

Selectmen's Meeting – November 29, 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. Eckenreiter motioned to approve the minutes of November 15, 2004. Mr. Silvia seconded. Vote was unanimous.

NSTAR ELECTRIC HEARING

NSTAR Electric hearing was scheduled for 7:00 p.m. to act on the petitions for one pole location on Briercliffe Road (for pumping station-Weybridge Road); one pole location on Capeview Street (new customer at 37 Capeview Street) and one pole location on Eaton Road (for pumping station on Weybridge Road). Abutters were notified by certified mail of the date and time of the hearing. None were present. Mr. Eckenreiter motioned to approve the petition for Briercliffe Road, Capeview Street and Eaton Road. Mr. Silvia seconded. Vote was unanimous. After the hearing was closed, Ms. Souza representing Sally Ann Davis, an abutter on Eaton Road, questioned the location of the pole. Discussion ensued. Mr. Silvia motioned to rescind the vote to approve the petition for one pole on Eaton Road. Mr. Eckenreiter seconded. Vote was unanimous. Mr. Silvia motioned to continue the hearing to December 13th at 7:00 p.m. Mr. Eckenreiter seconded. Vote was unanimous. Mr. Osuch will contact NSTAR Electric for information on the proposed pole location.

STYLIN CYCLES, INC.

Public hearing was scheduled for 7:15 p.m. to act on the application submitted by Stylin Cycles, Inc., 34 Holcomb Street, for a Class I Dealer's License for the sale of motorcycles. Abutters were notified by certified mail of the date and time of the hearing. Victor Oliveira, an abutter and Joseph Moura, President of Stylin Cycles were present. Hearing was called to order. Mr. Oliveira spoke in favor of the license. Mr. Eckenreiter motioned to approve the application. Mr. Silvia seconded. Vote was unanimous.

MOORING/BOAT USER FEES

Town Planner William Roth and Harbormaster Gary Golas discussed a proposed mooring/boat usage fees. (See attached.) A public hearing on the matter will be held on December 13th.

Proposed new boat ramp fee schedule and Harbormaster Department administrative fee schedule were discussed. (See attached.)

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AFFORDABLE HOUSING STRATEGY

The Town Planner submitted a draft Housing Strategy, in accordance with State requirements to become an EO-418 certified community. Becoming certified is a requirement of the CDBG Mini-Entitlement program. The Selectmen will review the draft and it will be placed on the December 13th agenda.

EXECUTIVE SECRETARY'S REPORT

Mr. Osuch will attend the SEMASS meeting on December 3rd at 10:00 a.m. in Plymouth.

Selectmen's Meeting will be scheduled for 12:00 noon on December 6th.

Clerical Union Contract negotiations are scheduled for December 7th at 3:30 p.m.

Police Union mediation session is scheduled for December 9th at 1:30 p.m.

Selectmen will review the applications for the Director of Finance/Treasurer position.

Letter from Keches & Mallen, P.C., 122 Dean Street, Taunton regarding payment of a bill for legal services was discussed. The bill, dated July 1, 2001 in the amount of \$2,628.90, is a bill of a prior year and will have to be placed on a future Town Meeting Warrant for payment.

ANNUAL TOWN MEETING

Town Meeting will be held on Saturday, May 7, 2005. Mr. Silvia motioned to set January 7, 2005 as the deadline for Street Acceptance Articles and to set January 28, 2005 as the deadline for all other articles. Mr. Eckenreiter seconded. Vote was unanimous. Articles must be submitted to the Selectmen's Office by 4:00 p.m. on these dates.

BOARD OF HEALTH

Dr. Bowcock read the letter from the Health Agent requesting authorization to use Town Counsel regarding a West Island issue. (See attached.) Discussion ensued. Mr. Silvia motioned to table the request. Dr. Bowcock seconded. Vote was unanimous. Mr. Eckenreiter requested a copy of the Superior Court Decision, Nicholas Lyndon vs the Fairhaven Board of Public Works.

POLICE DEPARTMENT

Dr. Bowcock motioned to appoint Richard Ciccone a full time Police Officer. Mr. Silvia seconded. Vote was unanimous.

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Mr. Silvia motioned to appoint Tracie Vieira a Police Department Dispatcher. Mr. Eckenreiter seconded. Vote was unanimous.

Daniel Hunt and Ronald Manzone will be placed on Permanent Intermittent status.

RETIREMENT BOARD

A letter was received from the Chairman of the Retirement Board indicating a vacancy on the Board. One of the five members must be appointed by the Board of Selectmen. Notice of the vacancy will be placed on the cable TV bulletin board. Deadline to submit a letter of application to the Selectmen's Office is 4:00 p.m. on December 13th.

TOWN HALL AUDITORIUM

Mr. Silvia motioned to approve the application submitted by the Office of Tourism for use of the auditorium on December 11th for the "Old-Time Holiday". Mr. Eckenreiter seconded. Vote was unanimous.

COMMON VICTUALER LICENSE

Mr. Eckenreiter motioned to approve the application submitted by Dunkin Donuts, 32 Howland Road, for a Common Victualer License. Mr. Silvia seconded. Vote was unanimous.

NSTAR GAS

Mr. Silvia motioned to approve the petition to install a gas main and services on Sconticut Neck Road from Gilbert Street to Camel Street. Mr. Eckenreiter seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Mr. Silvia motioned to approve the petition to install a new gas service on Lot 30 Maitland Street across from #15 Maitland Street. Mr. Eckenreiter seconded. Vote was unanimous.

OTHER MATTERS

Annual North Fairhaven Improvement Association Christmas Sing-a-Long will be held on December 10th at Benoit Square.

Annual Fairhaven Improvement Association Christmas Sing-a-Long will be held on December 11th at the Town Hall.

Fairhaven High School Cheerleaders were congratulated for doing a "fine job" at the Thanksgiving Day Game.

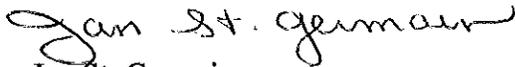
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Residents were wished a happy and safe holiday season.

EXECUTIVE SESSION

At 7:00 p.m., Mr. Silvia motioned to go into executive session to discuss Police Union Contract negotiations, Clerical Union Contract negotiations, a letter from the Woods Hole Group regarding the Bouchard Oil Spill and to reconvene in open session. Mr. Eckenreiter seconded. Vote was unanimous. Roll call vote 3-0. Meeting reconvened in open session at 7:25 p.m.

At 8:30 p.m., Mr. Silvia motioned to adjourn. Mr. Eckenreiter seconded. Vote was unanimous.



Jan St. Germain
Secretary

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Town of Fairhaven
Department of Planning and Economic Development
Town Hall 40 Center Street Fairhaven, MA 02719 508-979-4082

Memorandum

Date: November 15, 2004

To: Jeff Osuch

From: William D. Roth, Jr., AICP *WDR*
Planning and Economic Development Director

RE: Proposed mooring/boat usage fees

The following is a review and breakdown of mooring/boat usage fees for Westport, Dartmouth, Mattapoisett, Marion, Wareham and Bourne. There are two similarities with the communities surveyed. The first is they all charge a different fee for residents versus non-residents. This difference for a non-resident is between two and eight times, with the majority at or just above double the resident fee. The second is the fee in all but one town is based on the length of the boat.

Based on the research it is recommended that the Town of Fairhaven revise the mooring/boat usage fee to a fee schedule based on boat length. This is consistent with almost all of the communities surveyed and is the fairest way to assess such a fee. Based on the research it is recommended the fee be \$2.00 per foot for residents and \$4.00 per foot for non-residents. The fee will bring the Town of Fairhaven in line with what is being charged in the region.

Example:

The following is an example of what a 26-foot boat would cost in the region currently

Current Fees	Fairhaven	Westport	Dart.	Matt.	Marion	Wareham	Bourne
26-foot boat (resident)	\$10	\$39	\$55	\$38	\$154	\$50	\$50
26-foot boat (non-resident)	\$10	\$78	\$135	\$200	\$255	\$100	\$150

If the Town adopted the proposed fee:

	Fairhaven	Westport	Dart.	Matt.	Marion	Wareham	Bourne
26-foot boat (resident)	\$52	\$39	\$55	\$38	\$154	\$50	\$50
26-foot boat (non-resident)	\$104	\$78	\$135	\$200	\$255	\$100	\$150

Communities Survey

Town of Westport:

Resident: \$1.50 per foot
Non-Resident: \$3.00 per foot

Town of Dartmouth:

Resident:

Boats 12-feet (up to, but under) 17-feet in length:	\$26 (\$2.17 to \$1.63 per foot)
Boats 17-feet (up to, but under) 30-feet in length:	\$55 (\$3.24 to \$1.90 per foot)
Boats exceeding 30-feet in length: feet	\$55 plus \$1.50 per foot over 30-

Non-Resident:

Boats 12-feet (up to, but under) 17-feet in length:	\$61 (\$5.08 to \$3.81 per foot)
Boats 17-feet (up to, but under) 30-feet in length:	\$135 (\$7.94 to \$4.66 per foot)
Boats exceeding 30-feet in length: 30-feet	\$135 plus \$2.00 per foot over

Town of Mattapoissett:

Residents:

Resident/taxpayer:	\$25.00 plus \$0.50 per foot
Resident/taxpayer at age 65 or older:	\$15.00 plus \$0.50 per foot
Commercial	\$50.00 plus \$0.50 per foot

Non-Residents:

\$200

Town of Marion:

Resident:

Personal Resident	\$50.00 plus \$4.00 per foot
Commercial Resident	\$125.00 plus \$4.00 per foot

Non-Resident:

Personal Non-Resident	\$125.00 plus \$4.00 per foot
Commercial Non-Resident	\$175.00 plus \$4.00 per foot

Town of Wareham:

Residents:

Boats 12-feet (up to, but under) 20-feet in length:	\$45 (\$3.75 to \$2.36 per foot)
Boats 20-feet and over:	\$50

Non-Residents:

Boats 12-feet (up to, but under) 20-feet in length:	\$90 (\$7.50 to \$4.74 per foot)
Boats 20-feet and over:	\$100

Town of Bourne:

Residents:	\$50.00
Non-residents:	\$150

Resident Definition:

Resident is defined in Dartmouth as one of the following:

- A registered voter in the Town of Dartmouth
- A person who is domiciled in the Town of Dartmouth
- A person who pays real estate taxes to the Town of Dartmouth
- A spouse or dependent of any of the above

Resident is defined in Westport as: "Any person who actually and physically resides in, or owns real estate (land) having an assessed valuation of \$3000 or more in the Town of Westport."

Harbormaster Files - November, 2004		BASED ON 2.00 per Boat Length																
NO	NAME	CODE	ENTRES	EXTRA FEE														
1	Balsam Street	BS	2	54.00														
2	Camp Seespace Moors	CS	11	566.00														
3	Coast Guard Marina	CG	146	8186.00														
4	Cozy Basin Moorings	CB	24	752.00														
23	Cozy Cove Marina	CC	77	3726.00														
5	Crow Island Moorings	CI	30	1308.00														
6	D.N. Kelley	DN	18	1042.00														
7	Earts Marina	EM	174	9102.00														
8	Fairhaven Shipyard	FS	133	8348.00														
9	Farmfield	FF	4	96.00														
10	Fort Street	FR	23	722.00														
11	Harbor Front Marina	HF	90	5162.00														
12	Hoppy's Landing	HL	20	930.00														
13	Jack's Cove	JC	21	774.00														
14	Little Bay	LB	15	566.00														
15	Moby Dick	MD	50	2178.00														
16	Nakata	NK	11	386.00														
17	North Cove	NC	1	0.00														
18	Pope Beach	PB	3	90.00														
19	Round Cove	RC	74	3270.00														
20	Scouticut West	SW	5	134.00														
21	Seaview Moorings	SV	42	1964.00														
22	Shaw Cove	SC	2	106.00														
TOTAL			976	\$49,462.00														



GARY S. GOLAS, CHM
Harbor Master

Town of Fairhaven

Massachusetts

Office of the Harbor Master

40 Centre Street, Fairhaven, MA 02719

RECEIVED
TOWN OF SELECTMEN
FAIRHAVEN MASS

2004 NOV 24 A 11:51

RECEIVED

DATE: November 24, 2004
FROM: Gary S. Golas, Harbormaster
TO: Jeffrey Osuch, Executive Secretary
RE: Proposed New Boat Ramp Fee Schedule and Harbormaster Dept.
Administrative Fee Schedule

The following is a review and breakdown of "Public Access Boat Ramp fees" and Harbormaster Department "administrative fees" for Westport, Dartmouth, Mattapoisett, Marion, Wareham and Bourne. Based on the research it is recommended that the Town of Fairhaven revise the public access boat ramp usage daily and annual fees. In addition, the Harbormaster Office is looking to implement a new administrative fee schedule to cover costs of handling and processing mooring application renewals, waiting list maintenance and tax collection efforts.

PROPOSED NEW FEES:

Town of Fairhaven:

Public Access Fees: \$5 Daily/ \$30 Annual
Administrative Fees: \$20 Waiting List – Annual fee
\$20 Mooring Application Renewal Fee
\$50 New Mooring Application Fee – one time fee

I must note that any increase in state public access boat ramp usage fees must first be proposed and supported by the Massachusetts Public Access Board. They will support reasonable increases providing that the town can show that the fee collected are returned into the maintenance and upkeep of the ramps. This would affect the Pease Park Boat Ramp and Seaview Avenue Boat Ramp.

Town of Fairhaven (current fees):

Public Access Fees: \$3 Daily/ \$10 Annual
Administrative Fees: no fees charged

Town of Westport:

Public Access Fees: Not available on 11/24/04
Administrative Fees: Not available on 11/24/04

Town of Dartmouth:

Public Access Fees: \$3 Daily/ \$25 Annual
Administrative Fees: \$15 Waiting List – Annual fee
\$25 Mooring Application Renewal Fee
\$50 New Mooring Fee from wait list – one time fee

Town of Mattapoisett:

Public Access Fees: No Daily Rate/ \$5 Annual Resident Beach Sticker fee
Administrative Fees: \$20 Waiting List Annual fee

Town of Marion:

Public Access: Not available on 11/24/04
Administrative Fees: Not available on 11/24/04

Town of Bourne:

Public Access Fees tied to Beach Sticker Fees:
No Daily Rate/ \$10 Resident/ \$30 Non-Resident
Administrative Fees: \$10 Waiting List -- one time fee

Town of Wareham:

Public Access Fees tied to Beach Sticker Fees:
\$5 Daily/ \$20 Resident/ \$40 Non-Resident
Administrative Fees: no fees charged

City of New Bedford

Public Access Fees: no fees charged
Administrative Fees: no fees charged



TOWN OF FAIRHAVEN
MASSACHUSETTS
OFFICE OF THE
BOARD OF HEALTH
TOWN HALL

November 24, 2004

Mr. Brian Bowcock, Chairman
Board of Selectmen
Town Hall
Fairhaven, MA 02719

Dear Mr. Bowcock;

The Board of Health has received written notice from Attorney Crotty's office that a superior court case involving a property on West Island has been issued a finding which the Board of Health and Department of Environmental Management plan to appeal. In speaking with Attorney Crotty it is apparent to the Board that the Board of Health regulation adopted for West Island in 1996 requires updating. Therefore the Board seeks use of Town Counsel towards that end.

Please inform the Board of your decision as soon as possible.

Very truly,

Patricia Fowle,
Health Agent

BOARD OF SELECTMEN
FAIRHAVEN MASS.

2004 NOV 24 A 9:43

RECEIVED