



**Fairhaven Select Board
Meeting Minutes
May 23, 2022**

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2022 JUN 14 P 1:42

FAIRHAVEN,
MASS.

Present: Select Board members Chair Stasia Powers, Vice-Chair Leon Correy, Clerk Robert Espindola, Mr. Silvia, Charles Murphy Sr., Town Administrator Angie Lopes Ellison and Administrative Assistant Vicki Oliveira.

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

Chair Powers opened the meeting at 6:31 pm in the Town Hall Banquet Room.

Ms. Powers offered a moment of silence for the people of Ukraine and the those in Buffalo New York.

Minutes

Ms. Ellison has asked to table the meeting minutes for May 9, 2022 to verify some information to assure accuracy in the minutes. There was no objection from the Board

Motion: Mr. Murphy motioned to approve the open session minutes of May 12, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Town Administrator Report

Ms. Ellison said Health Agent Dave Flaherty has reported Covid numbers are slowly increasing, but luckily most cases have been mild. Ms. Ellison is requesting for anyone testing positive, and are entering a municipal office to social distance and wear mask if you are not feeling well and try not to crowd an office.

Ms. Ellison said the Town was awarded a Community Compact Grant in the amount of \$250,000 and thanked Mr. Espindola for his hard work on this grant.

Ms. Ellison recently sent out a letter of support for the bike ramp on the bridge on behalf of the Select Board.

Ms. Ellison said Fairhaven has a unique process with Town Meeting and Collective bargaining whereas the collective bargaining agreements have to be ratified prior to town meeting.

Ms. Ellison announced Town Offices will be closed in recognition of Juneteenth, as the State recognizes Juneteenth as well. Because this date falls on a Sunday, the day will be celebrated on Monday, June 20, 2022.

Committee Liaison Reports

Mr. Espindola said Southeastern Regional Planning & Economic Development District (SRPEDD) will have their annual meeting Wednesday, May 25, 2022. The Keynote speaker will be MassDOT Secretary Jamey Tesler.

Mr. Espindola said Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) met on May 17, 2022 where there was a discussion about the bike ramp on the north side of route six. Because the schedule cannot be changed this year the project will advance to 25% design, which may make it eligible for a move in the future if an opportunity arises.

Mr. Espindola said the Broadband Study Committee met May 16, 2022 and guest speaker Gayle Huntress attended the meeting to discuss broadband in her community and give some advice to Fairhaven. Mr. Espindola also discussed the Community Compact Grant in the amount of \$250,000 the town received; there will be an award ceremony in a few weeks.

Mr. Correy said at the recent the Belonging Committee Kylie Bateman was elected Chair and Jessica Fidlago Vice- Chair. The Committee also reviewed and made their recommendations on the flag policy. Mr. Correy will attend his first Southeastern Regional Transit Authority (SRTA) meeting this week.

Mr. Murphy attended the 500th anniversary celebration event at Cotlaimar for the Lagoa Sister City traveling display along with Fairhaven representatives for the Lagoa Committee MJ Carvalho and Wayne and Vicki Oliveira. The Lagoa Committee will continue to meet to prepare for the display that will be in Fairhaven in July.

Action Items

Beautification Gift Account

Stevie's Wine and Spirits Communications Manager Kelly Smith said the store held a rare whiskey raffle fundraiser to raise money for the beautification of Fairhaven. Store manager Stevie Pimentel and Ms. Smith presented the Board with a check for \$3,425 for the Beautification Gift Account as a way to show their appreciation and to give back to the town.

Motion: Mr. Murphy motioned to accept the gift fund from Stevie's Wine and Spirits in the amount of \$3425 to be deposited into the Beautification Gift Account. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Steamship Authority: Freight Barge Service

Ms. Ellison said the Board has been asked by Mark Rees, the Fairhaven representative on the Steamship Authority Port Advisory Council to send a letter expressing concerns regarding the freight barge service from New Bedford to Nantucket and requesting the truck traffic to the loading site go through New Bedford and not Fairhaven.

Motion: Mr. Murphy motioned for the Town Administrator to send a letter on behalf of the Select Board to the Steamship authority stating the concerns and to limit trucks using the services of 41 North Offshore, LLC through Fairhaven. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Sustainability Committee Appointment

Seth Baumgartner told the Select Board he has had a passion for the environment since he was a young child. He and his children frequently clean the beach when they are there and would like to help the community.

West Island resident JP Lemieux expressed his thanks to Mr. Baumgartner and his children for cleaning up West Island Beach.

Motion: Mr. Correy motioned to appoint Seth Baumgartner to the sustainability Committee for the term ending in May 2023. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

4-Blue Stream Shellfish LLC

Ms. Powers opened the public hearing at 7:00 p.m. for Blue Stream Shellfish, LLC to install shellfish nursery raft.

Blue Stream Shellfish LLC (BSS) owner Dale Leavitt met with the Board to request permission from the Town to allow BSS to install a complex of solar powered floating upwellers adjacent to the BSS processing barge located at the West Island Marina. The floating upweller complex (FLUPSY complex) will consist of two 8' by 20' FLUPSY rafts, each containing eight 2' by 2' silos, coupled to a third 8' by 20' raft to house the photovoltaic panels and batteries required to operate the system. This will establish 24 x 20 raft on the commercial shellfish dock at West Island Marina

Mr. Leavitt would like to have the BSS aquaculture license amended to allow BSS to sell the oysters on their farm is in Nasketucket bay. Their farm is at BB21 but they also need to be at BB18 in order to comply with the state regulations. Harbormaster Cox said Mr. Leavitt has already gone before the Marine Resources Committee and there were no objections. Mr. Cox said everything BSS grows will help Fairhaven waters.

Ms. Powers read the public hearing notice for Blue Stream into the record.

There were no comments or concerns from the public on this public hearing.

At 7:12 pm Ms. Powers closed the public hearing.

Motion: Mr. Murphy motioned to approve the Blue Stream Shellfish LLC installation of the shellfish nursery raft as submitted in the application and to amend the license to include BB 21 and BB18. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Sarkis Enterprises, Inc. d/b/a A&A Auto

At 7:13 pm Ms. Powers opened the public hearing by reading the public hearing notice for Sarkis Enterprises, Inc. d/b/a A&A Auto for an alteration of premise.

Sarkis Family representative Civil Engineer, Dave Davignon, passed out a map of the alterations that are being proposed at their property (Attachment A) Mr. Davignon said A&A said there will be some slight alterations of the property and will turn the existing building into an office. Mr. Sarkis is sensitive to the neighborhood and will enhance the property by adding some landscaping and controlling the traffic that flows through the cut out to the next street by adding a fence.

Mrs. Sarkis said A&A wants to expand the property so that there are no issues with the parking at their current location.

There were no comments, questions, or concerns from the public.

Ms. Powers closed the public hearing at 7:27 pm.

Motion: Mr. Murphy motioned to approve the alteration of premise as submitted in the application by Sarkis Enterprises, Inc. d/b/a A&A auto. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Action Items

Appointments of Boards and Committees

Ms. Powers said there were questions about attendance on Boards and Committees and would like to get a report from the Chairs of Committees; and to have Town Administrator draft a policy regarding attendance. Ms. Powers requested this item be Postponed to the next meeting.

Motion: Mr. Murphy motion that the Town Administrator draft an attendance policy for appointed committees and board participation. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Appointment of Constables

Ms. Powers read the list of Constables who are seeking reappointment for a one-year term.

Motion: Mr. Murphy motioned to appoint Steven Borges, Matthew M. Botelho, Pamela A. Bourgault, Richard E. Ferreira, Robert Jones, Joseph Latimer, Kevin W. Kobza, Lawrence Machado, Scott McGarty, David Miller, Nicholas Sylvia, Herve W. Vandal, Jr. Milan Whitaker for a term expiring May 31, 2023 pending the verification of their status with the Fairhaven Police Department. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Nicole Podkowa 5K Race Fundraiser

Ms. Powers said the Fairhaven Board of Public Works and the Fairhaven Police Department have already approved this event.

Motion: Mr. Murphy motioned to approve the Nicole Podkowa 5K Race Fundraiser occurring on October 8 and 9, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Atlas Tack Building

Ms. Powers provided an update concerning discussions with Kathryn Carvalho from Department of Environmental Protection (DEP) regarding the Atlas Tack property. Ms. Ellison will be meeting next week with DEP and will provide an update to the Board at the next meeting.

Meeting Protocol Adoption

Members received a copy of the draft meeting protocol; Ms. Powers said this will be reevaluated each year after the election by the current sitting board.

Motion: Mr. Murphy motioned to accept the meeting protocol, for this present Select Board Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Whitfield Manjiro Carriage House Barn Door

Ms. Powers read a letter from the Whitfield Manjiro house stating they would like to auction off the barn doors at the carriage house and have the proceeds to go back to the barn renovation.

Motion: Mr. Murphy motioned to deem the barn doors surplus, and to allow the Whitfield Manjiro Friendship society to sell it with the proceeds going back to the Carriage House Barn renovation fund. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Flag Policy

Ms. Powers discussed the updated flag/banner policy and the changes that are proposed by the Belonging Committee. Following the feedback from Belonging committee and town counsel the Select Board made an adjustment to the former policy. (Attachment B)

Motion: Mr. Murphy motioned to approve the Flag policy as written Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Review Town Meeting

No discussion was needed at this time.

Public Comment

Mr. Rick Trapilo, met with the Select Board to introduce himself and explain why he is running for a seat on the 10th Bristol Representative District.

Board Member Items

Mr. Espindola wished everyone a Happy Memorial Day and a Happy Graduation to all the FHS Seniors.

Mr. Correy asked for prayers for the people of Buffalo New York.

Mr. Murphy reminded residents about the Memorial Day Parade and Ceremonies.

Ms. Powers said she was invited to speak and attend graduation at Greater New Bedford Regional Vocational Technical High School and is looking forward to that. She will also be attending the Bristol Agricultural High School graduation and the Fairhaven High School Graduation.

Mr. Murphy said the next Select Board meeting is on June 6, 2022 but he will not be in town and would like to join via Zoom; all Board members agreed this was acceptable and in compliance with State regulation.

Correspondence

Ms. Powers read an invitation from the Pickleball Association to attend the opening day on June 12, 2022 where she will say a short speech.

The Fairhaven Village Militia will be holding a one-day Revolutionary War Encampment on Saturday, May 28, 2022 from 10-4 at Fort Phoenix, however, there will be no firing of the big cannons due to a cannon powder shortage.

Ms. Powers read an invitation for the Board to attend the Fairhaven High School Graduation on Sunday, June 5, 2022.

Adjournment

Motion: Mr. Correy motioned to enter into executive session for the purpose of: to 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; and not to return to open session. Mr. Silvia seconded. Roll Call vote: Ms. Powers in favor, Mr. Correy in favor, Mr. Espindola in favor Mr. Silvia in favor, Mr. Murphy in favor. Vote was unanimous (5-0-0). The Meeting adjourned at 8:04 p.m. into executive session.

Respectfully submitted
On behalf of the Select Board Clerk,



Vicki L. Oliveira
Administrative Assistant

Attachments:

- A. Map of A&A alternations
- B. Updated Flag/Banner policy



Town of Fairhaven
Massachusetts
Office of the Select Board
40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
selectboard@Fairhaven-MA.gov

Flag/ Banner Policy

- 1) Any request to fly a flag / banner on Town Property must be made through the Select Board office at least 60 days in advance of the requested flying period. The distinction made that a flag being a cloth attached by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities; a banner bears a slogan or design, hung in a public place or carried in a demonstration or procession
- 2) The Board will only permit flags acknowledging proclamations made by the federal government and/or the Commonwealth of Massachusetts, as well as flags/banners announcing local upcoming events that are open to the public, provided they are not in support of a candidate, political party or ballot question, and are not primarily commercial or religious in nature.
- 3) The Select Board will have final say, at their own discretion, on whether any flag / banner is appropriate to be displayed on any Town Facility.
- 4) Requests will not be granted for flags/banners to be displayed for longer than 30 days.
- 5) The Select Board shall have the right, at their own discretion, and upon a vote of the Board, to remove any flag / banner prior to the end of the approved time period. The Select Board may choose, at the time of approval, to pass this authority to remove any flag / banner on to the Town Administrator, or designee.
- 6) For any time period where multiple requests are made, the time will be shared equally by all approved requests with not more than one flag or banner flown at any time.
- 7) The Town will not be responsible for hanging or taking down the banner but will provide direction on where it may be hung.
- 8) The flag, as displayed, must not interfere with any aspect of the operation of any Town Facility.
- 9) The Town does not, nor has it ever, intended to designate the flagpole as a public forum by permitting a third party to display a particular flag. Accordingly, nothing contained within this policy, the Town's choice of which flag(s) to raise or applications to grant or deny, or the manner in which the Town makes such decisions should be interpreted as designating the flagpole as a public forum
- 10) The requestor must present a signed, dated copy of the attached waiver along with their request to fly a flag/banner, in writing.

**General Release and Indemnity
Flag/Banner Policy**

I/we, _____ in consideration of the approval of my/our request to the Town of Fairhaven to be allowed to display a flag or banner on public property, do hereby agree to release the Town, and its officers, agents, and employees, from any and all liability for damage or injury suffered by me/us including but not limited to personal injury or property damage resulting from, or related to, the placement, display or removal by me/us or by any other person, of the flag or banner: and further I/we agree to indemnify, defend and hold harmless the Town, and its officers, agents, and employees, from any and all claims for damage or injury, including but not limited to personal injury or property damage resulting from, or related to, the placement, display or removal by me/us or by any other person, of the flag or banner.

Date:

Name (print)

Title (if signed on behalf of an organization):

Signed:

Office Use only

Received on _____

By _____

Approved by Select Board _____

Dates to be displayed _____



- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO DEFINE THE NUMBER OF PARKING SPACES AND DISPLAY SPACES AVAILABLE FOR A USED CAR DEALERSHIP AT THE PROPOSED SITE.
 - EXISTING CONDITIONS FOR PROJECT LOCUS WAS REVIEWED BY AN ENGINEER.
 - REQUIREMENTS FOR BUILDING LOTS SHOWN ARE OBTAINED FROM MASSOS BASES AND ARE APPROXIMATE LOCATIONS AND SIZE ONLY.
 - USE IS SUBJECT TO ALL APPLICABLE REGULATIONS.
 - 30' SIDE WALKWAY AND USE LAMPPOSTS AS INDICATED IN RED BOX.
 - LANDSCAPE PLANTING AND TREES TO BE PLANTED AS NOTED ON THE PLAN.
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 - LOT IS SHOWN AS LOT 13 ON PLAN BOOK 13 PAGE 21.

REQUIRED PARKING SPACE TABLE

ITEM	QUANTITY	SPACES
EMPLOYEE	2	(240)
CUSTOMER	2	(740)
TOTAL		4 SPACES

USED CAR DEALERSHIP
FOR THE NUMBER OF SPACES AND AREA TO BE OCCUPIED BY THE NUMBER OF VEHICLES AND AREA TO BE OCCUPIED BY THE CHASSIS.

DISPLAY SPACES PROVIDER: (240)

SITE INFORMATION

SEE ADDRESS: 200 HUTTLESTON AVE
 AUSTON MAP # 1 - LOTS # 1 & 2
 OWNER OF RECORD: SAKO PROPERTIES, INC.
 CHASSIS ASSOCIATION: MAIAZE
 CITY: FAIRHAVEN, MA
 COUNTY: ESSEX COUNTY
 TOWN: FAIRHAVEN, MA

VEHICLE DISPLAY LAYOUT PLAN
 ASSESSORS LOT # 1 & 2 ON MAP # 1
 # 200 HUTTLESTON AVE
 FAIRHAVEN, MA
 SAKO PROPERTIES, INC.

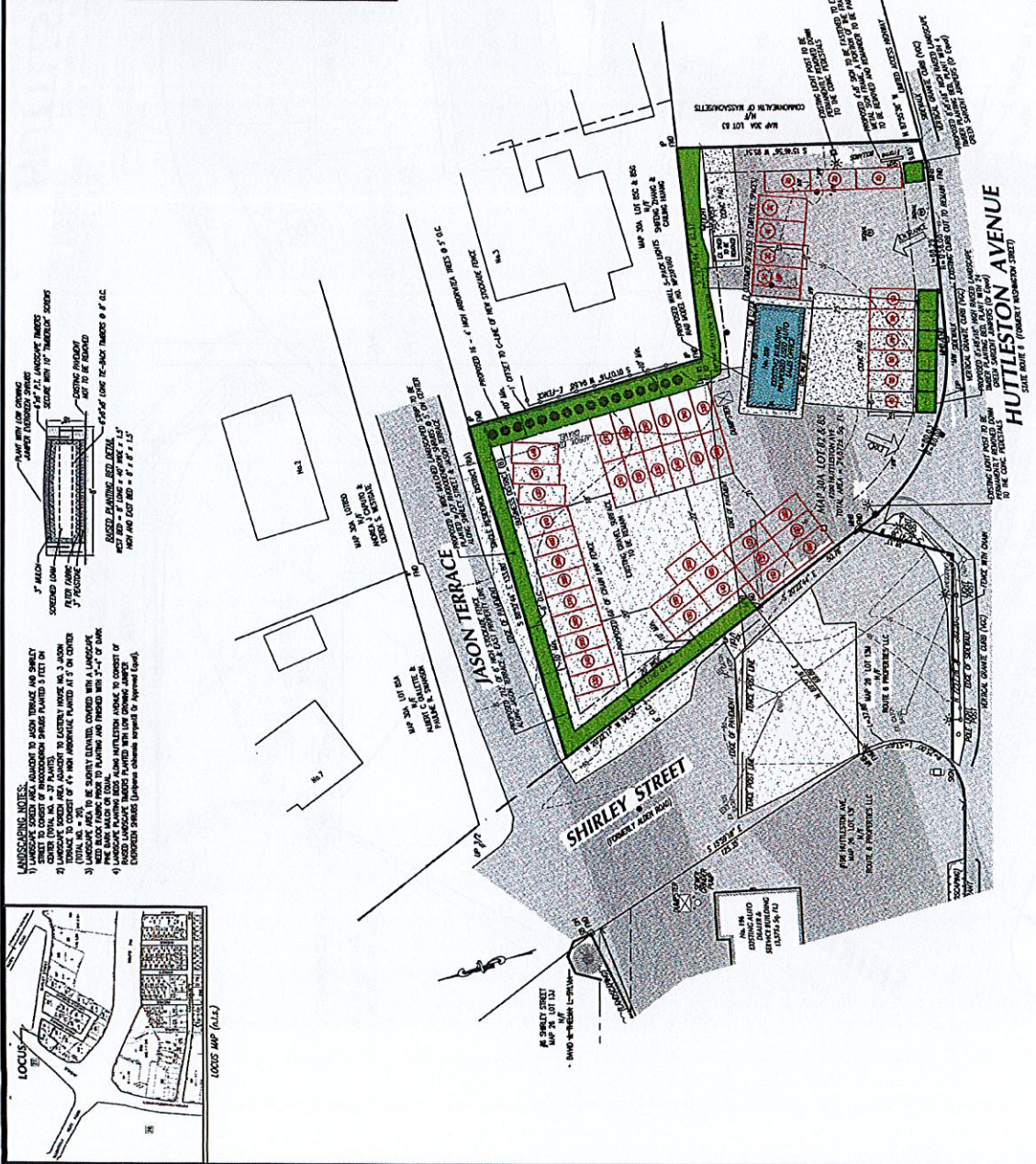
1	DATE	DESCRIPTION
1	01/27/20	ISSUED FOR PERMIT
2	01/27/20	REVISED FOR D.M.A.

SCALE: 1" = 20'
 SHEET 1 OF 1 SHEETS

DATE: JAN 24, 2020

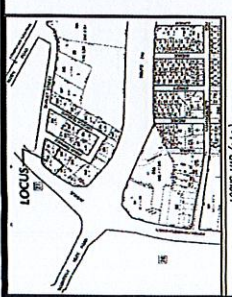
SCHNEIDER, DAVIGNON & LEONE, INC.
 PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 1 COUNTY RD., P.O. BOX 820, FAIRHAVEN, MA 01929

Drawn By: D.M.A. REVISED BY: D.M.A. JOB NO. 2020



LANDSCAPING NOTES:

- LANDSCAPE GREEN AREA ADJACENT TO JASON TERRACE AND SHIRLEY STREET TO CONSIST OF BRONZEDAWN SHRUB PLANTED 5 FEET ON CENTER.
- LANDSCAPE GREEN AREA ADJACENT TO EASTERN AVENUE AND JASON TERRACE TO CONSIST OF 4" HIGH BRONZEDAWN PLANTED AT 5' ON CENTER.
- LANDSCAPE AREA TO BE SURVEY DELIMITED, COVERED WITH A LANDSCAPE MAT AND BUSH PLANTING.
- LANDSCAPE PLANTING AND TREES TO BE PLANTED AS NOTED ON THE PLAN.



SHIRLEY STREET
 (FURNISHED PUBLIC ROAD)
 JASON TERRACE
 HUTTLESTON AVENUE
 (UNPAVED PROPOSED STREET)

PROPPOSED 12' x 12' CEMENT DRIVE (240) IN THE NORTHWEST CORNER OF LOTS 1 & 2 TO BE EXPOSED AND FINISHED TO BE IDENTICAL TO THE EXISTING DRIVE.

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