



FAIRHAVEN SELECT BOARD
Meeting Minutes
May 13, 2024

FAIRHAVEN TOWN CLERK
ROUD 2024 MAY 31 AM 3:02

Present: Stasia Powers, Charles Murphy Sr., Keith Silvia, Andrew Romano and Town Administrator Angie Lopes Ellison

Not Present: Andrew B. Saunders

Ms. Powers opened the Select Board meeting at 6:30p.m.

Motion: Mr. Romano 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 (Oliveira Case) AND to return to Open Session. Mr. Silvia seconded. Roll Call Vote. Mr. Romano in favor, Ms. Powers in favor, Mr. Murphy in favor and Mr. Silvia in favor. The motion passed unanimously (4-0-0).

Open Session adjourned for Executive Session at 6:32p.m.

Open Session resumed at 6:44p.m.

APPOINTMENTS AND COMMUNITY ITEMS

Massachusetts Broadband Coalition

Bob Espindola addressed the Board via zoom regarding his interest to be appointed as the Fairhaven representative on the Massachusetts Broadband Coalition. Ms. Powers added that this would be a continuation of his role representing the community.

Motion: Mr. Romano motioned to appoint Bob Espindola to the Massachusetts Broadband Coalition for a term to end May, 2025. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Mr. Romano recused himself for items B3 and B4 and exited the Banquet Room at 6:48p.m.

Ms. Powers added that Mr. Saunders apologizes for his absence tonight due to a meeting on a work project that could not be rescheduled.

Temporary Street Closure: North Fairhaven Improvement Association: Music Night, July 21, 2024

Motion: Mr. Murphy motioned to approve the temporary street closure for the North Fairhaven Improvement Association's Music Night on July 21, 2024. Mr. Silvia seconded. The motion passed (3-0-1) Mr. Romano abstained.

Temporary Street Closure: North Fairhaven Improvement Association: Holiday Lighting, December 6, 2024

Motion: Mr. Murphy motioned to approve the temporary street closure for the North Fairhaven Improvement Association's Holiday Lighting on December 6, 2024. Mr. Silvia seconded. The motion passed (3-0-1) Mr. Romano abstained.

Mr. Romano returned at 6:50p.m.

Event Request: 2024 LCpl Matthew Rodriquez Run to Remember 5K, October 20, 2024

Motion: Mr. Romano motioned to approve the 2024 LCpl Matthew Rodriquez Run to Remember 5K on October 20, 2024 at 9:00a.m. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Event Request: 2024 Buzzards Bay Watershed Ride, October 6, 2024

Motion: Mr. Romano motioned to approve the 2024 Buzzards Bay Watershed Ride on October 6, 2024. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Event Request: Bike Run/Blessing of the Bikes, May 19, 2024

Motion: Mr. Romano motioned to approve the Bike Run/Blessing of the Bikes on May 19, 2024 from 10:30a.m. to 12:00p.m. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Mr. Murphy noted he is on the Board at St. Joseph's School.

Use of Town Hall and Fee Waiver Request: Fairhaven Improvement Association Concerts Under the Stars

Frank Fostin addressed the Board regarding the request. He said the Fairhaven Improvement Association (FIA) meets tomorrow evening and he will need to present to them the decision of the Board tonight and any cost associated. He added that the concerts have taken place over the last twenty years and the request is to use the Town Hall bathrooms and the auditorium if it rains.

Ms. Powers said that this will be placed on the May 28 meeting agenda to allow time for Mr. Fostin to submit the application outlining the details to go along with the letter he had submitted.

Brief discussion ensued regarding the application timing and the required number of days a request needs to be submitted prior to the event based on the use of Town Hall auditorium policy.

Motion: Mr. Romano motioned to take item B1 out of order. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Adaptive Bicycle Donation Acceptance, Gift Account Creation, Application for a Communication Board,

Appointment Terms: Commission on Disability

Commission on Disability Chair Eleanor Chew addressed the Board and referred to her memo outlining the requests (*Attachment A*). The first item is acceptance of an adaptive bicycle donation from the Rare Riders and Chair Alissa DeSousa explained to the Board the reason for the donation and selection of Fairhaven as the recipient. Ms. Chew advised the Board that the bicycle will be stored at the Recreation Center and a sign out process and policy is being drafted.

Motion: Mr. Romano motioned to approve adaptive bicycle donation from Rare Riders. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Ms. Chew described the need to establish a gift account for monetary donations to the Commission on Disability.

Motion: Mr. Romano motioned to establish a gift account for the Commission on Disability. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Ms. Chew described the request to apply to the Flutie Foundation for a communication board similar to one currently at East Fairhaven School. The Town would be responsible to install the board to the Foundation's specifications and maintain it. Ms. Chew has spoke with Public Works about this and they will work with the Commission on Disability and determine a location in Livesy Park for the board.

Brief discussion ensued about the location and potential to apply for additional boards for other locations including the Wood School and Recreation Center. Ms. Chew explained that applications may be sent for those locations by the associated department.

Motion: Mr. Romano motioned to authorize the Commission on Disability to submit the application for a communication board to the Flutie Foundation. Mr. Silvia seconded. The motion passed unanimously(4-0-0).

on cybersecurity and next steps will be on tangible projects like laptops or equipment to help underserved populations. If the Board has suggestions, please send them this week to Ms. Ellison.

- Open enrollment for employees is starting with an informational meeting on May 30, 2024 at Town Hall.
- Ms. Ellison was asked through the Governor's Council to sit on the Off-Shore Wind Council, they will deal with policies on off-shore wind.
- Americans with Disabilities Act (ADA) Grant: The first step was a self-evaluation study and then look at funding opportunities. The Commission on Disability will be visiting Town properties with a consultant group to assess vulnerabilities.
- The audit team at Powers & Sullivan sent the FY23 reports, they were distributed to the Board and are posted online. The Finance Team will begin to look at FY26 projections.
- Website and Rebranding: the redesign of the website is progressing. A message was sent to the Board for anyone interested in participating on the design. It is not the Town Logo but the look and feel of the website that is being worked on. Anyone interested can reach out to the Town Administrator's Office. Please also be patient as the work behind the scenes has caused some latency.
- Public Works shared information through the public alert system about water issues and adding chlorine to address the issue per the Department of Environmental Protection (DEP). The public alert mentioned potential smell or taste and this is being done out of an abundance of caution.

CONSERVATION RESTRICTION (CR): CARVALHO WOODS: BUZZARDS BAY COALITION (BBC)

Allen Decker from the BBC addressed the Board regarding Carvalho Woods. At the Annual Town Meeting on May 4, 2024 Community Preservation Funds were approved for this project. Mr. Decker explained the CR (*Attachment C*)

Motion: Mr. Romano motioned to approve Conservation Restriction for Carvalho Woods as outlined. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

CONSERVATION RESTRICTION (CR): DOUGLAS FARM II: BUZZARDS BAY COALITION (BBC)

Mr. Decker reviewed the Douglas Farm II CR and said this is the part of the land outlined in the map within the packet for tonight that was formerly a Christmas Tree Farm. The entire property is about twenty-two acres and the majority is already covered under a CR. This request would place the entire property in a CR and the BBC is looking to do ecological restoration, vegetation management and possibly use for agricultural purposes. The Conservation Commission would hold the CR.

Motion: Mr. Romano motioned to approve Conservation Restriction for Douglas Farm II as outlined. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

BROAD-BASED MUNICIPAL GOALS

Ms. Powers explained that she is collecting and reviewing submissions to format into a document to have the Select Board prioritize at the May 28th meeting. She outlined the steps: the Board sends their recommendations, a list is created, the Board reviews the list and prioritizes the list and finally the Board sets the goals for the Town.

BOARD MEMBER ITEMS/ COMMITTEE LIAISON REPORTS

Mr. Romano reported:

He has not attended any official meetings as liaison yet. He asked who would be in charge of the Fairhaven's Got Pride Event on Sunday, June 9, 2024 due to the Tourism Director's retirement. Ms. Ellison advised it would be the Belonging Committee.

Mr. Murphy reported:

Thank you to the Select Board members who attended the Cherry Blossom Festival and the ribbon cutting with the Economic Development Committee at the Nasketucket Bay Vineyard. There will be a ribbon cutting at the reopening of Tropical Smoothie at their new location on May 16, 2024.

Ms. Chew asked the Board to consider her memo regarding appointment terms (*Attachment A*). Ms. Powers said this will be reviewed for the May 28th meeting. Ms. Chew advised the Board that the Commission on Disability is working on a bylaw review and a mission statement.

Mr. Silvia asked about the banner request for July. Ms. Chew will submit it this week considering the time needed to submit the application ahead of the dates requesting to hang it.

MINUTES

Motion: Mr. Romano motioned to accept the Open Session minutes of April 8, 2024. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Motion: Mr. Romano motioned to accept the Executive Session minutes of April 8, 2024. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Motion: Mr. Romano motioned to accept the Open Session minutes of April 22, 2024. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Mr. Romano said he had a slight amendment to change in the Executive Session minutes of April 22, 2024. Ms. Powers said they will add this to the next Executive Session to review them in an Executive Session.

TOWN ADMINISTRATOR

Ms. Ellison reported:

- Staff Updates: Work is being done on a permitting department and restructure and to post open positions this week. Part of the restructuring plan would be to take the Tourism Director and add Community Development into the role.
- Don Collasius addressed the Board about the Risk Level of trees per the reports distributed to the Board (*Attachment B*). He has been working with Public Works about a sidewalk improvement program and how to fund a project if Community Preservation Funds are not awarded. Mr. Collasius met with the Historical Commission to get input from their perspective on the overall feel and get their opinion because the at risk trees are near the Library, Town Hall and homes within that area.

Discussion ensued on the process of advising the public on risk trees and areas where trees have been assessed as a risk and what structured are in the drop zone of these trees if they come down. Mr. Collasius is working on removing some by the end of May.

Michael Botelho of 32 Union Street addressed the Board, he lives at the corner of Union and Walnut Streets where some of these diseased/at-risk trees are. He understands the importance of these trees and also has had to call when limbs and branches fall. His concern is the potential damage.

- An application for a temporary street closure was submitted for a Block Party on Cottage Street from Green to Laurel on Saturday on June 15, 2024.
- A ten thousand (\$10,000) grant was awarded for an Accessible and Adaptive Fishing Derby. Recreation Center Director, Kelley Ramirez will be partnering with M.O. Life, Marine Resources, the Belonging Committee and the Commission on Disability for the event. The grant funds are from the Massachusetts Office of Outdoor Recreation. The derby is being promoted online and through social media and outreach.
- A one hundred fourteen thousand, eight hundred- and thirty-nine-dollar grant (\$114,839) was awarded by the Massachusetts Executive Office of Elder Affairs from their Supportive Social Day Program Expansion Grant Program to the Fairhaven Council on Aging to expand their Supportive Social Day Program.
- Union Wharf Update: the project is progressing, estimated at about eighty percent completed with this phase and the Harbormaster will be looking at securing additional grant funds for additional work after this phase.
- Massachusetts Broadband Institute Grant: a study was done and the report forwarded. Work has been done

Mr. Silvia reported:

Commission on Disability was covered earlier. He is requesting an Executive Session regarding a Select Board member with privileged information that should be relayed to the Board. Ms. Powers said she would look into this.

Ms. Powers reported:

No meetings to report on. She discussed the recent issue with the volunteer page and application process. Ms. Hart explained the issue and IT ticket that was resolved and that all submissions during the downtime have been retrieved.

PUBLIC COMMENT

None received

CORRESPONDENCE

Fairhaven Retirement System Election Officer's Selection Letter

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting is on Tuesday, May 28, 2024 at 6:30p.m.

The Memorial Day Parade will be on Monday, May 27, 2024

Meeting adjourned at 8:05 p.m.

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

ATTACHMENTS:

- A. Commission on Disability memo: Chair Eleanor Chew
- B. Tree Warden At-Risk Reports
- C. Buzzard's Bay Coalition Conservation Restriction: Carvalho Woods, Douglas Farm II

Approved on May 28, 2024

Fairhaven Commission on Disability
40 Center Street
Fairhaven, MA. 02719
cod@fairhaven-ma.gov

Ms. Stasia Powers
Chair, Fairhaven Select Board
40 Center Street
Fairhaven, MA. 02719

Dear Ms. Powers and Select Board Members,

As you begin the Reappointment Process for the Commission on Disability we ask that the reappointments be done in the following manner (explained below) as our commission should have three people up for reappointment each year. For some reason this has become different with 4 people being up for reappointment this year and 4 people up in 2025.

For 2024: We ask that Glenn Gabbard and Cara Viveros be appointed for two year terms to end in 2026.

For 2024: We also ask that Donna Maino Lavalley and Pamela Whynot be appointed for three year terms to end in 2027.

There is currently one position that is vacant and ends in 2025. When you fill this vacancy we ask that you do so with the term to end in 2026.

In 2025 we ask that the other three positions that you reappoint them for three year terms to end in 2028.

By doing this in two years we will be back to 3 people up for reappointment each year as it should be.

We appreciate your support in correcting this so that we can effectively function.

Thank you.

Sincerely yours,



Eleanor Chew
Chair, Fairhaven Commission on Disability

Fairhaven Commission on Disability
40 Center Street
Fairhaven, MA. 02719
COD@Fairhaven-MA.gov

Ms. Stasia Powers, Chair
Fairhaven Select Board
40 Center Street
Fairhaven, MA. 02719
April 26, 2024

Dear Ms. Powers and Select Board Members,

I am sending this to you on behalf of the Commission on Disability, asking that you approve the following requests:

Donations:

1. The COD has the opportunity to apply for a Communication Board that would benefit individuals with a speech delay to more effectively communicate with their peers. Our request is that you approve our sending an application to the Flutie Foundation requesting their donation of one of these boards. I have spoken with Vinnie Furtado and Josh Crabbe at the BPW and both have agreed to install this and help to maintain the board. This board will be installed at Livesey Park.

2. The second request is that you approve and accept the donation of an adaptive bike on behalf of the town. This bike is being donated by Rare Riders with a value of approximately \$5,000.00. We are hoping that the Select Board will accept this now while we work out the logistical details as Rare Riders needs the bike moved from their vendor's warehouse. Please know that we will not release the bike for use until we have all the logistical information finalized.

3. As we will have the bike and communication board and we have a financial gift of \$90.00 we also requesting that the Select Board approve the establishment of a gift account for the COD.

Reappointments:

In addition, I wanted to make you aware that our memberships and appointments need to be adjusted so that we have three people up for reappointment each year and not the four that it is this year and next. At the meeting I can provide you with my solution if that would be beneficial to the board.

Please reach out to me if you have questions that I can answer before the meeting. My contact information is on file in your office.

Sincerely yours,

Eleanor Chew
Chair, Fairhaven Commission on Disability

6 OCT 2023

To: David Hawkins of Urban Forestry Solutions

From: Don C. Collasius Town of Fairhaven MA. Tree Warden

Re: Risk level of 4 large Ash Trees on Walnut st

Dear Mr. Hawkins

Please see the following information regarding 4 large Ash trees in Fairhaven I am very concerned about regarding the risk they pose to persons traveling in the public right of way and public and private property.

Tree 1 44" BH White Ash (*Fraxinus Americana*) 90' height

Tree 2 32" BH White Ash (*Fraxinus Americana*) 75' height

Tree 3 48" BH White Ash (*Fraxinus Americana*) 75' height

Tree 4 39" BH White Ash (*Fraxinus Americana*) 75' height

Location/Environment = Central village area of town of Fairhaven. High mobile and stationary vehicle occupancy. Trees located between curb and brick sidewalk in green strip 40" wide. 24" deep curb on either side of tree is what is typical in this historic area. Sidewalks with frequent pedestrian traffic 7 days a week due to town hall, library and church.

Tree # 1 has added target of historic library and residential garage in fall zone.

Tree # 2 has residential garage in fall zone.

Tree # 3 has residential garage in fall zone.

Tree # 4 has a historic residence in its fall zone.

Tree defects – please note trees have had significant effort to mitigate decline in the form of extensive pruning of crown dieback in fall 2021 and removal of decayed major leaders in fall of 2022. All 4 trees show some signs of insect intrusion in the form of small holes in the bark. The holes are numerous but not extensive. Maybe 3-6 per square foot in some areas, not all.

Tree # 1 compromised root system due to extensive cavities under tree. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making it structurally compromised.

Tree # 2 numerous cavities throughout major leaders and branches in crown. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised.

Tree # 3 Flowering growth at base in several areas. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised.

Tree # 4 Flowering growth at base in several areas. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised. Large street side cavity and extensive decay in trunk at BH.

I will forward another email with photos of the trees, targets and location.

Please give what your professional opinion is of the state of these trees and what if any efforts can be made to mitigate their decline.

Thanks so much,

Don Collasius

10 MAY 2024

To: Fairhaven Select board

From: Don C. Collasius Town of Fairhaven MA. Tree Warden

Re: Risk level of 4 large Ash Trees on Walnut st

Dear Select board

Please see the following information regarding 4 large Ash trees on Walnut Street between the Public Library and Unitarian Church. These trees pose high risk to persons traveling in the public right of way and public and private property.

Tree ID

Tree 1 44" BH White Ash (*Fraxinus Americana*) 90' height

Tree 2 32" BH White Ash (*Fraxinus Americana*) 75' height

Tree 3 48" BH White Ash (*Fraxinus Americana*) 75' height

Tree 4 39" BH White Ash (*Fraxinus Americana*) 75' height

Location/Environment/Targets

Central village area of town of Fairhaven. High mobile and stationary vehicle occupancy. Trees located between curb and brick sidewalk in green strip 40" wide. 24" deep curb on either side of tree is what is typical in this historic area. Sidewalks with frequent pedestrian traffic 7 days a week due to town hall, library and church.

Additional Targets

Tree # 1 has added target of historic library and residential garage in fall zone.

Tree # 2 has residential garage in fall zone.

Tree # 3 has residential garage in fall zone.

Tree # 4 has a historic residence in its fall zone.

Tree defects

Please note trees have had significant effort to mitigate decline in the form of extensive pruning of crown dieback in fall 2021 and removal of decayed major leaders in fall of 2022. All 4 trees show some signs of insect intrusion in the form of small holes in the bark. The holes are numerous but not extensive. Maybe 3-6 per square foot in some areas, not all. Most likely Emerald Ash Borer.

Tree # 1 compromised root system due to extensive cavities under tree. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised.

Tree # 2 numerous cavities throughout major leaders and branches in crown. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised.

Tree # 3 Flowering growth at base in several areas. Growth identified as Hen of the Woods, typically present in extensively decayed root systems. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised.

Tree # 4 Flowering growth at base in several areas. Identified as Hen of the Woods. Significant dieback of crown. Note tree was pruned of extensive dead wood fall 2021. Large leader removed fall 2022 due to extensive decay making in structurally compromised. Large street side cavity and extensive decay in trunk at BH.

Conclusion

Given the advanced state of decay of these trees with a cumulative weight of over 100 tons, and their proximity to multiple targets that cannot be removed these trees pose a high risk and unfortunately should be taken down immediately. I base this opinion on the education, hands on training and experience I have received from the Massachusetts Tree wardens and Forester Association in ASI Tree Risk Assessment.

Thank you,

Don Collasius

