

Selectmen's Meeting – November 15, 2004

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

Also in attendance was Jeffrey Osueh.

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

Mr. Silvia motioned to approve the minutes of November 1, 2004. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of the November 1, 2004 executive session. Mr. Eckenreiter seconded. Vote was unanimous.

Jeffrey Messier, Finance Committee, motioned to appoint Mr. Silva to the Finance Committee as Member-at-Large. Dr. Bowcock, Board of Selectmen, seconded. Vote was unanimous. Mr. Silva is appointed Member-at-Large to the Finance Committee.

EXECUTIVE SECRETARY'S REPORT

Meetings - 11/16/2004, at 7:30 p. m. at the Whaling Museum to discuss oil spill regulations. At 4:00 p. m. at New Bedford Library regarding Airport Expansion.

11/19/2004, Clerical negotiations at Town Hall.

Town Counsel has submitted several dates for the hearing for the Clerical Grievance. The Board of Selectmen has to select one and advise him.

Submitted for review, mooring fees schedule and to be discussed further at November 29, 2004 meeting.

BUILDING DEPARTMENT

Request from Building Commissioner for Legal Counsel regarding Code issues at 62 Balsam St. Mr. Silvia motioned to grant request. Dr. Bowcock seconded. Mr. Eckenreiter abstained. Vote was 2 to approve request, 1 abstention. Motion passed.

Construction report for October 2004 will be on file.

GAS PERMIT

Gas permit for 35 Cottage Street for new installation submitted for approval. Mr. Silvia motioned to approve new installation for gas service at 35 Cottage St. Mr. Eckenreiter seconded. Vote was unanimous.

UNION WHARF

Mr. Roth presented to the Board a plan for signatures granting a street discontinuance and sale of Town property to Gail Isaksen as voted by Special Town Meeting, May 5, 1999. Mr. Silvia motioned to sign the documents as voted by Special Town Meeting, May 5, 1999. Mr. Eckenreiter seconded. Vote was unanimous.

ANIMAL SHELTER GIFT ACCOUNT

A donation of \$25.00 to the Gift Account was gratefully accepted by the Board.

PERSONNEL BOARD

Letter of resignation from Jeanne Dube was accepted by the Board with regret and gratitude for her years of service to the Town. The Board stated that the position be posted and the deadline for applicants to submit letters of interest to the Selectmen's office will be December 10, 2004 by 4:00 p.m..

POLICE DEPARTMENT

Ronald Manzone submitted a letter of resignation as a newly appointed police officer with regret and requests that the Board of Selectmen retain him as permanent intermittent status. Discussion ensued. Mr. Silvia motioned to accept Mr. Manzone's resignation as a officer and to table his intermittent status request until the meeting of 11/29/2004. Dr. Bowcock seconded. Vote was unanimous.

COALITION FOR BUZZARDS BAY

A representative of the Coalition for Buzzards Bay presented and explained the purpose for the support of the Board to file a statement in support of oil spill prevention measures. After some discussion the Board expressed their support and instructed a letter be sent expressing such. (see attached)

WEST ISLAND BEACH SALT MARSH RESTORAION

John Thomas from Beals & Thomas, Inc. presented to the Board a plan and explained what areas would be affected. Discussion took place. Mr. Silvia motioned to proceed and for the Executive Secretary to draft a document for Town Counsel to review and for the Selectmen to sign. Mr. Eckenreiter seconded. Vote was unanimous. (see attached)

NSTAR ELECTRIC HEARING

At 7:15 p.m. Dr. Bowcock called to order the hearing continued from November 1, 2004 concerning location of pole and installation of new electric service to Cedar St. Ms. Rosa, NSTAR, explained to the Board and all concerned parties the options available to Mr. Dugas for installation of service. Discussion followed. Mr. Eckenreiter motioned to deny the permit of a pole location and further motioned that the service be connected underground. Mr. Silvia seconded. Vote was unanimous.

RRR AUTO SALES

Mr. Baptiste, owner of RRR Auto Sales, presented to the Board what he considers to be a series of discrepancies by Mr. Roth, Director of Planning, in regards to his property regulations and that of other establishments. After lengthy discussion the Board concluded that Mr. Baptiste's allegations were not consistent with the documentation he presented.

EBB TIDE

Sheila Ramos was present as the new proposed manager of the establishment. A brief question and answer period followed. Mr. Silvia motioned to approve Ebb Tide's change of manager. Mr. Eckenreiter seconded. Vote was unanimous.

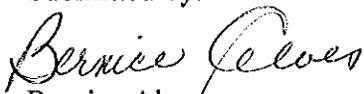
The Board of Selectmen wish to extend to Mrs. Virginia Carey all their best wishes and their sincere gratitude for her dedicated years of service to the Council on Aging.

Ms. Sandy Martin has submitted a letter of interest to be appointed to the Board of Assessors. Dr. Bowcock stated that there are no positions vacant at this time and instructed that her letter remain on file for future reference.

Mr. Eckenreiter stated that anyone interested in sending a good will package or contributing items for servicemen station in Iraq, he will be glad to supply a list of items and addresses where items can be mailed. Contact his law office or people may bring the items to his law office and he will mail them.

At 8:20 p.m. Mr. Silvia motioned to adjourn. Mr. Eckenreiter seconded. Vote was unanimous.

Submitted by:


Bernice Alves
Principal Clerk

BEALS AND THOMAS, INC.

7:00 p.m.

BT

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144 Turnpike Road (Route 9)
Southborough, Massachusetts 01772-2104

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Fax: 508-366-4391
mail@btiweb.com
http://www.btiweb.com

October 27, 2004

Town of Fairhaven
Board of Selectmen
40 Center Street
Fairhaven, Massachusetts 02719

Via: FedEx

Reference: West Island Beach
Salt Marsh Restoration
Fairhaven, Massachusetts
BTI Project No. 1830.00

Dear Members of the Board of Selectmen:

On behalf of NSTAR Electric, and per discussions with Wayne Fostin of the Fairhaven Conservation Commission, Beals and Thomas, Inc. is writing to express NSTAR's interest in a salt marsh restoration project at West Island Beach, in Fairhaven, Massachusetts. The potential restoration of the West Island Beach salt marshes is being explored as mitigation for work NSTAR must perform in New Bedford Harbor at a fossil fuel station as part of containment of contaminated sediment.

The West Island Beach salt marshes have been listed in the Buzzards Bay Project *Atlas of Tidally Restricted Salt Marshes in the Buzzards Bay Watershed* (the Atlas) as being affected by Tidal Restriction Sites FH 17 and FH 18. The subject tidal restrictions are two town-owned culverts beneath the gravel/sand pedestrian beach access and paved Fir Street, respectively (see the attached West Island Restoration Regional Aerial Exhibit). According to the Atlas, approximately 10 acres of salt marsh are impacted by these restrictions under current conditions, and common reed (*Phragmites australis*), an invasive species, has degraded salt marsh areas historically colonized by native salt marsh plants.

Improvements to the salt marshes would be accomplished by replacing the existing culverts with appropriately sized culverts, and improving the hydraulic capacity of an existing 250± foot long perimeter ditch constructed around the beach parking lot to allow flows to/from the marshes west of Fir Street. Additionally, public access improvements to facilitate the beach's use by persons with disabilities could be incorporated into the project.

Fairhaven Board of Selectmen

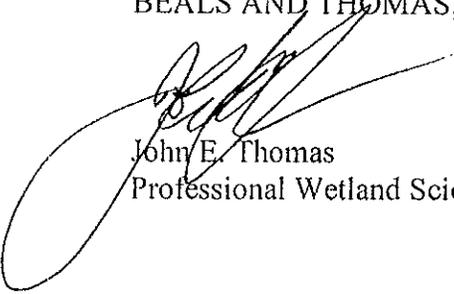
October 27, 2004

Page 2

We would like the opportunity to meet with the Selectmen at a regularly scheduled meeting to discuss the prospect of NSTAR designing, permitting, and constructing these improvements on Town property. Should you have questions in the interim, please do not hesitate to contact us at (508) 366-0560.

Very truly yours,

BEALS AND THOMAS, INC.



John E. Thomas
Professional Wetland Scientist

cc: Wayne Fostin, Town of Fairhaven Conservation Commission (1 copy via FedEx)
Timothy Condon, Lightship Engineering, LLC (1 copy via US Mail)
Kevin McCune, NSTAR (1 copy via US Mail)

SHB/shb/183000LT001

BEALS AND THOMAS, INC.

STATEMENT IN SUPPORT OF OIL SPILL PREVENTION MEASURES FOR BUZZARDS BAY

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

And whereas Buzzards Bay has a long history of significant oil spills, including the catastrophic oil spill on April 27, 2003 when the Bouchard Barge-120 spilled approximately 98,000 gallons of heavy fuel oil,

And whereas the Bouchard-120 oil spill was the third largest in the Bay's history, took the lives of more than 478 seabirds, fouled miles of beaches, and contaminated shellfish beds,

And whereas the economic and environmental damage from the Bouchard-120 oil spill affected tourism, fishing, real estate and other local industries to an as yet undetermined extent,

And whereas we supported efforts by the Commonwealth of Massachusetts to pass oil spill prevention legislation, which was enacted on August 4, 2004,

And whereas the United States Coast Guard is presently considering new rules for preventing oil spills in Buzzards Bay that are consistent with the new Massachusetts oil spill prevention laws,

We, the communities surrounding Buzzards Bay, strongly support the following measures for the prevention of future oil spills in the Bay:

- 1) A clearly defined Recommended Vessel Route should be established for Buzzards Bay.
- 2) All vessels transiting Buzzards Bay and carrying over 6,000 barrels of oil or any other petroleum product in bulk, as cargo, should be required to be accompanied by a suitable escort tug meeting sufficient minimum performance requirements that it could arrest the movement of the barge in the event it should become detached from the primary towing vessel or in the event the primary towing vessel should become impaired.
- 3) All vessels transiting Buzzards Bay and carrying more than 6,000 barrels of oil or any other petroleum product in bulk, as cargo, should be accompanied by a marine pilot with substantial experience navigating the Bay and significant familiarity with the Bay's navigational hazards, including its reefs, shoals, ledges and currents.
- 4) All single-hulled vessels transiting Buzzards Bay and carrying more than 6,000 barrels of oil or any other petroleum product in bulk, as cargo, should be required to have a designated navigation watch while transiting the Bay, and at least one crew member should be stationed on the barge (provided the barge is equipped to accommodate personnel).

Name

Address

Town/Organization