

Selectmen's Meeting – February 23, 2004

Mr. Eckenreiter, Dr. Bowcock and Mr. Silvia were present.

Also in attendance was Jeffrey Osuch.

Mr. Eckenreiter called the meeting to order at 6:30 p.m.

Dr. Bowcock motioned to approve the minutes of February 9, 2004. Mr. Silvia seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the February 9, 2004 executive session. Mr. Silvia seconded. Vote was unanimous.

COALITION FOR BUZZARDS BAY

Susan Reid from The Coalition For Buzzards Bay was in attendance to request support for important legislation aimed at preventing oil spills in state waters. (See attached.) She asked the Board to endorse the "Oil Spill Prevention Statement of Principals" and submit the Statement to members of the Buzzards Bay Oil Spill Commission. The Commission will hold public hearings on the proposed legislation at several locations. On March 2nd at 6:00 p.m., a hearing will be held at the New Bedford Whaling Museum. Dr. Bowcock motioned to sign the document and forward it to Committee members. Mr. Silvia seconded. Vote was unanimous.

LIQUOR LICENSE HEARING – ELISABETH'S

Liquor License Hearing was scheduled for 7:00 p.m. to act on the application submitted by Ferry Station, LLP, d/b/a Elisabeth's, 1 Middle Street, for a transfer of a Restaurant/All Alcoholic License. Attorney Pamela LaFreniere, representing Elisabeth's, was present. Also in attendance were Douglas L. Buker, Gail Isaksen and Bruce Rex. Mr. Eckenreiter read the legal ad that appeared in The Advocate. (See attached.) Dr. Bowcock motioned to approve the application. Mr. Silvia seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission.

AMERICAN LEGION

American Legion, 275 Main Street, submitted an application for a Change in Manager. New Manager is Mary J. Brown. Mr. Eckenreiter stated he had a conflict and left the room. Mr. Silvia motioned to approve the application. Dr. Bowcock seconded. It was so voted. Application will be forwarded to the Alcoholic Beverage Control Commission. Mr. Eckenreiter returned to the meeting.

Selectmen's Meeting – February 23, 2004

SCHOOL COMMITTEE

FY 05 School Department Budget and articles submitted for the Annual Town Meeting were discussed with the School Superintendent and members of the School Committee.

TREE WARDEN

The Tree Warden discussed his FY 05 Capital Outlay request to purchase a new chipper. Requested amount is \$32,500. The request was taken under advisement.

EXECUTIVE SECRETARY'S REPORT

At 8:00 a.m. on February 24th, Mr. Osuch will attend a meeting at Buttonwood Park on wind power.

Meeting with the Board of Assessors is scheduled for 12:30 p.m. on February 24th.

Dr. Bowcock and Mr. Osuch will meet with Brian Smith on February 24th at 1:30 p.m.

District Water Planning Committee sub-committee will meet on February 24th at 3:30 p.m. at the Board of Public Works.

District Water Planning Committee will meet at 4:30 p.m. on February 24th at the Board of Public Works.

East Fairhaven School Building Committee will meet at 7:00 p.m. on February 26th.

A check in the amount of \$23,212.00 was received from the insurance company representing Bouchard Oil. Check represents lost revenue from 2003 Shellfish Licenses and Beach Passes.

Mr. Osuch attended the meeting hosted by Lieutenant Governor Kerry Healy to discuss the Governor's FY 05 budget recommendations. Meeting was held at the New Bedford Free Public Library on February 13th at 9:00 a.m.

Letter from Fred Portway suggesting Fairhaven adopt the slogan "Titleist Country" was taken under advisement.

ANIMAL SHELTER BUILDING FUND

Donation to the Animal Shelter Building Fund totaling \$60.00 were accepted.

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CONSERVATION COMMISSION

Mr. Eckenreiter read Dan Costa's letter of resignation from the Commission. (See attached.)

Dr. Bowcock motioned to appoint associate member Jean Van Orman a full member. Mr. Silvia seconded. Vote was unanimous. Term to expire May 31, 2005.

Associate members are needed. Anyone interested in appointment should submit a letter to the Selectmen's Office.

MATTAPOISETT RIVER VALLEY COMMITTEE

Alfred Raphael submitted his resignation from the Mattapoissett River Valley Committee. The Board of Public Works requested that Robert Bosworth be appointed to fill the vacancy. Dr. Bowcock motioned to appoint Mr. Bosworth to the Committee. Mr. Silvia seconded. Vote was unanimous.

FAIRHAVEN INDEPENDENT LEGION BASEBALL

Fairhaven Independent Legion Baseball submitted a request to hold the annual "Tag Day" on Saturday, June 26th at the intersection of Route 6 and Alden Road. Dr. Bowcock motioned to approve the request. Mr. Silvia seconded. Vote was unanimous. The Legion will be instructed to contact the Police Chief.

NSTAR GAS

Dr. Bowcock motioned to approve the petitions for emergency gas leak repair at: 48 & 50 Brierclyffe Road, 35 Hedge Street, 64-70 Raymond Street and 77 Raymond Street. Mr. Silvia seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Dr. Bowcock motioned to approve the petitions for maintenance to gas main and service at: 7 Culumet Road, 34 Calumet Road, 22 Hathaway Street and 5 Jerusalem Road. Mr. Silvia seconded. Vote was unanimous. (Approved by the Board of Public Works.)

EXECUTIVE SESSION

At 7:15 p.m., Dr. Bowcock motioned to go into executive session to discuss an issue concerning F and J Auto Sales, Jack Lewis Workers' Compensation Claim and to reconvene in open session. Mr. Silvia seconded. Vote was unanimous. Roll call vote 3-0. Open meeting reconvened at 7:40 p.m.

At 8:10 p.m. Dr. Bowcock motioned to go into executive session to discuss a proposed lease with Sky View Lines, L.L.C., issues concerning the Harbormaster and Shellfish



THE COALITION FOR BUZZARDS BAY

Board of Selectmen
Fairhaven, MA

Dear BOS Members,

I am writing to request your assistance in galvanizing support for a very important piece of legislation aimed at preventing oil spills in state waters.

On April 27th 2003, the economy and environment of Buzzards Bay was seriously impacted when a Bouchard Barge leaked approximately 98,000 gallons of heavy #6 fuel oil into our waters. This oil spill, the second largest in the Bay's history, took the lives of more than 450 sea birds, fouled miles of beaches, contaminated shellfish beds, and negatively impacted our local economy. The clean up and restoration continues to this day.

In response to the spill, the Buzzards Bay Oil Spill Commission, comprised of Senate and House members, representatives from the Attorney General's Office and other appointees, is considering regulatory changes to reduce the chance of a future oil spill along our coastline. In our view, it is critical that the Oil Spill Prevention Legislation include:

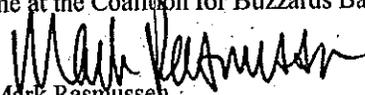
1. Improvements to navigational safety such as establishment of a Vessel Traffic Service (VTS) System
2. Protection from aging, dangerous single-hulled barges
3. Expanded penalties and fines tied to the size and impact of an oil spill.
4. Establishment of an Oil Spill Prevention and Response Fund.

The Commission will hold public hearings on the proposed legislation at 6:00 p.m. on March 2nd at the New Bedford Whaling Museum, on March 4th at the Massachusetts Maritime Academy in Bourne, and on March 8th in Gloucester.

You can assist in helping to pass important oil spill prevention legislation. First, it would be helpful if you would indicate to the Commission and to our Legislators that you support the passage of measures to prevent oil spills in our waterways. I have attached a statement of principles that you can sign and send, or you could write your own statement. Second, attend one of the hearings and express your opinions. Lastly, alert other boards and town citizens to the upcoming hearings and pending legislation so that they can write letters of support and attend the hearings.

The Coalition for Buzzards Bay is a nonprofit membership organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed. We represent more than 2,400 individuals, families, organizations, and businesses in southeastern Massachusetts. In 2001, the Coalition was officially designated by the Commonwealth as the Volunteer Coordinator in the event of a significant oil spill in Buzzards Bay, and as such, we took a central role in responding to the Bouchard-120 oil spill. We understand now more than ever before how much more sense it makes to *prevent* oil spills from happening rather than accepting the significant negative effects when a spill does occur.

I hope that you will join us in protecting our state's precious coastal waters and economy by supporting strong oil spill prevention legislation. If you have any questions please contact Sue Reid, Ben Bryant, or me at the Coalition for Buzzards Bay at 508-999-6363. Thank you for your support, 2006


Mark Rasmussen
Executive Director

Working to improve the health of Buzzards Bay through education, conservation, research and advocacy.

RECOMMENDATIONS FOR OIL SPILL PREVENTION LEGISLATION

The CBB has researched coastal oil spill prevention laws in the United States and has summarized our findings for the Buzzards Bay Oil Spill Commission. Many of these measures were successfully implemented in Rhode Island, California, and Washington after catastrophic oil spills in their waterways. While no single measure proposed here will completely protect the Bay from oil spills, collectively, we believe this package provides the best means of preventing another occurrence like the April 27th 2003 Bouchard spill.

I. Greatly Improve Navigational Safety

- The MA DEP, in cooperation with the U.S. Coast Guard and Army Corps of Engineers, would be required to establish a **Vessel Traffic Service (VTS) System** to closely track vessel traffic in Buzzards Bay and immediately alert vessels of dangers. Today VTS systems are in place in 12 U.S. ports including Prince William Sound, Puget Sound, L.A./Long Beach, Galveston Bay and New York Harbor.
- Legislation should also require that all vessels traveling in state waters have prepared a navigation plan and have basic vessel navigational equipment aboard such as required in RI & Washington.

II. Protect Buzzards Bay from aging Single-Hull Barges

- An outright ban on single-hull barges in Buzzards Bay is not allowed under federal law. Steps can be taken by states, however, to reduce the risk posed by these vessels (until their 2015 federally mandated phase out date) by requiring additional equipment and crew.
- Single-hull barges transporting oil in Buzzards Bay should be accompanied by an escort tug and ensure that sufficient crew and watch personnel are present to identify and respond to accidents. These requirements would not apply to double-hull barges and thereby providing an incentive for companies to use their double-hull vessels in Buzzards Bay.

III. Expand the State's Oil Spill Enforcement Statutes

- Current penalties for Oil Spills are assessed on a per occurrence basis. New legislation should include penalties to be tied to the size and impact of a spill.
- Timely testing is critical for deterring barge operators from using drugs and alcohol while transporting oil through state waters. New rules should require self-testing on-ship within two hours of an incident to ensure preservation of useful evidence and to assist in state enforcement.

IV. Establish an Oil Spill Prevention and Response Fund

- In order to ensure better resources for prevention measures and improve cleanup response in the event of future oil spills, states such as California and Rhode Island have created fees of up to \$0.5 per barrel of petroleum received at a state port. These funds are then made available for the purchase of oil spill response equipment and training for local municipal responders and others as well as providing supplemental compensation for fishermen and other commercial entities experiencing an economic loss due to an oil spill.



**Town of Fairhaven
Massachusetts
Office of the Selectmen**

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079

February 24, 2004

OIL SPILL PREVENTION STATEMENT OF PRINCIPLES

Whereas Buzzards Bay was designated by the United States Congress in 1985 as an "Estuary of National Significance",

And whereas Buzzards Bay suffered a catastrophic oil spill on April 27, 2003 when the Bouchard barge- 120 spilled approximately 98,000 gallons of fuel oil,

And whereas the above mentioned oil spill was the second largest in the Bay's history, took the lives of more than 450 seabirds, fouled miles of beaches, and contaminated shellfish beds,

And whereas the economic damage from this spill affected tourism, fishing, real estate and other local industries to an as yet undetermined amount,

And whereas the lessons learned from the Bouchard barge- 120 oil spill highlight the need to protect all of our state waterways,

We support the following principles for the prevention of future oil spills in our state waters:

- 1) Massachusetts should adopt navigational safety regulations at least as strict as other coastal states in America. These measures must include a clearly defined vessel route and establishment of a state of the art Vessel Traffic Service (VTS) System for the Bay.
- 2) Additional protection from aging and dangerous single hulled barges is required to offset the increased risk posed by the continuing use of these vessels in our state waters. Single-hull barges are legal under federal law until 2015. In the interim, Massachusetts should require that these barges are assisted by escort tugs and have additional crews to respond to accidents.
- 3) Penalties and fines for discharge of oil and/or hazardous waste into state waters should be reflective of the size and impact of the spill. Current State laws severely limit the Attorney General from penalizing companies that spill oil.
- 4) An Oil Spill Prevention and Response Fund should be established based on the amount of oil delivered to Massachusetts' ports and used for the purchase

of oil spill clean up equipment, first responder training, and oil spill mitigation costs. A similar fund was created in the State of Rhode Island following the 1996 North Cape spill and has been a great success.

Fairhaven Board of Selectmen

Winfred A. Eckenreiter

Winfred A. Eckenreiter, Chairman

Dr. Brian K. Bowcock

Dr. Brian K. Bowcock

Michael Silvia

Michael Silvia

BUZZARDS BAY OIL SPILL COMMISSION MEMBERS

<p>Matt Brock Buzzards Bay Oil Spill Commission Office of the Attorney General 200 Portland Street Boston, MA 02114 Matthew.Brock@ago.state.ma.us</p>	<p>Tim Duncan State House Office of the Governor Room 360 Boston, MA 02113 Tim@duncanhub.com</p>	<p>Rep. William Greene Buzzards Bay Oil Spill Commission State House, Room 437F Boston, MA 02133 Rep.WilliamGreene@hou.state.ma.us</p>
<p>Rep. Mark Howland Buzzards Bay Oil Spill Commission State House, Room 443 Boston, MA 02133 Rep.MarkHowland@hou.state.ma.us</p>	<p>Rep. Robert Koczera Buzzards Bay Oil Spill Commission State House, Room 156 Boston, MA 02133 Rep.RobertKoczera@hou.state.ma.us</p>	<p>Paul Molloy Office of the Attorney General Environmental Crimes Task Force One Ashburton Place Boston, MA 02108 Paul.Molloy@ago.state.ma.us</p>
<p>Rep. Mark Montigny Buzzards Bay Oil Spill Commission State House, Room 511-C Boston, MA 02133 Mmontign@senate.state.ma.us</p>	<p>Senator Therese Murray Buzzards Bay Oil Spill Commission State House, Room 212 Boston, MA 02133 TMurray@senate.state.ma.us</p>	<p>Rep. Thomas O'Brien Buzzards Bay Oil Spill Commission State House, Room 33 Boston, MA 02133 Rep.ThomasObrien@hou.state.ma.us</p>
<p>Senator Robert O'Leary Buzzards Bay Oil Spill Commission State House, Room 416-A Boston, MA 02133 ROleary@senate.state.ma.us</p>	<p>Rep. Matthew Patrick Buzzards Bay Oil Spill Commission State House, Room 540 Boston, MA 02133 Rep.MatthewPatrick@hou.state.ma.us</p>	<p>Rep. John Quinn Buzzards Bay Oil Spill Commission State House, Room 42 Boston, MA 02133 Rep.JohnQuinn@hou.state.ma.us</p>
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<p>Senator Bruce Tarr Buzzards Bay Oil Spill Commission State House, Room 313-A Boston, MA 02133 BTarr@senate.state.ma.us</p>	<p>Rep. Eric Turkington Buzzards Bay Oil Spill Commission State House, Room 172 Boston, MA 02133 Rep.EricTurkington@hou.state.ma.us</p>	<p>Rep. Steve Walsh Buzzards Bay Oil Spill Commission State House, Room 136 Boston, MA 02133 Rep.StevenWalsh@hou.state.ma.us</p>
<p>Rep. Susan Williams Gifford Buzzards Bay Oil Spill Commission State House, Room 540 Boston, MA 02133 Rep.SusanGifford@hou.state.ma.us</p>	<p>Ms. Dale Young MA Executive Office of Environmental Affairs 251 Causeway Street, 9th floor Boston, MA 02114 Dale.young@state.ma.us</p>	

TOWN OF FAIRHAVEN

Notice is hereby given under Chapter 138 of the Massachusetts General Laws that Ferry Station, LLP, d/b/a Elisabeth's, Douglas L. Buker, Manager, 1 Middle Street, Fairhaven, MA, has applied for the transfer of a Restaurant/All Alcoholic License.

The premise consist of two entrances, small kitchen on East side, office on Northeast side, Liquor storage on Northeast side, Bar on Northeast side and two restrooms on North side of bldg.

A hearing will be held in the Selectmen's Office, Fairhaven Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA on Monday, February 23, 2004 at 7:00 PM.

BOARD OF SELECTMEN

Winfred A. Eckenreiter, Chairman
Brian K. Bowcock
Michael Silvia

Tapes-OK
WC-OK
Bldg-OK
Town Hall-OK

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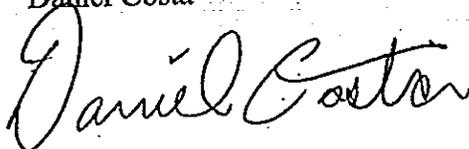
BOARD OF SELECTMAN
FAIRHAVEN MASS

To the Fairhaven Conservation Commission.

1/30/04

Due to conflicts in schedule and other job related duties, I Dan Costa am submitting my resignation. Thank you for the honor of being chosen to serve on this extremely important commission.

Respectfully submitted
Daniel Costa



cc: Town Clerk 2/24/04