

Selectmen's Meeting – May 10, 2004

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

Also in attendance was Jeffrey Osuch.

Dr. Bowcock called the meeting to order at 6:30 p.m.

Mr. Silvia motioned to approve the minutes of April 26, 2004. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Eckenreiter motioned to approve the minutes of the April 26, 2004 executive session. Mr. Silvia seconded. Vote was unanimous.

#### RECREATION DEPARTMENT

Renee Tavares discussed her request for a full time Program Coordinator. Since the position was filled in December 2002, the Program Coordinator has worked 40 hours per week. If the position is approved, the Coordinator would be entitled to receive employee benefits. Discussion followed. Mr. Silvia, Mr. Osuch and Ms. Tavares will review the budget and the Enterprise Fund with Andrew Martin.

Ms. Tavares invited the Selectmen to participate in "Miles for Matty" on June 13<sup>th</sup> beginning at 10:00 a.m. at Fort Phoenix.

#### DAVID HICKOX

David Hickox and Andrew Martin were in attendance to discuss the Town's acquisition of land for non-payment of taxes. The land is located on West Island and listed as Lot 1 on Map 43A and Lot 1A on Map 43B. In January 2004, Mr. Hickox entered into a Land Purchase and Sale Agreement with Daniel P. Ristuccia, Trustee of West Island Trust. Mr. Hickox contacted Andrew Martin to obtain the back tax payoff amount and to confirm payment could be made prior to the land auction. When speaking with Mr. Martin, he was informed Lot 1A on Map 43B was not included in the auction. Mr. Hickox proceeded with the purchase of Lot 1 on Map 43A. Early in 2004, Mr. Hickox was informed by his attorney that the Town recorded a deed for Lot 1 which contained both Lot 1 on Map 43A and Lot 1A on Map 43B. (See attached.) Mr. Hickox questioned the legality of the foreclosure. Discussion followed. Mr. Silvia motioned to have Town Counsel review the matter. Mr. Eckenreiter seconded. Vote was unanimous.

#### EXECUTIVE SECRETARY'S REPORT

Building Maintenance Study Committee will meet at 6:30 p.m. on May 11<sup>th</sup> at the Town Hall.

Selectmen's Meeting – May 10, 2004

GeoInsight, Inc. scheduled a meeting for May 12<sup>th</sup> at 7:30 p.m. at the Whaling Museum in New Bedford.

Meeting with the Assessors is scheduled for 1:30 p.m. on May 13<sup>th</sup>.

Mr. Osuch and William Roth will meet with EPA representatives on May 14<sup>th</sup> from 9:30 to 11:30 a.m. to discuss Brownfields.

Council On Aging Volunteer Recognition Day is scheduled for May 18<sup>th</sup> at 1:00 p.m. at the Senior Center.

Water District Planning Committee will meet on May 18<sup>th</sup> at 4:30 p.m. at the Board of Public Works.

Buzzards Bay Advisory Committee meeting is scheduled for May 19<sup>th</sup> at 12:00 noon in Wareham.

Fire Union Contract negotiations are scheduled for 12:00 noon on May 20<sup>th</sup>.

Homeland Security Meeting is scheduled for May 20<sup>th</sup> at 1:30 p.m. at the Board of Public Work.

On May 13<sup>th</sup>, NSTAR Electric will install new energy efficient lighting at the Town Hall.

The Board will review information received from the Metropolitan Mayors Coalition regarding a surplus in the Community Preservation Trust Fund.

#### BUZZARDS BAY OIL SPILL

Dr. Bowcock read the letter addressed to Secretary Gale Norton of the U.S. Department of the Interior regarding the Bouchard Oil Spill settlement and use of funds for wetland conservation projects in and around Buzzards Bay. (See attached.) Mr. Silvia motioned to support the letter. Mr. Eckenreiter seconded. Vote was unanimous.

#### APPLEBEE'S NORTHEAST, INC.

Applebee's Northeast, Inc. submitted an application for a change in officer/director. Rebecca Tilden will replace Robert Steinkamp. Mr. Eckenreiter motioned to approve the application. Mr. Silvia seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

#### ANIMAL SHELTER

\$30.00 donation to the Building Fund was accepted.

Selectmen's Meeting – May 10, 2004

#### BUILDING DEPARTMENT

Construction Report for April 2004 will be placed on file.

#### CONSERVATION COMMISSION

Dr. Bowcock read the letter from the Chairman of the Conservation Commission requesting the transfer of \$1,500.00 from the Wetlands Protection Fund to the Salary Account. (See attached.) Mr. Silvia motioned to approve the request. Mr. Eckenreiter seconded. Vote was unanimous.

#### COUNCIL ON AGING

The Board offered their condolences to the family and friends of John Keary. Mr. Keary, a member of the Council on Aging, recently passed away. Interviews for the vacancy on the Council will be scheduled for May 24<sup>th</sup>.

#### POLICE DEPARTMENT

The Chief requested approval of certification and exemption for Ronald Manzone, a permanent-intermittent Police Officer and an elected member of the Board of Public Works. Mr. Silvia motioned to approve the request. Mr. Eckenreiter seconded. Vote was unanimous.

#### SCHOOL DEPARTMENT

On April 28<sup>th</sup>, the School Committee voted to declare cement finials at the High School surplus and requested the Selectmen do the same. Mr. Silvia motioned to declare the finials surplus. Mr. Eckenreiter seconded. Vote was unanimous.

#### WATER DISTRICT

The Board will review the Mattapoisett River Valley Water District draft agreement.

#### WEST ISLAND

Dr. Bowcock read the letter from Anne Moomey regarding West Island property. (See attached.)

#### TOWN PROPERTY

Dr. Bowcock read the letter from Ronald Desnoyers regarding the purchase of Town property. (See attached.) The Assessors will be asked to provide a value. The matter will be brought up at a future meeting.

Selectmen's Meeting – May 10, 2004

#### COMMUNITY NURSE/HOSPICE

Dr Bowcock read the letter from Marlene Booth, Team Captain of the 2004 Relay for Life requesting permission for the Community Nurse and Hospice Care to hold a bake sale on June 11<sup>th</sup> at the Town Hall. Proceeds to benefit Relay for Life. (See attached.) Mr. Silvia motioned to approve the request. Mr. Eckenreiter seconded. Vote was unanimous.

#### NSTAR GAS

Mr. Silvia motioned to approve the petition to install new gas services and main on Fort Street. Mr. Eckenreiter seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Mr. Silvia motioned to approve the petition to install gas main and service on Morgan Street. Mr. Eckenreiter seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Mr. Silvia motioned to approve the petitions for maintenance to gas main and service at: 33 Alpine Avenue, 5 Pleasant Street, 13 Hedge Street and 334 Huttleston Avenue. Mr. Eckenreiter seconded. Vote was unanimous. (Approved by the Board of Public Works.)

#### OTHER MATTERS

Mr. Silvia motioned that beginning in FY 06, the Historical Commission and Art Curator will be instructed to work together to produce a budget that will appear in Article 4 of the Annual Town Meeting. Mr. Eckenreiter seconded. Vote was unanimous. The Board will no longer support individual articles for the two department.

A letter will be sent to the Board of Public Works to request lighting be installed at Fort Phoenix to illuminate the American Flag.

The Board thanked all the volunteers who contributed to having the Town Hall clock electrified.

#### EXECUTIVE SESSION

At 8:10 p.m., Mr. Silvia motioned to go into executive session to discuss pending litigation (Richard Russell), contract negotiations (William Roth), sale/purchase of land on West Island, Jeanne Reedy's Workers' Compensation claim and not to reconvene in open session. Mr. Eckenreiter seconded. Vote was unanimous. Roll call vote 3-0.

  
Jan St. Germain  
Secretary

David T. Hickox  
1 Clarks Cove Drive  
South Dartmouth, MA 02748

April 28, 2004

Mr. Jeffrey Osuch, Executive Secretary  
Fairhaven Board of Selectmen  
40 Center Street  
Fairhaven, MA 02719

RECEIVED  
2004 MAY -3 A 11:40  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

RE: Map 43A, Lot 1

Dear Mr. Osuch:

Thank you for arranging a meeting with the Board of Selectmen on May 10 to discuss a resolution to the Town's acquisition of Map 43A, Lot 1, and Map 43B, Lot 1A.

This is a summary of what has evolved to date;

**Background:**

Mr. Daniel P. Ristuccia, Trustee West Island Realty Trust and I had agreed and on January 5, 2004, entered into a Land Purchase and Sale Agreement (Attachment #1) for Plat 43A, Lot 1 and Plat 43B, Lot 1A.

On January 13, 2004, I contacted the Town of Fairhaven on behalf of Mr. Ristuccia to obtain the back tax payoff amount and to confirm with the Treasurer that the payment could be made prior to the scheduled land auction. I spoke with Mr. A.J. Martin who provided me with a payoff in the amount of \$22,283.21 as of December 2003 which was for Plat 43A, Lot 1 and Plat 43B, Lot 1A. I was informed by Mr. Martin that the back taxes could be paid prior to the date of the auction.

During the course of the conversation, Mr. Martin and I discussed why I was purchasing the beach properties and I indicated that I owned a home abutting the beach (Plat 43B, Lot 1A) on the north side of the causeway (Attachment #2). Mr. Martin then indicated that the Town was not auctioning off Plat 43B, Lot 1A (north side) and that only Plat 43A, Lot 1 (south side) was on the AFFIDAVIT TO FORECLOSE TAX TITLE LAND OF LOW VALUE (Attachment #3).

cc: andy 5/3/04

Page 2.

Mr. Martin indicated that the payoff for the Plat 43B, Lot 1A (north side) would be 33% of the total outstanding tax based on the land area (2.2 ac.-south side = 66% & 1.1 ac.-north side = 33%) which was in the amount of \$7,776.84. Mr. Martin explained that the actual tax would be calculated on the date of payment.

On January 30, 2004, I provided Attorney Chip Mulford with the information that was provided by the Town (Attachment #4). I then directed Attorney Mulford to establish a Trust and preform the necessary work to complete the transaction.

Several days later I received a call from Attorney Mulford who indicated that the town had recorded a treasures deed for Lot 1 which in fact comprised of both Plat 43A, Lot 1 and Plat 43B, Lot 1A.

**Summary:**

The Town's unexplainable and possible illegal subdivision of Land Court Land has resulted in confusion even among Town officials. At the time of the foreclosure of this parcel, the Town Treasurer's intent was clear and the Affidavit clearly references only Fairhaven Assessors Plat 43A, Lot 1 (Attachment #3).

The Town's intent was again clearly provided to me on January 13, 2004 both verbally and in writing (Attachment #3). Based on the information provided by Town officials, I related this information directly to my Attorney and to Mr. Ristuccia and our direction now was to pay the back taxes on Plat 43B, Lot 1A (north side) based on the formula provided by the Town Treasurer.

**Resolution:**

I am hopeful that your Town Counsel can provide a simple solution to this problem. As I mentioned previously, should the Town conclude that the legality of the foreclosure was in question, Mr. Ristuccia would agree to full payment of back taxes for the both Plat 43A, Lot 1 and Plat 43B, Lot 1A. Upon transfer from Ristuccia to Hickox, I would be willing to discuss a donatation of Plat 43A, Lot 1(south side) back to the Town.

I am also open to suggestions from the Town which would preclude the resolution of this matter thru the courts.

Sincerely,

  
David T. Hickox

cc: Attorney Chip Mulford  
Attorney Phillip Beauregard

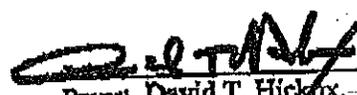
# LAND PURCHASE AND SALE AGREEMENT

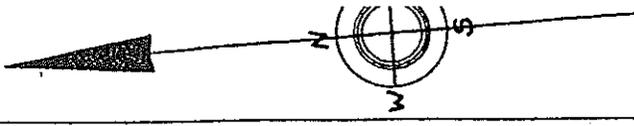
This 5<sup>th</sup> day of January, 2004, Daniel P. Ristuccia, Trustee West Island Realty Trust, herein called **SELLER**, agrees to SELL David T. Hickox, herein called the **BUYER**, for consideration paid, and in full consideration of the payment of all outstanding property taxes due the Town of Fairhaven, MA, currently totalling twenty two thousand dollars (\$22,000) more or less, to be the amount due as determined by the Town of Fairhaven on the day of payment of outstanding taxes to the Town, grant to David T. Hickox, of 1 Clarks Cove Drive, South Dartmouth, Bristol County, MA 02748, with quitclaim covenants, a certain parcel of registered land on West Island in Fairhaven, Bristol County, MA, bounded and described as follows:

Said land is shown as Lot 1 on Subdivision Plan 7432C-1, Section A, drawn by Schofield Bros., Civil Engineers, dated June 1946, and December 1952, and filed in the Land Registration Office at Boston, a copy of which is filed in Bristol County (S.D.) Registry of Deeds, in Land Registration Book 29, Page 286, with Certificate of Title No. 5873, and further described as Plat 43A, Lot 1, and Plat 43B, Lot 1A.

**NOTICE:** This is a legal document that creates binding obligations. If not understood, consult an attorney.

  
Seller: Daniel P. Ristuccia, Date: 1/5/04

  
Buyer: David T. Hickox, Date: 1-5-04



310 15,000	307 6,000	305 6,000	303 6,000	301 6,000	299 6,000	297 6,000	295 6,000
306 15,000	304 6,000	302 6,000	300 6,000	298 6,000	296 6,000	294 6,000	292 6,000

STREET

291 6,000	287 6,000	285 6,000	283 6,000	281 6,000	279 6,000	277 6,000	275 6,000
290 6,000	286 6,000	284 6,000	282 6,000	280 6,000	278 6,000	276 6,000	274 6,000
289 6,000	288 6,000	286 6,000	284 6,000	282 6,000	280 6,000	278 6,000	276 6,000

ROAD

256 6,000	255 6,000	253 6,000	254 6,000	251 6,000	249 6,000	247 6,000	245 6,000	243 6,000	241 6,000	238 6,000	239 6,000
--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------

STREET

232 6,000	233 6,000	230 6,000	228 6,000	226 6,000	224 6,000	222 6,000	220 6,000	219 6,000	218 6,000
234 6,000	231 6,000	229 6,000	227 6,000	225 6,000	223 6,000	221 6,000	217 6,000	216 6,000	

CHERRYSTONE ROAD

198 6,000	199 6,000	200 6,000	201 6,000	194 6,000	192 6,000	190 6,000	188 6,000	184 6,000	182 6,000	178 6,000
196 6,000	197 6,000	193 6,000	191 6,000	189 6,000	187 6,000	185 6,000	183 6,000	181 6,000		

STREET

174 6,000	175 6,000	176 6,000	177 6,000	172 6,000	170 6,000	168 6,000	166 6,000	164 6,000	162 6,000	161 6,000	160 6,000	158 12,000
--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	---------------

CHERRYSTONE ROAD

149 6,000	148 6,000	147 6,245	146 6,000	145 6,000	144 6,000	142 6,000	140 6,000	138 6,000	136 6,000	132 6,000	130 6,000	129 6,000	128 6,000	127 6,000	126 6,000	125 6,000	124 6,000	123 6,000	122 6,000	120 6,000	118 6,000	116 6,000	114 6,000	112 6,000	110 6,000	109 6,000	108 6,000	107 6,000	106 6,000
--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------

STREET

126 6,000	125 6,000	124 6,000	123 6,000	122 6,000	120 6,000	118 6,000	116 6,000	114 6,000	112 6,000	110 6,000	109 6,000	108 6,000	107 6,000	106 6,000
--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------

CHERRYSTONE ROAD

40 7,236	39 6,000	38 11,370	37 15,000	36 15,660	35 15,720	34 15,660	33 15,600	32 16,500	28 6,000	29 6,000	30 6,000	31 14,060
-------------	-------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	-------------	-------------	-------------	--------------

STREET

26 6,000	24 6,000	22 6,000	20 6,000	18 6,000	16 6,000	15 6,000	14 6,000	13 6,000
27 6,000	25 6,000	23 6,000	21 6,000	19 6,000	17 6,000	16 6,000	15 6,000	14 6,000



HICKOX LAND  
LOTS 4 & 5

\* LOT 1 - UNDER  
P&S AGREEMENT

P. 47-B  
L. 1A

ROAD

ROAD

CAUSEWAY

BLUEPOINT ROAD

43A

43A

LOT 1

TOWN OF FAIRHAVEN

40 Center Street,

Fairhaven, Ma. 02719



Date: 1/13/04

Number of pages including cover sheet: 4

To:

Dave Hickox

Phone: 508 994 9645

Fax phone:

CC:

From: TOWN OF FAIRHAVEN

AJ Martin

Phone: (508) 977-30 26

Fax phone: (508) 977-3370 993 9486

REMARKS:  Urgent  For your review  Reply ASAP  Please comment

Attidavit To foreclose is Map 43  
Lot 1 - (Right Side of Causeway Rd)

Map 43 lot 1A is not included in  
this attidavit (Left Side of Causeway Rd)

ATTACHMENT #3

FORM 452

THE COMMONWEALTH OF MASSACHUSETTS

AFFIDAVIT TO FORECLOSE TAX TITLE LAND OF LOW VALUE

SHEET NO. 1

To Andrew J. Martin, Treasurer of Town of Fairhaven
I, Alan LeBovidge, Commissioner of Revenue, hereby make affidavit that in my opinion the

value of each parcel of land held by Town of Fairhaven under an instrument of taking or a tax title deed listed herewith is insufficient to meet the taxes, interest and charges, and all subsequent taxes and assessments thereon, together with the expenses of a foreclosure of the rights of redemption under General Laws, Chapter 60 §69; that none of such parcels exceeds \$15,000 value; and that the facts essential to the validity of the tax title on each of such parcels have been adequately established.

Table with columns: No., NAME OF PERSON ASSESSED IN THE YEAR OF THE TAX FOR WHICH THE LAND WAS SOLD OR TAKEN, Year of tax for which land was taken or sold, Date of Taking or Sale, INSTRUMENT OF TAKING OR TAX TITLE DEED (RECORDED Book, Page, REGISTERED Certificate of Title No.).

TOTAL NUMBER OF SHEETS ATTACHED 0

There are attached hereto and made a part hereof, as provided for by General Laws Chapter 60 §79, STATEMENT(S) RELATIVE TO TAX TITLES which severally refer to the above-mentioned parcels and are correspondingly numbered.

Handwritten notes: 43B-1A ? 1.10 AC

ATTACHMENT # 4

Phon Assessors - 979-4018

C O V E R

FAX

S H E E T

To: Chip Mulford  
 Fax #: (508) 985-9081  
 Subject: West Island Land  
 Date: January 30, 2004  
 Pages: 1, including this cover sheet.

COMMENTS:

Chip,

↑ Cert Title # 15911

Per our conversation, I have spoke with Mr. McGeever of Saco Maine who is willing to convey the deed to Map 43B, Lot 1 for payment of outstanding taxes of approximately \$3,314.41 +/- . He mentioned that he did not foresee any problems with the transfer/probate since he had recently sold another Massachusetts properties he had inherited. Please make this deed in the name of :

David T. Hickox  
 1 Clarks Cove Drive  
 South Dartmouth, MA 02748

The second parcel is owned by Daniel F. Ristuccia, Trustee West Island Realty Trust, Map 43B, Lot 1A consisting of approximately 1.1 acre. This is the beach on the north side of the causeway. Again, Dan Ristuccia has agreed to transfer this parcel for payment of back taxes of approximately \$7,776.84.

NOTE: This parcel (43B-1A) was combined for tax billing purposes with Map 43A, Lot 1 (2.05 acre) which was recently auctioned off. The Fairhaven Town Treasurer, AJ Martin indicated that Map 43B, Lot 1A consisted of approximately 33% of the outstanding tax bill of \$22,283.21 which is how he arrived at the \$7,776.84 figure.

→ Cert Title  
 # 15911  
 15101  
 43A, 1A

Please prepare a Trust with my brother James M. Hickox and I as trustees in the name of:

Almond Beach Trust  
 1 Clarks Cove Drive  
 South Dartmouth, MA 02748

Please call me if you have any questions. Thanks

From the desk of...

David T. Hickox, P.E.  
 1 Clarks Cove Drive  
 South Dartmouth, MA 027498

# DRAFT

Congressional Letterhead ~~CONFIDENTIAL~~

April 27, 2004

Secretary Gale Norton  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Re: Dedication of Buzzards Bay Oil Spill Migratory Bird Treaty Act Penalties for Impact-Area Wetlands Conservation

Dear Secretary Norton,

We are writing to you on the one-year anniversary of the devastating Bouchard-120 oil spill in Buzzards Bay, Massachusetts, to request your assistance in promoting a unique opportunity to conserve critical coastal wetlands in the region directly impacted by the spill.

The Bouchard-120 spill, which entailed the release of 55-97,000 gallons of No. 6 crude oil into Buzzards Bay, indisputably has had a significant impact on sensitive Bay estuaries and local wildlife. More than 450 avian mortalities were documented as a result of the spill, including waterfowl and other migratory birds such as cormorants, loons, scoters and various species of ducks. The Natural Resources Damages Assessment (NRDA) process in connection with the spill will address many of these impacts, but it is expected to take years to complete. By then, existing opportunities to preserve critical Bay wetlands and adjacent upland habitats will have been lost.

The recent settlement between the United States Attorney and Bouchard Transportation Company in connection with last year's Buzzards Bay oil spill included a \$7,000,000 fine for violations of the Migratory Bird Treaty Act. By the terms of the settlement agreement, this amount is being dedicated "to carry out approved wetlands conservation projects." We hope you will agree that these funds should be used for important wetlands conservation projects in and around Buzzards Bay, which was designated as an Estuary of National Significance in 1985 and is the area most directly affected by last year's oil spill. It is for this reason that we, the undersigned federal, state and local representatives, request your commitment to direct the \$7 million fine revenue from the Bouchard settlement toward local wetlands conservation projects.

We look forward to your assistance in this matter and thank you for your support.

Sincerely,

Congressman Barney Frank

Senator Edward M. Kennedy

Congressman William Delahunt

Senator John F. Kerry

Buzzards Bay Area, Massachusetts Legislative Delegation

Senator Mark C. Montigny

Senator Therese Murray

Senator Robert O'Leary

Senator Joan Menard

Senator Marc Pacheco

Representative John Quinn

Representative Michael Roderiques

Representative Robert Koczera

Representative Antonio Cabral

Representative Mark Howland

Representative William Straus

Representative Susan Williams Gifford

Representative Matthew Patrick

Representative Eric Turkington

Municipal Officials

Westport Board of Selectmen

Dartmouth Board of Selectmen

Mayor Frederick M. Kaliaz  
City of New Bedford

Fairhaven Board of Selectmen

Mattapoisett Board of Selectmen

Marion Board of Selectmen

Wareham Board of Selectmen

Bourne Board of Selectmen

Falmouth Board of Selectmen

Gosnold Board of Selectmen

cc: North American Wetlands Conservation Council  
Mr. Duane Shroufe (Chairperson), Director  
Arizona Game and Fish Department  
2221 West Greenway Road  
Phoenix, Arizona 85023-4399

And all other members of NAWCA Council....



# FAIRHAVEN CONSERVATION COMMISSION

Town Hall

40 Centre Street

Fairhaven, MA 02719

8.

Dr Brian Bowcock  
Chairman Board of Selectmen  
40 Center Street  
Fairhaven, Ma. 02719

May 03, 2004

BOARD OF SELECTMEN  
FAIRHAVEN MASS

MAY - 3 P 5:36

RECEIVED

**Re: Conservation Commission Salary Account**

Dear Chairman Bowcock:

The Fairhaven Conservation Commission would like to transfer \$1,500.00 from the Wetland Protection Fund to the Conservation Salary Account, in order to supplement that account. This is in keeping with the direction of the Finance Committee budget approval of last year. At present time the Wetland Protection Account has \$6,730.98 in it.

If you have any further question on this matter please contact Wayne Fostin Conservation Agent at 508 979-4019.

Michael Silva

Yours truly,

Marinus Vander Pol, Jr.  
Chairman Fairhaven  
Conservation Committee

APPROVED BY THE BOARD OF SELECTMEN  
MAY 10, 2004

**Main Identity**

---

**From:** "Anne Moomey" <a.moomey@comcast.net>  
**To:** <Selectmen@fairhaven-ma.gov>  
**Sent:** Thursday, April 22, 2004 9:46 AM  
**Subject:** Fw: Mr. Jeff Osuch cc Winn Ekenritter

----- Original Message -----

**From:** Anne Moomey  
**To:** [selectman@fairhaven-ma.gov](mailto:selectman@fairhaven-ma.gov)  
**Sent:** Thursday, April 22, 2004 9:44 AM  
**Subject:** Mr. Jeff Osuch cc Winn Ekenritter

Dear Sir,

I was told that you would be the person to contact about the following issue and hope you can help. We have a house on West Island. We love it there and have always found our neighbors to be kind and sharing. A new phenomon has begun to happen on the Island. The Houses have become very expensive and new people are moving in with different attitudes about accesability to the beaches. We have become aware that beach parcels of land owned by a David Ristucia, which have been available for gneral public use ,have now been become an issue. In the past the West Island Improvement Association has expressed to Mr. Ristuci that we would be interested in buying the beaches to insure access to the ocean for all the residents. It is our understanding the Ristucia family owes taxes on the beaches and now two of the beaches have been put up for action with no buyers( because we were unaware of the auction) and has now become the property of the town. We understand there are two or more beaches still in back taxes that might be taken as well. We do not understand why Mr. Rituci has porceeded this way and are very disappointed. We have a group of people that would that to come in and discuss what is happeing with the beaches the town took, the beaches in back taxes and the plans for the beaches. Our Main goal is to insure access for the general public to the beaches on West Island. We feel strongly against one individual owning the beaches. The two beaches which Mr. Ristuci sold to private owners have now become Inaccesable to the general public with the current owner, not kindly telling people to vacate his beach( The Misty Bay Beach) So please help us! We would like time to come in and discuss this situation with the selectman.

Thank you

Anne Moomey  
103 Cottonwood  
Fairhaven Ma

508-261-8867

cc: Winn 4/22/04

4/22/04

RECEIVED

2004 APR 27 A 10: 57

BOARD OF SELECTMAN  
FAIRHAVEN MASS

23 April 2004

Board Of Selectmen  
Town of Fairhaven  
Fairhaven, MA 02719

Mr. Ronald Desnoyers  
51 North St.  
Fairhaven, MA 02719

Subj: Acquiring Town Foreclosed Property

Dear Sirs,

I am writing to explore the possibility of acquiring the lot adjacent to my own property that I understand the Town itself recently acquired following a foreclosure for non-payment of taxes.

The property of interest is Lot#172 on Map 14.

My understanding is that the Town foreclosed on the property in December 2003. Unbeknownst to me it went up for auction in January 2004. It has been designated a *land of low value* and there were no bidders at the auction.

My current residence at 51 North St. consists of Lots 173&174. Records indicate that Lot 172 was originally part of the address. However, the previous owner once removed, did not include the lot in the sale to the owner from whom I purchased the property.

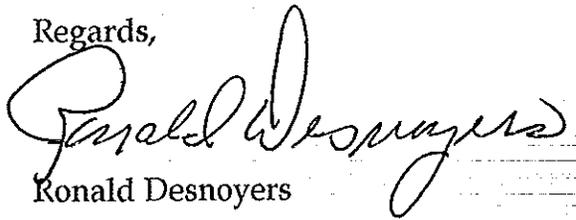
Since moving here in 1992 I have maintained the lot in re: cutting the grass and removal of leaves and fallen branches. I have also used it quite extensively as a play area for my children although I obviously have not developed it in any way.

Personnel in Town Hall have informed me that the first step to possibly acquiring the lot is to correspond to the Board with my request.

Please advise as to the next actions I can take in this matter.

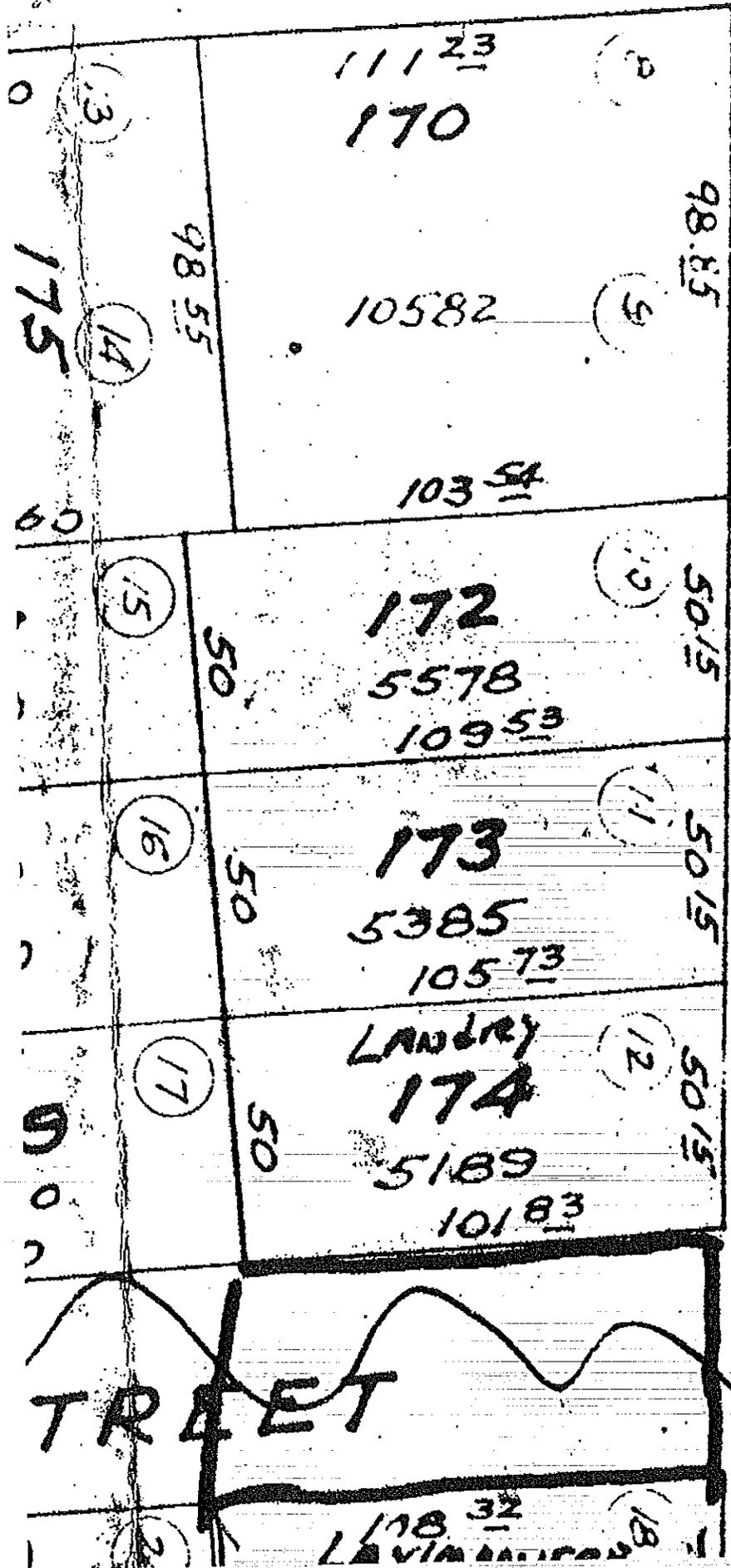
Thank You.

Regards,

  
Ronald Desnoyers

cc: Bill Roth 5/11/04  
Assessor

REET

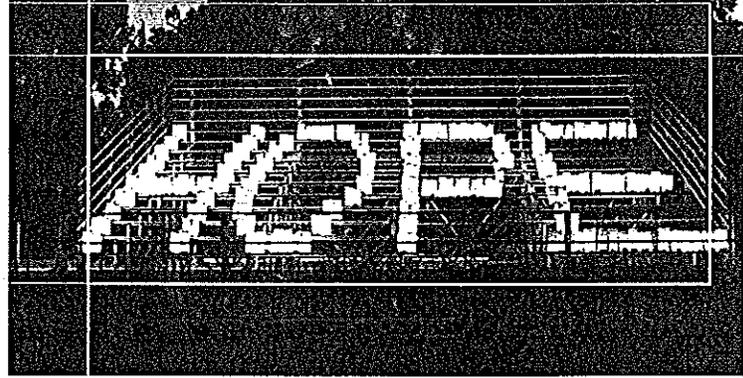


NORTH ST

TR AET

2004 APR 29 A 11:00

BOARD OF SELECTMAN  
FAIRHAVEN MASS



15.

April 22, 2004

To Town of Fairhaven Board of Selectman:

Community Nurse and Hospice Care are organizing a team for the 2004 Relay for Life in New Bedford. The American Cancer Society sponsors the event. The event largely serves as one big support group for cancer survivors and their families and all proceeds raised go toward fighting the disease. In our effort to raise money for the event, we have decided to have a bake sale.

I am writing to request use of the Town Hall, where our Community Nurse Hospice Office is located, to have the bake sale. We would like to have the bake sale on June 11th. If the weather is nice, we would like to have one table set up on the front steps or just inside the building as we do not get a great deal of traffic in our office downstairs.

At Community Nurse and Hospice Care we are touched each and every day by the disease and the lives that are affected by it. That is why it is so important that we participate and help to raise the money necessary to make cancer only a memory. Thank you in advance for you anticipated cooperation and help in making our contribution to the Relay for Life generous.

Sincerely,

Marlene Booth  
Team Captain

APPROVED BY THE BOARD OF SELECTMEN - MAY 10, 2004

Michael Sibura



cc: Bill Brown 5/11/04

1.800.ACS.2345  
www.cancer.org

Hope.Progress.Answers.®