



FAIRHAVEN SELECT BOARD
Meeting Minutes
April 18, 2023

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

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

Mr. Correy opened the Select Board meeting at 6:30PM

A moment of silence was observed for Kaylin Gillis, Ralph Yarl and Robert Dotson

Motion: Mr. Espindola motioned to take Action Item One, Huttleston Ave. conservation covenant assent out of order and act upon it now. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Huttleston Avenue – conservation covenant assent:

Attorney Michael Terry, Petrini & Associates attended via zoom. Mr. Terry addressed the Board regarding the rezoning of a portion of property owned by G. Bourne Knowles on Huttleston Avenue with a portion of that property going to conservation in perpetuity. A state conservation restriction is needed and due to the amount of time it can take for that approval, a restrictive covenant is before the Board tonight which would provide protection for thirty years and when the state approves the conservation restriction it will supersede the covenant signed tonight.

Motion: Mr. Espindola motioned to approve a restrictive covenant for thirty years as part one of the process that will include a covenant with the Commonwealth of Massachusetts. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Public Hearing:

The Public Hearing for parking on one side of Elm Avenue was opened at 6:41PM.

Lieutenant David Sobral of the Fairhaven Police Department presented his report and findings to the Board. The safety issue was raised after the recent marina fire in Mattapoisett and reviewed with Planning Director Paul Foley, Highway Superintendent Josh Crabb and Deputy Fire Chief Joy Nichols who all recommend restricting parking to one side of Elm Avenue.

Public Comment:

Mario Carreiro, 178 Main Street, asked if the restriction could be expanded to stipulate resident parking only.

Eleanor Chew, 180 Main Street, stated she agreed with what had been said so far and added that in the summer the parking is mainly by marina patrons and would also like to see it be restricted to resident parking only.

Anna Carreiro, corner of Main Street and Elm Avenue, spoke about speeding down the street and the danger since it is not a through way, she stated that tree trimming is not done and the boats driven down to the marina often take down branches and with no sidewalk it is unsafe to walk in the street.

The Board asked questions about the process, signage, curbs and if the marina owner could be involved. Lt. Sobral said he could speak with the owner about advising the marina patrons about parking and safety. He also said citations could be issued for illegal parking.

The Public Hearing for parking on one side of Elm Avenue was closed at 7:02PM

Motion: Mr. Espindola motioned to approve the traffic control by the Police and Planning Departments on Elm Avenue, west of Main Street, by restricting parking on the south side of the street. Ms. Powers seconded. The motion passed unanimously (5-0-0).

The Public Hearing for the discontinuance of Shirley Street, south of Jason Terrace and north of 4 Shirley Street was opened at 7:05PM

David Davignon of Schneider, Davignon and Leone, LLC spoke on behalf of Sarkis Enterprises. He presented an enlarged view of the area for discontinuance and explained that in 2022 he went before the Planning Board regarding the purchase of the easterly side of Shirley Street for the operation of A&A Auto Sales and Service and the Planning Board advised his client to see the street discontinuance because they own the properties on either side.

The Board asked about the conditions set by the Planning Board, impact to neighbors, concerns of neighbors regarding parking in the area and the planned use for the area.

Mr. Davignon stated the owners have made progress on the conditions set by the Planning Board and they felt there would be no impact to the abutters. The planned use for the area is for employees to park their cars and the stockade fence will be continued across the area because typically from the center line half goes to the owner on each side and the Sarkis' own both businesses on each side. There would also be a blanket easement across the parcel for public works and safety. Ms. Ellison expressed concern for private use of a public space.

Public Comment:

Ms. Rouba Sarkis of 17 Highland Avenue, one of the owners, addressed the Board and stated the request for a street discontinuance was at the recommendation and urging of the Planning Board. She said it would be marked to indicate it is not a public road.

Mr. Al Ouellette of 7 Shirley Street addressed the Board and stated the only benefit is to A&A Auto, trash and delivery services use it as a way to turn around and the owners use it to park unregistered cars. He further stated that it is an abuse to the neighbors and they are encroaching on the neighbors.

Ms. Michelle Costen of Spring Street addressed the Board and stated the Board should listen to a forty-year resident on this issue and more should be heard. She believes in growth without pushing people out.

Mr. Espindola expressed concerns about ownership, public safety and ensuring no encroachment on a public way. He would also like a legal opinion on the matter and on the language needed for an easement.

Lt. Sobral addressed the Board and stated unregistered cars cannot be parked on a public way, they can be parked on private property.

Mr. Joshua Crabb, Highway Superintendent, addressed the Board via zoom and said there would need to be access for infrastructure and public safety access twenty-four hours a day.

Motion: Mr. Espindola motioned to continue this to May 1, 2023 with the understanding that Town Counsel be asked if the discontinuance of the street impacts ownership, easement and infrastructure access. Ms. Powers seconded. The motion passed unanimously (5-0-0).

The Public Hearing for Eversource: petition for FO pole installation and conduit under public road; Causeway Rd. and Alder St. was opened at 7:34PM

Jessica Elder, Eversource Right of Way Agent attended via zoom and explained the project. She stated the goal is to improve service on West Island and that most of the work would be underground and take approximately ten days to complete depending on the weather. The area would be left as close to the original condition or better after any digging.

Public Comment:

Mr. Dan Wood of 7 Causeway Road addressed the Board via zoom. He explained that he lives at the corner of Causeway Road and Alder Street where the work would be done. He asked if existing poles could be used due to the plans appearing to show the new poles being on his property which he felt would impact the enjoyment of his property.

Ms. Elder stated she would bring the request back to the engineering team for review and clarification.

Motion: Mr. Espindola motioned to continue this to May 1, 2023 with the understanding that Eversource provide commentary to clarify before the item is back on the agenda. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to take Action Item C4, Board of Public Works (BPW) appointment of Travis Rapoza, out of order. Ms. Powers seconded. The motion passed unanimously (5-0-0).

The Board received a joint meeting request from the BPW to appoint Travis Rapoza to an opening created by the resignation of a board member. Superintendent Vincent Furtado submitted a letter in favor and BPW board member Robert Hopson spoke in favor of Mr. Rapoza's appointment.

Motion: Mr. Espindola motioned to approve the appointment of Travis Rapoza to the Board of Public Works to complete the vacated term to end at the next town election. Ms. Powers seconded. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT

Ms. Ellison updated the Board on:

- Staffing updates: The position of Finance Director is still open and advertised.
- Conservation Commission resignation of Michael Kelly was received, the volunteer opportunity is posted for those interested to apply for appointment.
- The report from the Department of Revenue is in the packet and in the interest of time will be discussed at a future meeting.
- The Department of Environmental Protection sent in an update on the January oil spill
- The Tree Warden will host an Arbor Day event at Fairhaven High School on Friday, April 28, see the posting on the Town's website for further information.

Select Board Committee Liaison assignments and Meeting Protocols review

The Board reviewed the existing committee liaison assignments and discussed changes. The Board made no changes to the existing meeting protocols that were adopted in 2022.

Motion: Mr. Espindola motioned to change the name of the Contract Compliance Officer to Procurement Officer with Ms. Ellison as the appointee. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint the Select Board members to serve as liaison to the following boards and committees for a one year term as non-voting members: Mr. Espindola to the Bikeway Committee, the Broadband Study Committee, the South Coast Bikeway Alliance and the Southeast Regional Planning and Economic Development District; Ms. Powers to the Bristol County Advisory Board, the Millicent Library Board of Trustees and the Economic Development Committee; Mr. Murphy as the Fair Housing Coordinator, the Lagoa Friendship Pact Committee and the Sister City Committee; Mr. Silvia to the Commission on Disability, the Dog Park Study Committee, the Historical Commission, the Marine Resources Committee and the Rogers Reuse Committee; and Mr. Correy to the Belonging Committee, the Cable Advisory Committee, the Capital Planning Committee and the Southeast Regional Transportation Authority Board. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to adopt and adhere to the meeting protocol as outlined. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Town Clerk Appointment: Elisabeth "Lissa" Horan.

Ms. Ellison reviewed the appointment of Elisabeth Horan to begin with the resignation of the current elected Town Clerk effective April 29, 2023. Ms. Horan has been the Assistant Town Clerk. There is currently a Town Meeting Warrant Article to make the Town Clerk an appointed position.

Motion: Mr. Espindola motioned to approve as of April 29, 2023, the appointment of Elizabeth Horan as the interim Town Clerk to complete the term until the ballot question results to make said position appointed. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Council on Aging (COA) Appointment: Jacqueline Kenworthy

COA Director Martha Reed via zoom spoke in support of the appointment for Jacqueline Kenworthy. She has been involved at the COA for over ten years and would make a great addition to the COA Board.

Motion: Mr. Espindola motioned to approve the appointment of Jacqueline Kenworthy to the Council on Aging Board of Directors for a term to expire May 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Special Election Date and ballot text

Mr. Correy handed out the ballot text for review.

Motion: Mr. Espindola motioned to call and establish a special town election for June 5, 2023 and for the ballot question to read: *Operating Budget Proposition 2 ½ Override Ballot Question, Shall the Town of Fairhaven be allowed to assess an additional \$450,000 in real estate and personal property taxes for the fiscal year beginning July first, two thousand twenty-three?* Ms. Powers seconded. The motion passed unanimously (5-0-0)

Town Hall Use policy amendment.

Ms. Ellison explained that the office receives requests for the use of Town Hall during normal operating hours for special events or wedding ceremonies and if the Town Clerk is not available they have no access. Most of the requests are for one to two hours with no need for custodial services.

Motion: Mr. Espindola motioned to approve the amended town hall use policy to include authorizing the town administrator to approve small events (less than 3 hours) during normal Town Hall hours and to update *Board of Selectmen* to Select Board. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Building Department fee review/change.

Ms. Ellison reviewed the proposed fee structure. This has been part of the budget process for department heads to review fees and to be competitive relative to other communities.

Motion: Mr. Espindola motioned to approve the changes in Building Department permit fee structure for residential building permit fees, commercial building permit fees, electric division, and plumbing and gas division effective immediately. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to take Action Item C12, Temporary Street Closure request: Cherry Blossom Festival, Sunday, May 7, 2023 out of order. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Temporary Street Closure request: Cherry Blossom Festival, Sunday, May 7, 2023.

Lt. Sobral addressed the Board regarding details of this event including temporary street closure for public safety and a police detail.

Mr. Silvia asked about the recent archaeological study at Cooke Memorial Park and the BPW moratorium regarding use of the area. Ms. Ellison explained that the study was received and will be reviewed prior to any changes in process. Lt. Sobral said he would discuss with the organizers of the event to ensure the appropriate areas are roped off.

Motion: Mr. Espindola motioned to approve the temporary street closure of Cherry Street from Oxford St to Pilgrim Ave. as well as on Pilgrim Ave. from Cherry Street to the end of Cooke Memorial Park for the Cherry Blossom Festival on May 7, 2023 as outlined in the street closure policy. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Retirement notice, dispatch Marie Spooner and Marc D. Darmofal

Ms. Ellison explained the statutory requirement of the respective Collective Bargaining Agreements requires notice to the Select Board in order to receive a retirement bonus.

Motion: Mr. Espindola motioned to accept the police department retirement notifications from Marie Spooner and Marc Darmofal as outlined. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Ratification of Collective Bargaining Agreements, Police and Fire

The Memorandums of Understanding (MOU) with each union outline the specifics of each agreement including coming out of Civil Service. The cost-of-living adjustments and step increases have been outlined and are not impacted by the line items of the contingent and noncontingent budget.

Motion: Mr. Espindola motioned to accept and ratify the collective bargaining agreement between the town of Fairhaven and the New England Police Benevolent Association, Local 64, effective July 1, 2022 through June 30, 2025. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to accept and ratify the collective bargaining agreement between the town of Fairhaven and the Fairhaven Permanent Firefighters IAFF Local 1555, effective July 1, 2022 through June 30, 2025. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Use of Town Hall Auditorium:

Department of Fine Arts – Kid’s Art Day, Saturday, May 13, 2023

Motion: Mr. Espindola motioned to approve the use of Town Hall on May 13, 2023 for the Department of

Fine Arts, Kids Art Day and waive the rental and custodial fees. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Fairhaven Dollars for Scholars; Wednesday, May 24, 2023

Fairhaven Dollars for Scholars has requested the use of the Town Hall Auditorium for their awards ceremony on Wednesday, May 24, 2023.

Motion: Mr. Espindola motioned to approve the Fairhaven Dollars for Scholars event on May 24, 2023 and to waive the rental fee. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Northeast Maritime Institute Graduation, Saturday, September 16, 2023

The Northeast Maritime Institute has requested the use of the Town Hall Auditorium for their graduation ceremony on Saturday, September 16, 2023.

Motion: Mr. Espindola motioned to approve the Northeast Maritime Institute Graduation event to take place September 16, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Special One-Day Liquor License: St. Joseph Catholic Organization; Annual Blessing of the Bikes, Sunday, June 4, 2023.

Mr. Murphy stated he is on the St. Joseph's School Board with no monetary interest in this event.

Motion: Mr. Espindola motioned to approve the One Day liquor license for St Joseph Catholic Organization's annual blessing of the bikes to be held on June 4, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Transfer of License: C&F Property Development, LLC d/b/a Gene's Famous Seafood

An application was reviewed for the transfer of license from Alynicks dba Gene's Famous Seafood to C&F Property Development, LLC dba Gene's Famous Seafood

Motion: Mr. Espindola motioned to approve the transfer of license from Alynicks dba Gene's Famous Seafood to C&F Property Development, LLC dba Gene's Famous Seafood. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Host Community Agreement (HCA) Elevation Retail-completion date extension

Ms. Ellison reviewed the details of the request to extend the completion date by six months as outlined in their agreement terms. Mr. Silvia asked if the reference to the Board of Selectmen be changed to Select Board.

Motion: Mr. Espindola motioned to approve a six months extension to the completion date, as outlined in section D 14 in the Terms of the Elevation Retail host community agreement. Ms. Powers seconded. Mr. Espindola amended his motion to include references within the HCA to the Board of Selectmen to be updated to Select Board. Ms. Powers seconded. The motion passed unanimously (5-0-0).

HRIS Study Summary

Ms. Ellison presented the summary for non-union employees which evaluates various positions and the market value for those positions. The Finance Committee is waiting for this to review for their Town Meeting recommendations. Ms. Ellison would like to fully review and evaluate the recommendations in the study and work with the Select Board to determine the future timeline on re-evaluations and implementation.

Economic Development discussion.

The Economic Development Committee (EDC) asked the Select Board to review the number of members due to losing a voting member. No action was taken on this item.

Discuss Monthly Year-to-Date Revenue and Expense Reports

Mr. Espindola spoke on this item and the financial policy stating the Board would receive regular reports on finances. Mr. Correy suggested incorporating it into the meeting structure.

Ms. Ellison said the current Finance Team is working on all requests, they are overburdened due to the open Finance Director/Treasurer/Collector position and commended them for all the work they are doing to produce every report asked for. She asked to move this to a future agenda, after Town Meeting so that an assessment can be produced and given full attention. Similarly, the Department of Revenue report recommendations are standard recommendations and similar to other communities. Ms. Ellison recommends reviewing what works for Fairhaven to have full checks and balances in place and work with the Finance Committee to ensure it has the full attention it deserves in the next fiscal year.

Financial Forecasting and Massachusetts Department of Revenue (DOR) request

Mr. Espindola spoke to this item and renewed his recommendation to add a request to the DOR queue for assistance with the template for reporting. He reached out to Zach Blake from the DOR who recommended Fairhaven add a request to the queue for a discussion because it can take time to be heard.

Ms. Ellison explained that this is operational and falls under administrative duties. There are many unknowns at this time to move forward with the current staff. Mr. Bienvenue recommends a different template. She recommended reviewing after Town Meeting when staff can address the issue.

Sign Annual Town Meeting Warrant

Motion: Mr. Espindola motioned to approve the warrant for town meeting to be held on May 6, 2023 and to instruct the constables to post in accordance with town bylaws and mass general law. Ms. Powers seconded. The motion passed unanimously (5-0-0).

CORRESPONDENCE

- Buzzard's Bay Action Committee Annual Assessment notification for FY24
- Commonwealth of Massachusetts; Request for Proposals (RFP) for leased space
- Office of Veteran's Services; Invitation to the Memorial Day Parade, Monday, May 29, 2023
- Massachusetts Association of Conservation Commission; Bruce Webb certificate of completion
- Millicent Library Board of Trustees letter

COMMITTEE LIAISON REPORTS

Mr. Espindola reported:

Updates from the Fairhaven Bikeway Committee, the Broadband Study Committee, the Broadband Coalition, SRPEDD, SMMPO, NE Maritime Institute – US Coast Guard Ceremony. He provided the Board with a copy of the SRTA schedule due to changes in the bus service to Fairhaven. (*Attachment A*). He also reported that SRPEDD applied for a digital equity fellow and are awaiting a response.

Ms. Powers had no meetings to report

Mr. Silvia reported:

The Marine Resources Committee met, the Harbormaster assisted the Department of Public Works putting in docks for the ramp at the marina. There is a question of ownership and Ms. Ellison advised that she has not

received a request for use of Town Counsel regarding this matter. Mr. Silvia said they are waiting for a hardcopy of the paperwork on this matter.

The Historical Commission is working on a schedule for the firing of the muskets and cannons

Mr. Murphy had no meetings to report

Mr. Correy had no meetings to report

PUBLIC COMMENT

Ms. Karen Vilandry of 34 Huttleston Ave. thanked the Board for their hard work on the budget with out jeopardizing public safety. She asked if the Planning and Economic Development Director reports out on development projects like a quarterly report that can be shared. Ms. Ellison addressed the concern and stated she can bring forward the request for regular updates to the Board on Economic Development. The Town is looking at all options to bring business into town. The Board raised other actions towards economic development like recommendations on the use of vacancies, the 40R Working Group, grant applications submitted for the Town and would welcome the Planning Director to a future meeting to discuss.

BOARD MEMBER ITEMS

Mr. Silvia suggested the Board forego their stipends in response to calls about the override.

Mr. Murphy thanked the Belonging Committee and the Rotary Club for hosting the April 1st Food Drive. He also thanked Kelly from his campaign team who he forgot to mention on election night.

Mr. Correy asked the Board to review their calendars for availability for a Select Board retreat. He reminded everyone to get involved, it has been nice to see new members on boards and committees.

News and Announcements:

The next regularly scheduled meeting of the Select Board is Monday, May 1, 2023 at 6:30 p.m. in the Town Hall Banquet Room

Meeting adjourned at 9:59PM

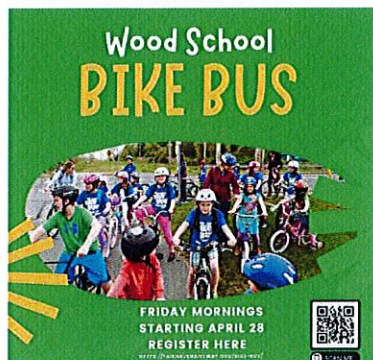
Respectfully submitted on behalf of the Select Board Clerk (ah)

Attachments:

A. Committee Liaison Report – Robert Espindola

Committee Liaison Report – Bob Espindola – April 18th, 2023

The Fairhaven Bikeway Committee will be meeting again on Thursday, April 27th.



Will Gardner, member of the Committee, has organized the Bike Bus to run again, starting on April 28th, with children and parents riding from Pleasant Street to Wood School each Friday.

if you have friends or family with kids at Wood, please encourage them to sign up. [Here's the link](#) to the registration form.

Broadband Study Committee.

The Broadband Study Committee remains waiting to set up the next meeting until there is an opportunity for a presentation from an entity that would be able to provide a Public Private Partnership model. Under this model, the Private Partner would incur the cost of construction and bear any risk associated with the project. The costs for internet would, then, not be much different from what we are paying now but the PPP would allow for competition among Internet Service Providers (ISP's) on a newly constructed Fiber network. Under some PPP models, the Town would, after a period time, be able to own the system outright. Once the BSC has an opportunity to study this model, I will bring any feedback back to this Board.

Broadband Coalition

The Broadband Coalition met on for a third time on second time on March 23rd. Members of the Massachusetts Broadband Institute addressed the Coalition to discuss Federal and State Broadband funding sources and to present information about the Broadband Fellowship opportunities available (which SRPEDD subsequently submitted an application for on behalf of all SRPEDD communities.

A subset of Coalition members from local communities including Dartmouth, Westport, Fairhaven and possibly Mattapoisett, and New Bedford, will meet in the afternoon on Tuesday, April 18th to kick off discussions about the feasibility for a Public Private Partnership (outlined above) for our region.

The full Coalition will hold its April Meeting on the 19th at 4:30 P.M. and will have a guest speaker from the Institute of Local Self Reliance (ILSR) ILSR is a national research and advocacy nonprofit organization. They published an article about the coalition on Thursday, April 13th that you can find here <https://communitynets.org/>.

The Massachusetts Municipal Association also published an article about the coalition on their website and in their monthly news publication "the Beacon".

MMA website article link (<https://www.mma.org/communities-form-new-coalition-to-facilitate-broadband-efforts/>).



MMA also published the article in their monthly news bulletin (see page 15 in this link <https://www.mma.org/wp-content/uploads/2023/03/MMA-Beacon-April-2023.pdf>)

The Coalition hopes the coverage will help increase membership.

SRPEDD

The next meeting of SRPEDD Commissioners will be on Wednesday, April 26th.

As voted by our Select Board at a prior meeting, I did work with SRPEDD Executive Director, Jeffrey Walker, to submit an application for a Digital Equity Fellow that would work in the SRPEDD region, with any community that has a need, including Fairhaven. Awards have not yet been announced by the granting authority, Massachusetts Broadband Coalition.

SMMPO – The SMMPO will meet on Tuesday, April 18th.

Northeast Maritime Institute – US Coast Guard Ceremony

I was able to attend the ceremony at Northeast Maritime Institute on Thursday, April 13th where NMI and members of the US Coast Guard met to sign a Memorandum of Agreement whereby students who graduate from NMI will have received training that will allow them to automatically be placed with an advanced ranking in the US Coast Guard or in the USCG reserves while they work as they work in the maritime industry. This is a first of its kind program and the Coast Guard has high hopes the program will bolster its recruitment efforts.

In the photo, NMI President, Eric Dawicki, addresses faculty, Coast Guard Officers, staff and student body.

