



FAIRHAVEN SELECT BOARD

Meeting Minutes

August 21, 2023

FAIRHAVEN TOWN CLERK
RCUD 2023 SEP 14 PM4:18

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.

Also Present: via zoom, Christopher Petrini from Petrini & Associates PC.

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

Mr. Correy opened the Select Board meeting at 6:31p.m.

A moment of silence was observed for Barbara Souza, retired clerk in the Collector's Office and Albena "Bena" Haaland who recently passed.

EXECUTIVE SESSION

Motion: Mr. Espindola motioned to enter executive session pursuant to G.L. c. 30A, § 21(a)(3) 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 (6 Evergreen Street) and to return to open session. Ms. Powers seconded. Roll Call vote, Mr. Espindola in favor, Ms. Powers in favor, Mr. Silvia in favor, Mr. Murphy in favor and Mr. Correy in favor. The motion passed unanimously (5-0-0).

The Select Board exited the Banquet Room at 6:36p.m. for Executive Session

The Select Board returned to Open Session at 7:02 p.m.

Mr. Correy stated that the Board of Health was not in attendance during the Executive Session and further discussion on the matter has been continued to September 18, 2023.

MINUTES:

Motion: Mr. Espindola motioned approve the Open Session minutes of June 20, 2023, July 10, 2023, July 17, 2023 and August 7, 2023. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to approve the Executive Session minutes of July 10, 2023 and July 17, 2023. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to postpone approval of the Executive Session minutes of August 7, 2023 until they can be reviewed in Executive Session. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Select Board Retreat Minutes, July 15, 2023

Mr. Espindola asked for an amendment to the minutes and distributed a document to the Board and Ms. Ellison outlining his proposed amendment (*Attachment A*). Discussion ensued regarding the proposed update regarding the establishment of a committee to review financial policies and planning. Ms. Ellison informed the Board of her objection with the proposed amendment to the minutes from Mr. Espindola as it takes the discussion and her position regarding the makeup of a new committee out of context; minutes are intended to be a summary and not a transcript. Mr. Espindola stated his intention was to discuss tonight for the record and add as a future agenda item.

Motion: Mr. Espindola motioned to approve the Select Board Retreat minutes of July 15, 2023 amended to include the first paragraph from his proposed update (*Attachment A*). Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to take Action Item E2, Appointment of Planning and Economic Development Director out of order. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Appointment of Planning and Economic Development Director: Paul DiGiuseppe.

Mr. DiGiuseppe introduced himself to the Board and expressed his excitement to work with the Planning Board as well as the Economic Development. The Board welcomed Mr. DiGiuseppe. Mr. Silvia suggested department heads submit updates for future meetings and then continue ninety days out.

Motion: Mr. Espindola motioned to approve the appointment of Paul DiGiuseppe as Planning and Economic Development Director. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT:

Ms. Ellison updated the Board on:

- Compliment from a resident for the Building Commissioner Randy Bassett and Administrative Assistant Suzanne Vieira.
- Due to the difficulty in finding a Finance Director, Ms. Ellison is working with the Human Resource Director on a restructure to the Finance Department and develop a system to create a pool of internal candidates using our existing employees and skill sets. Once a final model is available, she will bring before the Board.
- Cable Access Director Derek Frates presented the Alliance for Community Media (ACM) Award to David Fauteux. This is a national award won by "The Magazine" which is produced by Mr. Fauteux and hosted by Charlie Murphy. They won the 2023 ACM for Best Magazine Show. The Board congratulated and thanked Mr. Fauteux, Mr. Murphy and Mr. Frates.

The Board recessed from 7:31p.m. to 7:35p.m. due to technical issues.

PUBLIC HEARING:

The Public Hearing for the proposed application for a Farmers Series Pouring License Permit opened at 7:40p.m

Owner Nicholas Cristy addressed the Board and explained his application for a Farmers Series Pouring Permit to pour and sell wines and cider products on the premises at Nasketucket Bay Vineyard. Currently the business can sell and give away but not pour unless the Town approves this Pouring License.

Mr. Espindola advised the Board he received a message from Wayne Hayward (*Attachment B*) and read the email. Mr. Cristy said his application does indicate Rural Residential District "RR" as the type. Ms. Ellison advised the Board the vote can be contingent upon verification of the zone.

Public Comment:

Craig Soares of 241 New Boston Road, a direct abutter addressed the Board and raised concerns about ongoing issues at the property related to flooding from the Quonset Hut that was built. Mr. Soares asked the Board not to vote until other issues and concerns were resolved.

Ms. Ellison reminded the Board this hearing is about a Pouring License not zoning or building. Concerns related to Building, Zoning Board of Appeals or Planning Board can be referred back to her for review and the Board cannot put land use conditions on a Liquor License. Mr. Soares can contact the Town Administrator's office to coordinate a meeting to discuss concerns outside of the Pouring License.

The Board asked about special parking permits and restrooms to which Mr. Cristy said he has submitted through the Planning Board. Mr. Cristy has already addressed the points raise by Mr. Soares and actions he has taken to address Mr. Soares' concerns and he has not heard of continuing issues with run off.

The Public Hearing for the proposed application for a Farmers Series Pouring License Permit closed at 8:02p.m

Mr. Cristy expressed his concerns with each portion of the process dependent on another department and would like to keep this permit application just to a Pouring Permit and leave the other parts out of the process.

Motion: Mr. Espindola motioned to approve the Farmers Series Pouring License Permit for Fairhaven Meadows, LLC d/b/a Nasketucket Bay Vineyard pending approval and verification of zoning requirements. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to take Action Item E1, Draft Decision: Gary Lavalette out of order. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Atty. Christopher Petrini joined via zoom and Mr. Silvia recused himself from these proceedings and left the Banquet Room at 8:08p.m.

Atty. Petrini explained to the Board that the draft letter summarized the recent two nights of the hearings concerning Mr. Lavalette and some of the exhibits, the letter is intended to be a summary of the evidence before the Board and the vote taken to remove Mr. Lavalette pending approval of the decision letter. The Board had no questions.

Motion: Mr. Espindola motioned to approve the draft decision letter for the removal of Mr. Gary Lavalette from the Historical Commission as written. Seconded by Ms. Powers. The motion passed (4-0-1) Mr. Espindola, Ms. Powers, Mr. Murphy and Mr. Correy in favor, Mr. Silvia abstained.

TOWN ADMINISTRATOR REPORT:

Ms. Ellison continued her update for the Board:

- Heidi Hacking has resigned from the Board of Health due to health reasons, Ms. Ellison thanked Ms. Hacking for her service and time on the Board and wished her well.
- Alberto Silva submitted a resignation from the Zoning Board of Appeals, the position is advertised on the Town's website and Ms. Ellison encouraged those interested to review the requirements and consider applying.
- The Council on Aging (COA) was awarded a grant for Enhancing Digital Literacy for Older Adults. The Fairhaven COA was one of twenty-four communities who received the grant, good job Ms. Reed and staff.
- Ms. Ellison thanked Conservation/Sustainability Agent Bruce Webb for his work applying for the Municipal Vulnerability Preparedness (MVP) FY24-25 Pilot Program Grant, the award is ninety-five thousand dollars.
- A temporary street closure was approved for a portion of Laurel Street on September 30, 2023 based on the process for block parties.
- The Town of Fairhaven along with the Massachusetts Broadband Institute has a residential internet survey, it is posted online and in Town offices, looking for as many to participate as possible.
- Ms. Ellison explained a concern was raised recently about a potential Open Meeting Law (OML) violation regarding Peter Deterra from the Zoning Board of Appeals. The office has attempted to contact him several times to schedule a meeting without a response. Ms. Ellison stated she is now publicly asking Mr. Deterra to schedule an appointment, take the training on the OML or she will ask the Board to consider his removal.
- The Select Board Retreat minutes summarized the day and future agenda items will be on protocols, the chain of command and financial topics and asked each Select Board member to send her an individual email on items they would like to add.

- Ms. Ellison received a scholarship to attend the International City/County Management Association (ICMA) at the end of September.
- The application for the Rogers School to be placed on the National Registry is moving forward, no new updates at this time.
- The Sustainability Committee is hosting a Halloween Costume swap and there are boxes at Town Hall, all ages can participate in the swap.
- Human Resource Director Cam Durant addressed the Board regarding recent work done through the Public Employee Committee comprised of the ten unions that represent Town employees. As of October 1, 2023, the Town will be adding a Health Savings Account option for employees.
- Ms. Ellison acknowledged Cathy Melanson for her work on the interim of hiring Mr. DiGiuseppe.

Mr. Espindola asked for a written summary of the ARPA funding schedule and the differences between the revised list and the annual report. He also asked when the monthly financial reports would start.

Ms. Ellison will forward the ARPA information this week and reminded the Board that in July and in response to Mr. Espindola's email the staff is closing out FY23 before opening FY24, monthly reports will be delayed until that changeover is completed. Outside assistance has been brought in to help balance the books for FY23, until that is complete a date would be difficult to target.

Recognition: Firefighter Jesse Lacerda

Mr. Correy read the press release regarding an incident on August 12, 2023 and Firefighter Lacerda's assistance

Transfer of Liquor License: from Elisabeth's Restaurant to OEA Restaurant Group, Corp. d/b/a Olivia's Restaurant, Brandon Roderick owner

Mr. Roderick addressed the Board and explained his concept for the new restaurant. He is working to address a lien on the liquor license to allow for the Board to vote on the transfer.

The Board tabled this item until the office receives notification of the removal of the lien on the liquor license.

Proclamation: Deirdre Healy

Mr. Correy read the proclamation for Ms. Healy and the Board thanked her for her service to the Town through the Sustainability Committee.

Motion: Mr. Espindola motioned to approve the proclamation for Deirdre Healy. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Proposed Changes to the name and charge for the Bikeways Committee

Will Gardner addressed the Board on behalf of the Bikeways Committee and reviewed the proposal (*Attachment C*).

Mr. Espindola thanked Mr. Gardner for his work and dedication and the Board voiced support for the review.

Ms. Ellison also commended Mr. Gardner for his work and recommended the scope be reviewed by the new Planning Director and other departments to make it less broad before the Board votes. The item was tabled.

Event Request/Use of Town Hall Auditorium: The Shepherd Center for Performing Arts Film Festival

Local filmmaker and Fairhaven High School Alumni Alyssa Botelho reviewed the specifics of the application to the Board.

Motion: Mr. Espindola motioned to approve Event Request/Use of Town Hall Auditorium for The Shepherd Center for Performing Arts Film Festival on Friday, August 25, 2023 from 6-9PM as written in the application and waive the fees due to their 501 (c)(3) status. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Declare Surplus items for Town Auction on September 16, 2023

The list of surplus items was submitted from each department for the annual Town Auction on Saturday, September 16, 2023 at the Board of Public Works.

Motion: Mr. Espindola motioned to approve the list of items presented as surplus and transfer them to the Board of Public Works to be auctioned off on Saturday, September 16th, 2023. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Select Board email process management

Ms. Ellison asked the Board to reconsider the process on handling emails sent to the Select Board email address and have the office review and care for the concerns, escalate or redirect as appropriate and add to a future Select Board agenda when needed. The Board will continue to receive each email that is sent to selectboard@fairhaven-ma.gov and the website can be updated to show the office staff will respond to these emails. The process for individual emails sent to a Select Board member would not change.

Motion: Mr. Espindola motioned for Select Board email to be handled by the office and any items needing the collective Board's attention will be on the next available Select Board agenda. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

SRPEDD Technical assistant hours for the Broadband buildout at the Fairhaven Housing Authority (FHA)

Mr. Espindola reviewed the concern on potential loss of grant funds for the FHA broadband buildout project which has a deadline of September 30, 2023. He proposed asking if SRPEDD might be a resource for technical assistance if we are able to use the hours allotted with the funding coming from the grant.

Ms. Ellison explained that she reached out to SRPEDD, described the need and asked about the use of Fairhaven's allotted hours. She is waiting for a response to see if SRPEDD can meet the scope of the project. The funding is not lost and a request for the state contact was submitted so that an extension can be requested. Ms. Ellison further advised that the Request for Proposal (RFP) has multiple parts and a major concern is that the scope of the project follows procurement laws. The complexity of the project requires the RFP to be prepared properly and in accordance with procurement laws and not to fit a company.

Mr. Espindola reviewed other details of the overall project and advocated to use the hours allotted from SRPEDD to the Select Board and Planning Board and supplement with grant funds for time over the forty hours. Discussion continued on the history and details of the project.

Ms. Powers recommended asking for a one-year extension when the request is submitted.

Motion: Mr. Espindola motioned to approve the use of available technical service hours for this fiscal year be allocated to use of procurement related services associated with the Fairhaven Housing Authority project coordination. Seconded by Ms. Powers.

Mr. Espindola rescinded his motion. Ms. Powers rescinded her second.

Motion: Mr. Espindola motioned to authorize the Town Administrator to use the available technical assistant service hours from SRPEDD in this fiscal year to help advance the Fairhaven Housing Authority project for broadband. Seconded by Ms. Powers. The motion passed unanimously (5-0-0).

Mr. Correy asked for an update on broadband to better understand resources. Mr. Espindola referred the Board to his committee liaison reports over time and offered to gather the reports, supporting documents and forward a summary. After further discussion, Mr. Espindola agreed to present a summary of both the Fairhaven Housing Authority project and the Town's Broadband Plan for the entire community at the next Board meeting.

Bylaw change: Chapter 50 Meetings § 10-11

Mr. Espindola asked the Board to consider the change as written (*Attachment D*). He added that the intention of the bylaw when proposed was to have all meetings recorded and if cannot record due to a technical issue or no staff that would be the exception where it was not recorded. To allow the Town Administrator to decide as an operational piece could be dangerous precedent.

Discussion ensued regarding the language of the bylaw and the precedent to propose the costly and long process of a bylaw change based on one event where this is a policy/process with the staff. The Select Board retreat not being recorded raised the concern. The Board briefly discussed their understanding of the intention of the retreat.

Motion: Mr. Espindola motioned to adopt a policy where any open meeting that is not going to be recorded have a notice on it that states the meeting will not be recorded in accordance with the bylaw. The motion failed.

Ms. Powers suggested the Board review the meeting posting policies that we have in place and add to the policy if needed.

CORRESPONDENCE

The Board received the following pieces of correspondence

- Invitation to recognition ceremony for the Fairhaven Acushnet Youth Baseball team
- Community Preservation Committee FY24 CPA Project Funding Appropriation and Grants Awarded: Fairhaven Housing Authority and Town Hall Facilities
- Open Meeting Law Complaint Response 2023 – 129 from Attorney General’s Office
- KIZUNA Magazine: Summer edition

COMMITTEE LIAISON REPORTS

Mr. Espindola reported on:

Broadband Study Committee upcoming meeting, The Massachusetts Broadband Coalition upcoming meeting, SRPEDD Commission and the Fairhaven Bikeways Committee (*Attachment E*).

Ms. Powers reported on:

The Library met and discussed their HVAC project

Mr. Murphy reported on:

The Lagoa Friendship Pact Committee will be marching in the procession at the Upcoming Our Lady of the Angels feast and the Sister City Committee is focusing on details of the upcoming Manjiro Festival on Saturday, October 7, 2023, vendor applications are available (*Attachment F*).

Mr. Silvia reported on:

The Historical Commission has placed a plaque on a home on Fort Street, The Commission on Disability reports the beach mats will be out at all times.

Mr. Correy reported on:

Digital Equity project has officially started with the survey Ms. Ellison referenced, in July the Belonging Committee held a Disability Pride month event at the Council on Aging in conjunction with M.O.Life.

PUBLIC COMMENT

No public comments received

BOARD MEMBER ITEMS

Ms. Powers advised that there will be a groundbreaking at the Pickleball Field at Livesy Park on August 22, 2023 at 7:15a.m.

The Board thanked Cathy Melanson again for her work in Planning during the interim.

Mr. Espindola asked if the Board could be asked about availability for meetings in advance. He distributed a document with a proposal on a temporary hold on creating new positions and reminded the Board of his concerns on policy versus operations items (*Attachment G*). He mentioned the signing of an Intermunicipal Agreement on Dispatch, the renewable energy contract renewal and creation of a new position at Town Hall as recent examples of policy versus operational items.

Mr. Correy thanked the Fairhaven Firefighters for the recent foam party. He encouraged everyone to get involved and volunteer. Mr. Correy and the Fairhaven Firefighters will be sponsoring an event at the Recreation Center on Sunday, August 27, 2023 from 12:00 to 4:00p.m. called Too Cool For School with haircuts, school supplies and fun. He thanked all those who have contributed. Mr. Correy ended by congratulating the parents for making it through the summer and welcomed all the kids back to school.

Mr. Espindola asked if we also made the internet survey available through the school. Ms. Hart will contact the School Department and ask for the link to be on their website as well.

Ms. Ellison asked for the Board to send her digital equity stakeholders, please send to her and Mr. Correy.

Meeting adjourned at 10:30p.m.

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

ATTACHMENTS:

- A. Proposed amendment to the Select Board Retreat minutes of July 15, 2023
- B. Wayne Hayward correspondence
- C. Proposed Changes to the name and charge for the Bikeways Committee
- D. Proposed bylaw update Chapter 50 Meetings §10-11
- E. Committee Liaison Report – Robert Espindola
- F. Manjiro Festival vendor application
- G. Policy vs. operational proposal – Robert Espindola

Approved on September 13, 2023

The notes to be added would read as follows (in quotes below) and they should fit in where noted in the screenshot below

Goal Setting

There was further discussion regarding the 2023 Policy Goals and Objectives (*Attachment C*) and the Board continued brainstorming. One key focus was on the financial policies and economic development. Mr. Nutting provided best practices and shared ideas of what other municipalities do; overall creating systems and processes that work. The Select Board reviewed other towns economic development initiatives and best practices.

Other focus areas included housing, G.I.S., 40R and Charter Review

Additional documents referred to and/or provided during the retreat see *Attachment D, E, F*.

"There was a discussion about establishing a Committee that would meet to review Financial Policies and long term planning for the Town. There was a consensus that the committee would be composed of Two Select Board members, two Finance Committee members, two members of the School Committee and staff support as required.

Mr. Espindola raised a concern about the fact that the Board of Public Works with that composition, the Board of Public Works would not be represented in the same way that the School Committee was represented. Ms. Ellison suggested that Public Works is a Department and, therefore, need not be represented. The consensus was to establish the Committee at the next Open Meeting of the Board (given no votes were to be taken at the retreat)."

ATTACHMENT B



Amy Hart <ahart@fairhaven-ma.gov>

Fwd: [fairhavenma] 237 New Boston Rd Winery Pouring License (Sent by Wayne Hayward , Stillsendit@comcast.net)

1 message

Robert Espindola <respindola@fairhaven-ma.gov>

Tue, Aug 22, 2023 at 2:52 PM

To: Amy Hart <ahart@fairhaven-ma.gov>, Angeline Lopes Ellison <alopesellison@fairhaven-ma.gov>

Amy,

As requested, here is the email I referenced during last nights meeting, from Mr. Hayward to me and forwarded by me to Ms. Ellison.

Please let me know if you have any questions.

Bob

----- Forwarded message -----

From: **Robert Espindola** <respindola@fairhaven-ma.gov>

Date: Fri, Aug 18, 2023 at 3:21 PM

Subject: Re: [fairhavenma] 237 New Boston Rd Winery Pouring License (Sent by Wayne Hayward , Stillsendit@comcast.net)

To: Angeline Lopes Ellison <alopesellison@fairhaven-ma.gov>, <stillsendit@comcast.net>

Wayne,

Thank you for your email.

It is not clear to me who else was copied so I am forwarding to our Town Administrator, Angie Ellison.

For distribution as might be appropriate.

Thank you.

Bob

On Fri, Aug 18, 2023 at 1:31 PM Contact form at fairhavenma <cmsmailer@civicplus.com> wrote:

Hello respindola,

Wayne Hayward (Stillsendit@comcast.net) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/45/contact>) at fairhavenma.

If you don't want to receive such e-mails, you can change your settings at <https://www.fairhaven-ma.gov/user/45/edit>.

Message:

This property is NOT located in the Agriculture District (AG). The use may be agricultural, for now, but the property is in the Rural Residence District (RR) according to the Zoning Map. The application should list the correct zoning and parcel ID 35-001, including the specific structure and floor plan, not all or any structure or may be flagged by ABCC.

Proposed Changes to Name and Charge for Bikeways Committee

Proposed Name

We request that the Select Board change the name of our committee to the **Fairhaven Livable Streets Committee**.

Proposed Charge

We request that the Select Board change the charge of our committee to the following:

The mission of the Fairhaven Livable Streets Committee (LSC) is to make our town the most bicycle and pedestrian-friendly community on the Southcoast. We will do this by:

- *Encouraging **alternative modes of transportation** throughout town*

and

- *Further increasing the **safety and accessibility** of our streets for all users through improved facilities, design, and safety education*
-

Rationale

While much of the focus of this committee was previously on the bike path, our committee sees the need to expand the scope of our work. The completion and expansion of the Phoenix Rail Trail has increased both recreational cycling and active transportation in general in Fairhaven. Building on this success, we would like to work toward a future where all of Fairhaven's streets and neighborhoods are as safe and as accessible as possible for all users, including kids, the elderly, disabled people.

Livable streets are streets that are not only safe, they're comfortable for and inviting to pedestrians. They're economically productive. They are unique places that reflect the people who live on them. Both longtime residents and newcomers alike acknowledge that this town is truly special— for its people, natural resources and visible history. We're not Anytown USA, just an exit or just a place to drive through on the way to somewhere else. As the Livable Streets Committee, we hope to build on what's great about Fairhaven, while improving our streets for the benefit of all.

The above-proposed changes are rooted in Transportation Goal 1 of Fairhaven's Vision 2040 Master Plan, which reads that **Fairhaven will become a bicycle and pedestrian-friendly community by expanding existing bicycle and pedestrian facilities.**

Approach

If this proposal is approved by the Select Board, the Livable Streets Committee will take a bottom-up approach in pursuing our charge. Our core strategy will be to identify the most pressing needs and challenges of Fairhaven residents using our streets and then implement the quickest and most cost-effective ways to address those challenges in the short term. This short-term work will inform and augment larger, more long-term improvements of pedestrian, bike and other transportation facilities in Fairhaven. We will do this work under the direction of the Select Board and in partnership with the Planning Department and the Board of Public Works.

Chapter 50. Meetings

Part 2. Televising Board Meetings

[Adopted 5-4-2019 STM by Art. 8]

§ 50-10. Broadcast/recording/remote public participation required.

[Amended 6-14-2021 ATM by Art. 56]

All meetings of Town boards, commissions and committees shall be broadcast live and/or recorded for future broadcast over the local cable television network and online viewing as well as allow virtual remote participation via a live online platform such as Zoom or similar service unless emergency, operational or technical conditions suspend the requirements hereof, as determined by the Town Administrator, for broadcasts over the public access and government channels or the School Superintendent for broadcasts over the education channel. Members of the public may participate with comments if allowed by the chair of the committee.

Operational conditions shall be limited to staff availability. Operational suspension for any other reason must be approved by the Select Board for public access or government access and by the School Committee for Education channel prior to the meeting notice being posted.

§ 50-11. Notice requirement.

Notice of all such meetings shall be posted in accordance with the requirements of the Open Meeting Law, MGL c. 30A, and shall contain the date, time and place of such meeting and a listing of topics that the Chair reasonably anticipates will be discussed at the meeting. Any Open Public Meeting that will not be broadcast live and/or recorded in accordance with this bylaw shall contain a prominent note on the official meeting notice stating "This meeting will not be recorded by Government Access channel and will not be available for viewing at a later date".

§ 50-12. Scheduling conflicts.

If there is a scheduling conflict with the use of a meeting room, the Town Administrator for municipal property or the School Superintendent for school property or their designees shall have the discretion to determine which board shall have use of the room.

§ 50-13. Compliance with Open Meeting Law.

Nothing contained in this bylaw shall be so construed as to conflict with the requirements of the Open Meeting Law, MGL c. 30A.

§ 50-14. Failure to comply.

A violation of this bylaw or a failure to comply with this bylaw shall not be grounds for challenging or invalidating any actions taken at any meeting of a Town board, committee or commission.

Committee Liaison Report – Bob Espindola – August 20th, 2023

Broadband Study Committee is scheduled to meet on

Ms. Ellison informed me this past week that she does not have the bandwidth to help with the procurement work required to advance the Fairhaven Housing Authority project forward at this time.

With the grant deadline fast approaching (September 30th) we will need to find outside sources to assist with the process or risk losing the \$250K grant from the State. We are working on alternatives.

The Massachusetts Broadband Coalition is scheduled to meet on August 24th and is making an effort to have a member of the State Attorney General’s office speak to the group and answer questions about Anti-Trust laws and fair competition as relates to the lack of competition most municipalities in Massachusetts face with regard to internet service providers.

The coalition is also planning to schedule a representative of non-profit group OpenCape to learn about the pilot projects they have built on Cape Cod.

OpenCape

Barnstable County Complex
495 Main Street
Barnstable, MA 02630
508-562-2222

Business | Residential | Services | About | Privacy | Accessibility

OpenCape owns, operates and maintains a state-of-the-art 100% fiber optic network that provides reliable and affordable broadband internet access for businesses, healthcare providers, educational institutions and municipalities across Cape Cod, the Islands, Southeastern Massachusetts and Rhode Island. The Barnstable based non-profit has also launched several residential fiber internet pilots on Cape Cod, with the goal of supporting and fostering community led initiatives to connect homes across our region and help bridge the digital divide.

© 2023 OpenCape Corporation

Coalition members are endorsing an effort to simplify the permitting process for Broadband projects the way many other states have through the following message to legislators ...

Members of the Massachusetts Broadband Coalition write urging passage of S.2133, “An Act to establish standards for the pole attachment process to facilitate the construction of broadband networks.” Construction of broadband networks requires access to utility poles. This legislation reforms the outdated, inefficient process of utility pole access in the Commonwealth, and will accelerate and expand the impact of private and public broadband investment to the benefit of Massachusetts consumers and businesses.

Broadband is critical infrastructure for education, healthcare, commerce, entertainment, and employment. To meet the increased demand for connectivity, particularly in unserved and underserved residential areas, it is imperative to implement faster, more efficient processes to attach broadband facilities to poles, while maintaining safety and reliability standards. Adopting One Touch Make Ready (“OTMR”), as codified in this legislation, will dramatically improve conditions for building broadband networks, while

still ensuring the safety of workers and the public.

OTMR is in use in every New England state, except for Massachusetts. In Massachusetts, the pole attachment application and make-ready process can take years to complete. The other New England states process pole applications, from application to service of customers, in three to six months. The needless delay places the Commonwealth at a competitive disadvantage for attracting crucial investment for broadband network construction. OTMR makes both private and public investment more potent and is a dramatic improvement on Massachusetts' current inefficient system.

Passage of S.2133 will help bring broadband construction in the Commonwealth into parity with the other states in the region, attracting more private investment, and ensuring public broadband funds have maximum intended impact. The result will be better broadband service to the citizens and businesses of the Commonwealth.

SRPEDD Commission The

SRPEDD Commission met on July 26th. One of the things that was hi-lighted at the meeting



was the Commonwealth of Massachusetts Vehicle Census (MVC) program. According to the MassDOT, the MVC is the first state-level dataset in the nation that joins vehicle-level odometer readings with vehicle attributes and registration transactions. This project, developed by MassDOT, uses information collected during vehicle inspection history (RMV). MassDOT says “this resource is aimed at allowing policymakers, researchers and other stakeholders understand state and local trends in vehicle usage and ownership”

The data is able to be filtered by State, by Metropolitan Planning region and by individual Community and can be filtered by vehicle type, vehicle use and fuel type, etc. The link below takes you to the website and the screenshots below show examples of the types of reports that can be generated from the data.

to miles driven per vehicle type,

<https://geodot-homepage-massdot.hub.arcgis.com/pages/massvehiclecensus>

5.3bn

Total Annual VMT (Commercial Fossil Fuel)

74.2M

Total Annual VMT (Commercial Hybrid)

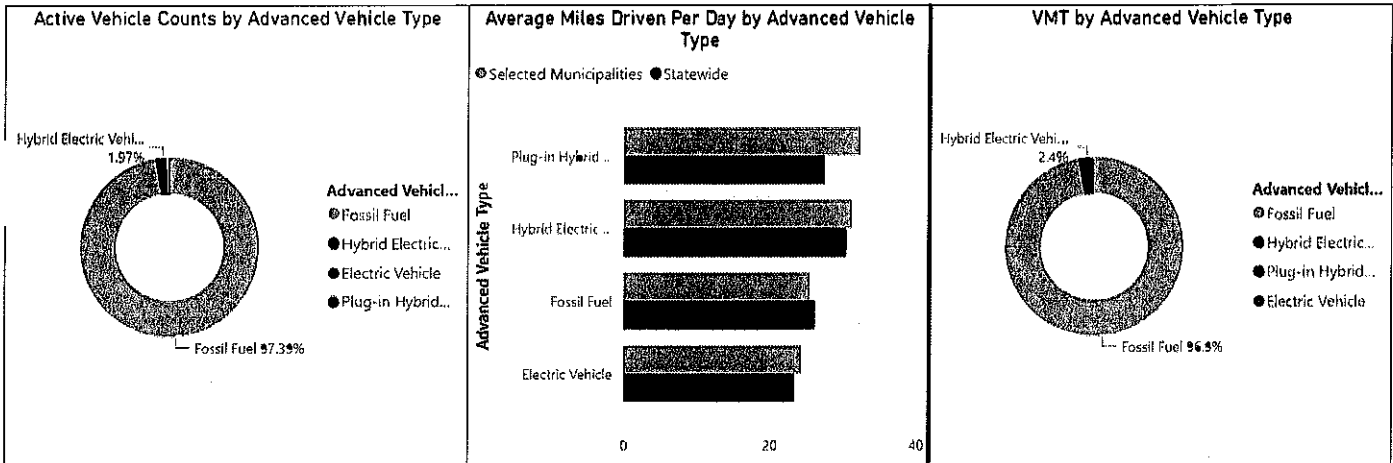
4.9M

Total Annual VMT (Commercial Zero-Emission)

VehicleType	Commercial	Municipal	Passenger	State	Total
Passenger	3,480,504,934.7	195,587,127.5	46,211,365,499.3	121,090,992.3	50,008,548,553.8
Truck	1,736,182,538.1	39,999,140.8	642,757.3	6,682,454.5	1,783,506,890.7
Bus	151,954,880.5	3,063,674.3	63,0480	53,978,498.3	209,060,101.1
Motorcycle		514,254.6	181,106,643.8	227,467.0	181,848,365.4
Ambulance	27,729,545.1	5,847,873.8	23,955.8	20,244.6	33,621,619.3
Auto-Home	590,940.0	12,210.6	27,454,403.9	2,455.5	28,060,009.9
Equipment	8,174,926.9	557,078.5	33,691.3	86,639.5	8,852,336.2
Camper	13,524.4	25,762.5	6,178,839.6		6,218,126.5
Fire Truck		5,243,957.6	204,024.1	27,744.9	5,475,726.6
Low Speed		191,939.8	585,052.7	33,487.9	810,480.4
Total	5,405,151,289.6	251,043,019.8	46,427,657,915.9	182,149,984.5	52,266,002,209.9

Filter Matrix by Fuel Class

All



329,687

Total Count (Commercial Fossil Fuel)

3,085

Total Count (Commercial Hybrid)

VehicleType	Anonymized Commercial	Municipal	Passenger	State	Total	
Passenger		219,659	30,446	4,751,834	12,372	5,014,311
Truck		97,937	13,299	115	2,213	113,564
Motorcycle			719	90,206	79	91,004
Bus		12,523	515		2,623	15,661
Auto-Home			6	7,664	3	7,673
Camper			3	6,532		6,535
Equipment						

Filter Matrix by Fuel Class
All

Two other SRPEDD related news items;

- 1 SRPEDD received a grant from Mass Broadband Institute for conducting a "Digital Mapping" study. The two attached slides explain what this is about. This exercise is short term, scheduled to be completed by the end of the summer.

Why participate in digital equity planning?

- Digital Equity Planning is a Key facet of the Infrastructure Investment and Jobs Act
- By prioritizing digital equity planning
 - Identify gaps in community digital access
 - Create meaningful strategy for Broadband Equity Access Deployment



What is Asset Mapping?

- Creating and inventory of all available community resources
- It doesn't necessarily involve actual maps!
- It looks at:
 - Who is already working on this topic?
 - What resources are already available?
 - What connection can we make?
- Asset mapping will play a key component in the digital equity planning process



- 2 SRPEDD has interviewed and recommended a local person to fill the Digital Equity Fellowship position that I have reported on in the past so things are on track with that effort.

Fairhaven Bikeway Committee. The Bikeway Committee meeting scheduled last month and, among other things, discussed making a recommendation to change the mission statement in an effort to expand the committee impact beyond the bike path. The Committee has requested time on the Select Board agenda to explain and seek approval of the Select Board.



18th John Manjiro Festival

Saturday, October 7, 2023

10:00 AM to 5:00 PM

VENDOR APPLICATION

The festival will be held in the Historic
Center of Fairhaven (Centre and Walnut Streets).

Rain -(inside) or Shine -(outside)

Application deadline: September 23, 2023. Set-up on
festival day 7-9 AM. All vehicles removed by 9:30 AM.

Booth rates: non-refundable

- craft booths: \$35 (or \$30 with donation to the raffle)

- food booths: \$60 commercial (\$30 non-profit) Note: must get Board of
Health permit

Name/Organization/Group _____

Address: _____

Telephone: _____ E-mail: _____

Contact person: _____

Booth space type (10' x 10') Craft ____ Food ____

Special requirements: _____

Describe items to be sold. Please be specific as only items listed and approved by the
committee can be sold at this festival. _____

Make checks to WMFS. send: 11 Cherry Street. Fairhaven. MA 02719

FOR FESTIVAL COMMITTEE USE ONLY:

Approved by: _____ Date rec'd _____ Payment _____

Craft booth ____ Food booth ____ Entertainment ____ Other _____

Bob Espindola

Board Member Items 8-21-2023 Agenda request

I would like to ask the Board if we can add an agenda item to our next meeting to

“Consider placing a temporary hold on creation of new positions pending review of Select Board role in existing Policy and according to the Town Administrator Act”.

I asked for this to be on tonight’s agenda but our Chair said I would need to bring this up in our Board Member items to justify my request.

What follows is my explanation along with statements of facts, no opinion. To be clear, I am not asking for deliberation, because this subject is not on the agenda. I am only asking if you would consider this being on our next meeting agenda.

As you know, I have raised concern recently during our regular Board meetings as well as at our retreat, about the division of responsibility between our Board and the Town Administrator (Policy vs. Administration). The following are examples of where I have expressed concern recently.

- a. The decision to sign an inter-municipal Agreement on the Dispatchers before the details were brought forward to the Board and our Board voted on it (still has not happened).
- b) The decision to sign the Town onto one of the options for Renewable energy contribution for all participants in the Electric Aggregation program before the Select Board were consulted or voted on the issue.
- c) The most recent example is what prompted me to make this request. It involved the creation of a new position, without the Select Board approval. This was a decision to promote the Custodian at Town Hall to a newly created position (with a pay increase of 61% from \$44,784 to \$72,217) without consulting the Select Board. The Towns’ Personnel Policy clearly calls for the Select Board to have final approval of new positions (paragraph 9-4 attached) and, as you know, that did not happen. New positions are to be added to the Pay and Classification Plan and that did not happen. Open Positions are supposed to be posted internally (see paragraph 5-3 attached) and that did not happen.

Again, I am asking you if you agree it is in the best interest of the tax payers in Fairhaven for us to have this discussion at our next Board meeting and if you will request Chair Correy to place it on that agenda.

9-4. *Classification of New Positions.* The Appointing Authority proposing the creation of a new position shall provide the Human Resources Director with a description of the essential functions and responsibilities, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Administrator and Human Resources Director to recommend an appropriate classification. Final approval of the new positions lies with the Select Board.

5-3. *Recruitment.* Department directors have a major role in recruitment and selection of personnel. The qualifications, classification and salary range for the positions are established in accordance with the Town's Classification and Compensation Plan and any pertinent collective bargaining agreements. Department directors, upon the identification of a vacancy or upon the authorization of a new position, must prepare a job vacancy notice. The job vacancy notice must include: the job title, major duties of the position, qualifications, salary ranges, closing date for applications, application instructions, and AA/EEO/ADA statement.

(a) *Notice of Vacancies/Advertising.* The Human Resources Director and the appointing authority review and approve all job notices prior to advertisement and posting. Recruitment for a position shall not begin until the job vacancy is reviewed by the Town Administrator and Human Resources Director. Notices of vacant positions are posted internally for seven (7) business days on the bulletin board located outside the Human Resources Department in the Town Hall and will also be posted on the bulletin boards in the individual departments. Vacancies shall also be posted on the Town's Human Resources webpage, and may be posted on social media and/or the 311 telephone system, as recruitment outreach necessitates.