

Selectmen's Meeting – August 9, 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 July 19, 2004. Mr. Eckenreiter had no changes to the School Committee interviews and seconded the motion. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of the July 19, 2004 executive session. Dr. Bowcock seconded. It was so voted.

APPLEBEE'S NEIGHBORHOOD GRILL & BAR

Applebee's Northeast, Inc., d/b/a Applebee's Neighborhood Grill & Bar, 205 Huttleston Avenue, submitted an application for a change in manager. New manager is Danielle Boutin. Mr. Silvia motioned to approve the application. Mr. Eckenreiter seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

MAIN STREET PARKING

The Police Chief and numerous residents and business owners in the Main Street area were in attendance to discuss parking restrictions on a section of Main Street between Center Street and Washington Street. The proposed restriction would limit parking to two hours between the Masonic Building and Design Associates. Discussion ensued. Mr. Silvia motioned to install signs limiting parking to 2 hours from the property line of the American Legion (54 Main Street) and Design Associates (56 Main Street) south to the existing bus stop sign. Restricted parking shall be in effect Monday thru Saturday from 9:00 a.m. to 5:00 p.m., Sunday excluded. Mr. Eckenreiter seconded. Vote was unanimous.

ARTISTIC AUTO BODY & SALES, INC.

Car Repair License Hearing was scheduled for 7:25 p.m. to act on the application submitted by Artistic Auto Body & Sales, Inc., 98 Middle Street, Ruy DaSilva, President. Dr. Bowcock called the hearing to order and read the legal notice that appeared in The Advocate into the record. (See attached.) Mr. Silvia motioned to approve the license. Mr. Eckenreiter seconded. Vote was unanimous.

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NEW BEDFORD/FAIRHAVEN HARBOR

William Roth stated Fairhaven and New Bedford have received funding to dredge the harbor. The Seaport Advisory Council approved \$5 million dollars for the project. Fairhaven will receive \$1 million and New Bedford \$4 million.

EXECUTIVE SECRETARY'S REPORT

Mattapoissett River Valley Water District will meet on August 10th at 9:00 a.m. at the Board of Public Works.

Meeting is scheduled with DEP and Tata & Howard, Inc. for 2:00 p.m., August 10th at the Board of Public Works.

Meeting with the Board of Assessors is scheduled for 11:30 a.m. on August 10th.

Police Contract negotiations are scheduled for August 12th at 9:00 a.m. at the Town Hall.

Meeting with NSTAR Electric is scheduled for August 12th at 2:00 p.m. at the Board of Public Works.

Letter from Town Counsel regarding the Christopher Clough case will be placed on file. The case is closed.

The Board will review the letter from the Woods Hole Group regarding the Bouchard Oil Spill.

Letter from Town Counsel advised that mediation of the Earl R. Flansburgh & Associates claim is scheduled for Thursday, September 9th and if necessary, Friday, September 17th.

Fire Union Grievance hearing is scheduled for August 23rd at 7:00 p.m.

The Board received a letter from Town Counsel regarding the employment contract for Robert Carey, Superintendent of the Board of Public Works.

Director of Recreation submitted projected revenue for the Kool Kids After School Program for the upcoming school year. Mr. Silvia motioned to accept the donation of the van and to outfit the van with the necessary equipment. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Eckenreiter motioned to allow the Sister City to use the Town Hall Auditorium to sponsor a Japanese drum concert on October 17, 2004 and to waive the rental fee. Mr. Silvia seconded. Vote was unanimous.

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The Board will review a letter from Richard Kendall regarding truck traffic on residential streets. Copy will be sent to the Police Chief.

The Board will review the job description for the Director of Finance/Treasurer. Mr. Martin plans to retire in 2005.

ANIMAL SHELTER GIFT ACCOUNT

\$25.00 donation to the Gift Account was accepted.

BUILDING DEPARTMENT

Construction Report for July 2004 will be placed on file.

Effective September 1, 2004, Daniel Cardoza, Plumbing Inspector, will resign. Anyone interested in filling the position should contact Wayne Fostin, Building Commissioner.

CONSERVATION COMMISSION

Mr. Silvia motioned to appoint Robert Duarte an Associate member of the Conservation Commission. Mr. Eckenreiter seconded. Vote was unanimous. Term to expire May 31, 2005.

COUNCIL ON AGING

Letter of resignation was received from Virginia Carey. The Board thanked Mrs. Carey for her 26 years of dedicated service to the Council on Aging.

Mr. Silvia motioned to appoint John Haaland a full member of the Council on Aging. Mr. Eckenreiter seconded. Vote was unanimous. Mr. Haaland will fill the unexpired term of Mrs. Carey. Term to expire May 31, 2006.

A donation of \$23,500.00 was received from the estate of Orvilla Ann Silva. The funds will be placed in the Gift Account.

BOARD OF HEALTH

Chairman of the Board of Health requested the vacancy on the Board of Health be advertised and filled. Applications will be accepted in the Selectmen's Office until 4:30 p.m. on Monday, August 16th. A joint meeting with the Board of Health to fill the vacancy will be scheduled for Monday, August 23rd.

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POLICE DEPARTMENT

Dr. Bowcock summarized the letter from the Police Chief regarding organizations soliciting for money on Rte. 6. (See attached.) The Chief will strictly enforce M. G. L. Chapter 85, §17A, which requires a permit from Massachusetts Highway Department to solicit on a State Highway.

Mr. Silvia motioned to approve the Chief's request to call for a Civil Service list to hire five Permanent-Intermittent Police Officers. Mr. Eckenreiter seconded. Vote was unanimous.

RECREATION DEPARTMENT

Dr. Bowcock summarized the letter from Robert Gomes, president of Manny and Bob's Service, Inc. regarding non-resident Recreation Center membership for Fairhaven Businessmen. Mr. Silvia motioned to support the idea and to discuss it with the Director of Recreation. Mr. Eckenreiter seconded. Vote was unanimous.

TAX COLLECTOR

Mr. Silvia motioned to re-appoint Carol Brandolini, Tax Collector. Mr. Eckenreiter seconded. Vote was unanimous. Term to expire August 9, 2007.

SECURE HORIZONS

Letter from Secure Horizons regarding overpayment of ambulance claims was taken under advisement.

SRTA

A letter will be sent to SRTA opposing the proposed elimination of the two bus routes in Fairhaven. This elimination will create hardship on residents within Fairhaven, Mattapoisett and Acushnet, who use SRTA busses as their only means of transportation. Proposed effective date is September 7th.

HURRICANE NOTICE

"Hurricane Notice to Fairhaven Residents" will be available at the Town Hall, Board of Public Works, Recreation Center and Council on Aging. The notice outlines how to prepare for a hurricane.

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CULTURAL COUNCIL

Mr. Silvia motioned to appoint Mary Jane Richard to the Cultural Council. Mr. Eckenreiter seconded. Vote was unanimous. Term to expire May 31, 2007.

HISTORICAL COMMISSION

Mr. Silvia motioned to appoint Wayne Oliveira a full member of the Historical Commission. Mr. Eckenreiter seconded. Vote was unanimous. Mr. Oliveira will fill the unexpired term of John Badwey. Term to expire May 31, 2007.

WEST ISLAND

Letter from Beverly and Herbert Pope regarding the purchase of property on Gull Island Road will be discussed on September 7th. The Board of Selectmen will meet at the West Island Improvement Association on Tuesday, September 7th at 6:30 p.m.

NSTAR GAS

Mr. Silvia motioned to approve the petition to install a new gas service at 87 Shaw Road. Mr. Eckenreiter seconded. Vote was unanimous. (Approved by the Board of Public Works.)

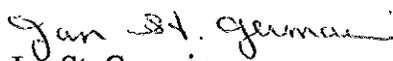
Mr. Silvia motioned to approve the petition for maintenance to gas main and service at 66-71 Massasoit Avenue. Mr. Eckenreiter seconded. Vote was unanimous. (Approved by the Board of Public Works.)

CENTRE UNITED METHODIST CHURCH

At the end of June, the Centre United Methodist Church closed. The Board thanked Pastor Reid for her dedication to the church and the Town. Mr. Eckenreiter expressed an interest in purchasing the building to expand the Town Hall. Mr. Osuch was instructed to look into the matter.

EXECUTIVE SESSION

At 7:50 p.m., Mr. Silvia motioned to go into executive session to discuss Atlas Tack pending litigation, two requests from the Board of Public Works for "Authorization For Legal Services, Fire Union Grievance and not to reconvene in open session. Mr. Eckenreiter seconded. Vote was unanimous. Roll call vote 3-0.


Jan St. Germain
Secretary

TOWN FAIRHAVEN

The Fairhaven Board of Selectmen will hold a Public Hearing on Monday, August 9, 2004 at 7:25 PM in the Banquet Room, Town Hall, 40 Center Street, Fairhaven, MA. Purpose for this hearing is for consideration of an application submitted for a License to operate a CAR REPAIR business located at 98 Middle Street, Fairhaven, MA 02719. Applicant: Artistic Auto Body & Sales, Inc., Ruy DaSilva, Pres.

BOARD OF SELECTMEN

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

9A



COMMONWEALTH OF MASSACHUSETTS
TOWN OF FAIRHAVEN

DEPARTMENT OF POLICE
1 BRYANT LANE
FAIRHAVEN, MA 02719

TELEPHONES
Dial 911 Emergency
(508) 997-7421 Non-Emergency
(508) 997-1344 Business
(508) 997-3147 Fax

GARY F. SOUZA
CHIEF OF POLICE

DONALD A. JOSEPH
LIEUTENANT

July 29, 2004

Board of Selectmen
Town Hall
40 Center St.
Fairhaven, MA 02719

Gentlemen:

This department has received numerous complaints of people soliciting money from operators of vehicles stopped on Rt. 6 at Alden Road. Some of the complaints involve solicitors being forceful in asking for contributions while others concern the safety of the solicitors and motorists at the intersection. Some of the solicitors are from out of state and I have been unable to verify the legitimacy of their "charity".

M.G.L.ch. 85, s. 17A makes that activity on a state highway unlawful without a permit from the Massachusetts Highway Department. Soliciting on a town roadway requires a permit from the police department.

I feel that I have no choice but to strictly enforce this prohibition on soliciting without a permit. Town counsel has recommended that I enforce this prohibition equally with all solicitors on roadways regardless of their profit or non-profit status or whether they are a religious or secular organization.

Accordingly, a notice of this fact has been sent to all organizations that I have reason to believe have solicited for contributions in the roadway the past year.

RECEIVED
2004 JUL 29 2 10 PM
BOARD OF SELECTMEN
FAIRHAVEN

Sincerely
Gary F. Souza
Gary F. Souza
Chief of Police