTIVES**

The Board read each of their objective submissions. The consolidated list of objectives per goal will be used for Ms. Ellison's 2023 performance review. (*Attachment D*) Each objective is tangible and measurable with the timeline for completing being the calendar year of 2023.

**Motion:** Mr. Murphy motioned to accept the mutually agreed upon goals and objectives established as presented. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

### **COMMITTEE LIAISON REPORTS**

*Mr. Espindola reported:*

Updates from Massachusetts Department of Revenue (Mass DOR)/Division of Local Services (DLS) webinar, Broadband Study Committee, Broadband Coalition, SMMPO, SRPEDD Commission and the Fairhaven Bikeway Committee (*Attachment E*)

*Mr. Correy reported:*

The Massachusetts Broadband Institute is moving Fairhaven's application forward as an individual municipality (*Attachment F*). The Economic Development Committee reviewed recent 40R updates and the Belonging Committee updates were reviewed in earlier items.

*Mr. Silvia reported:*

The Historic Commission met, the street lamps should arrive tomorrow and they are looking to display in the auditorium at Town Hall if possible. Marine Resources met and discussed the work taking place at Union Wharf and Hoppy's Landing. Harbormaster Tim Cox was thanked for his work recently where he was called out in the early morning hours to help rescue a boat on Friday and today rescuing a seal.

*Mr. Murphy reported:*

The Sister City Committee met and discussed upcoming events; cherry blossom event tentatively scheduled for May 7, 2023, and an event at the Manjiro House tentatively scheduled for October 7, 2023, more details to follow on both.

*Ms. Powers reported:*

Fairhaven TV is working on new programming ideas like how the election process runs from submitting papers to election day. The 40R Working Group is working on a bylaw article for Town Meeting using considerations considering factors like the location, design standards, space, sustainability and socioeconomic impacts.

### **PUBLIC COMMENT**

Ms. Michelle Costen thanked the Board for the meeting and said she is still concerned about the Short-Term Rental (STR) impacts on housing and asked how we could find out exactly how many there are in Town, how can the Town control the "bad apples" and care for resident safety. Ms. Costen also mentioned concerns about who is responsible for housing and does our Conservation department include housing and questioned if there is an ambulance shortage in town.

Ms. Ellison addressed the concerns; the STR process is under the jurisdiction of the Building Commissioner and the department is getting caught up on permits at this time. Once that work is up to date they can look at how to apply the bylaw, possibly by establishing a committee to bring forward concerns for review. STRs have to register with the state, you can look up certain information online by town. Currently, housing is not a function of the Conservation department. Regarding the ambulances, there is no shortage, the Fairhaven Fire Department personnel are EMTs who work those positions and rotate shifts.

**BOARD MEMBER ITEMS**

Mr. Correy reminded everyone to get involved by looking for volunteer opportunities. He also offered continued prayers for the family of Tyre Nichols.

Mr. Murphy congratulated Fairhaven TV again and attended the Mass Creator Award ceremony in Boston.

**Adjourned at 10:01 P.M.**

Respectfully submitted on behalf of the Select Board Clerk (ah)

**Attachments:**

- A. Minutes of open session, January 9, 2023**
- B. Water issues presentation**
- C. Dr. Jibreel Khazan Proclamation**
- D. Recreation Center Rate updates**
- E. Committee Liaison Report: Robert Espindola**
- F. Committee Liaison Report: Leon Correy**