

Selectmen's Meeting – December 13, 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 29, 2004. Mr. Silvia seconded. Vote was unanimous.

Mr. Eckenreiter motioned to approve the minutes of the November 29, 2004 executive session. Mr. Silvia seconded. Vote was unanimous.

Mr. Eckenreiter commented on the minutes of December 6, 2004. He was unable to attend the meeting scheduled for 12:00 noon. He spoke with Jeffrey Osuch earlier in the morning and was assured the sale of bonds would be the only item on the agenda. Mr. Eckenreiter stated the Board took advantage of him not being present and approved the Board of Health's legal request, which was tabled at the last meeting. Dr. Bowcock stated that according to Roberts Rules of Order, if something is tabled, it must be brought up at the next meeting. Mr. Silvia said he received a call from the Chairman of the Board of Health, who explained that the legal request was for an update on the rules and regulations only. The Board of Health was meeting with the Attorney General on Friday and requested Town Counsel review the regulations before the meeting. A motion was not made to approve the minutes of December 6, 2004.

NSTAR ELECTRIC HEARING

NSTAR Hearing continued from November 29th for one pole location on Eaton Road (for pumping station on Weybridge Road) was called to order. Donna Rosa and Jim Dugan from NSTAR Electric were present. Ms. Souza, representing Sally Ann Davis, was also present. Discussion ensued on the location of the pole, which has already been installed. Mr. Eckenreiter motioned to continue the hearing and to request NSTAR provide the cost to place the pole(s) on Eaton Road in a straight line. Mr. Silvia seconded. Vote was unanimous.

PROPOSED MOORING/BOAT USAGE FEES PUBLIC HEARING

Public Hearing on the proposed mooring/boat user fees, proposed boat ramp fees and Harbormaster Department administrative fees was called to order. The Harbormaster, Town Planner and numerous boat owners and fisherman were in attendance. Discussion ensued on the proposed fees. (See attached.) Last fee increase was 1991. The Board took the matter under advisement.

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AFFORDABLE HOUSING STRATEGY PLAN
PUBLIC HEARING

Public hearing was called to order. Brief discussion ensued on the proposed Affordable Housing Strategy Plan. Mr. Silvia motioned to approve the document. Mr. Eckenreiter seconded. Vote was unanimous.

EXECUTIVE SECRETARY'S REPORT

Mattapoissett River Valley Water District will meet on December 14th at 4:30 p.m. at the Board of Public Works.

Interviews for the position of Director of Finance/Treasurer are scheduled for December 14th beginning at 6:30 p.m. at the Town Hall.

Buzzards Bay Action Committee will meet at 12:00 noon on December 15th at the Wareham Town Hall.

Mediation with Earl R. Flansburgh and Associates is scheduled for 9:30 a.m. on December 16th at the Town Hall.

Fire Union submitted a letter to inform the Selectmen of their decision "to extend the 24 hour shifts on a trial bases, as per the contract, for one year."

Mr. Silvia motioned to award the contract for Fire Department Gas Fired Heaters to the low bidder, Designed Temperatures, Inc., 27 Verander Avenue, Fairhaven, MA in the amount of \$22,500. Mr. Eckenreiter seconded. Vote was unanimous.

Copies of Town of Fairhaven Safety Manual will be available in January of 2005.

The Fire Chief and Police Chief were given authorization to submit paperwork to the County Commissioners to receive funding for two dispatcher positions.

Mr. Osuch reviewed correspondence from Palmer and Dodge regarding Fairhaven School Bonds for a new elementary school. (See attached.)

BOARD OF APPEALS

Mr. Eckenreiter motioned to appoint Joseph V. Morgida a full member of the Board of Appeals and to appoint Peg Cook an Associate member. Mr. Silvia seconded. Vote was unanimous. Mr. Morgida's term will expire May 31, 2007 and Ms. Cook's term will expire May 31, 2006.

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BUILDING DEPARTMENT

Construction Report for November 2004 will be placed on file.

POLICE DEPARTMENT

Mr. Silvia motioned to place permanent intermittent Police Officer Ronald Manzone on a leave of absence effective immediately and extending thru the April Town election. Mr. Eckenreiter seconded. Vote was unanimous. Mr. Manzone announced his candidacy for Board of Selectmen.

Mr. Silvia motioned to declare a Police Department 1999 Ford Crown Victoria sedan surplus equipment. Mr. Eckenreiter seconded. Vote was unanimous. A memo will be sent to Town departments to ask if they are interested in acquiring the vehicle.

EMA wants to acquire the surplus Police vehicle. Letter will be placed on file.

RECREATION DEPARTMENT

Mr. Silvia motioned to allow Tom Cooney to carry over 2.5 vacation days beyond his December 10th anniversary date. Mr. Eckenreiter seconded. Vote was unanimous.

DREDGING OF THE WEST ISLAND CHANNELS & BASINS

Mr. Silvia motioned to sign the contract for the Dredging of the West Island Channels and Basins. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Silvia motioned to authorize Jeffrey W. Osuch to sign the contract for the Dredging of the West Island Channels and Basins. Mr. Eckenreiter seconded. Vote was unanimous.

2004 TOWN REPORT

Mr. Silvia motioned to award the contract for the 2004 Town Report to the low bidder, Athol Press, Inc., P.O. Box 1000, Athol, MA. Mr. Eckenreiter seconded. Vote was unanimous.

2005 LICENSE RENEWALS

Mr. Silvia motioned to approve renewal of the following Liquor Licenses. Mr. Eckenreiter seconded. Vote was unanimous. (See attached.)

Mr. Silvia motioned to approve renewal of the following Common Victualer Licenses. Mr. Eckenreiter seconded. Vote was unanimous. (See attached.)

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Mr. Silvia motioned to approve renewal of the following Private Livery Licenses. Mr. Eckenreiter seconded. Vote was unanimous. (See attached.)

Mr. Silvia motioned to approve renewal of the following Car Dealer Licenses. Mr. Eckenreiter seconded. Vote was unanimous. (See attached.)

Mr. Silvia motioned to approve renewal of the following Repair Garage Licenses. Mr. Eckenreiter seconded. Vote was unanimous. (See attached.)

OTHER MATTERS

“Old Time Holiday Weekend” was held this past weekend. Director of Tourism was congratulated for another successful holiday event.

North Fairhaven Improvement Association held the annual holiday lighting at Benoit Square on Friday, December 10th. The Police Department and Emergency Management Agency were thanked for their assistance and also John Rogers for transporting Santa in the rain.

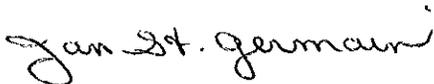
On January 22, 2005, Our Lady of Angels will sponsor a goat dinner to benefit the American Cancer Society's Relay for Life. Phone number for additional information is 508-993-9590.

Town Hall employees sent six boxes of food, toiletries, stationary, etc. to our troops in Iraq.

The Board wished everyone a happy holiday.

EXECUTIVE SESSION

At 8:45 p.m., Mr. Silvia motioned to go into executive session to discuss pending litigation (Atlas Tack), Police Union Contract negotiations and not to reconvene in open session. Mr. Eckenreiter seconded. Vote was unanimous. Roll call vote 3-0.



Jan St. Germain
Secretary

2B



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 Mattapoisett:

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."

Example:

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

MOORING

<u>Current Fees</u>	<u>Fairhaven</u>	<u>Westport</u>	<u>Dart.</u>	<u>Matt.</u>	<u>Marion</u>	<u>Wareham</u>	<u>Bourne</u>
26-foot boat (resident)	\$10	\$65	\$75	\$38	\$154	\$50	\$50
26-foot boat (non-resident)	\$10	\$104	\$155	\$200	\$255	\$100	\$150

If the Town adopted the proposed fee:

	<u>Fairhaven</u>	<u>Westport</u>	<u>Dart.</u>	<u>Matt.</u>	<u>Marion</u>	<u>Wareham</u>	<u>Bourne</u>
26-foot boat (resident)	\$78	\$65	\$75	\$38	\$154	\$50	\$50
26-foot boat (non-resident)	\$78	\$104	\$155	\$200	\$255	\$100	\$150

Boat Slip

<u>Current Fees</u>	<u>Fairhaven</u>	<u>Westport</u>	<u>Dart.</u>	<u>Matt.</u>	<u>Marion</u>	<u>Wareham</u>	<u>Bourne</u>
26-foot boat (resident)	\$10	\$65	\$55	\$63	\$104	\$40	\$50
26-foot boat (non-resident)	\$10	\$104	\$135	\$63	\$104	\$80	\$150

If the Town adopted the proposed fee:

	<u>Fairhaven</u>	<u>Westport</u>	<u>Dart.</u>	<u>Matt.</u>	<u>Marion</u>	<u>Wareham</u>	<u>Bourne</u>
26-foot boat (resident)	\$78	\$65	\$55	\$63	\$104	\$40	\$50
26-foot boat (non-resident)	\$78	\$104	\$135	\$63	\$104	\$80	\$150

PALMER & DODGE LLP

111 HUNTINGTON AVENUE AT PRUDENTIAL CENTER
BOSTON, MA 02199-7613

December 10, 2004

Lisa N. Dickinson, Vice President
UniBank
Fiscal Advisory Services, Inc.
39 Church Street
Whitinsville, Massachusetts 01588

(Fairhaven School Bonds)

We are now ready to approve the issue of the following bonds by the Town of Fairhaven, Massachusetts:

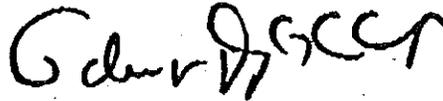
\$22,000,000 School Bonds payable within 20 years from their dates under G.L. c.44, §7(3) and votes of the town passed June 8, 2002 (Article 35) and June 17, 2002.

The amount of the bonds has been reduced to reflect the \$1,000,000 bonds being issued on December 15, 2004.

The rendering of our opinion is dependent upon appropriate confirmation of all our previously stated assumptions and on receipt of the usual papers relating to the sale and delivery of the bonds.

Although we take no responsibility for the accuracy or adequacy of the offering material for the bonds, or for notes issued in anticipation of the bonds, we request the opportunity to see a draft of the notice of sale and accompanying financial and descriptive information concerning the town substantially prior to its publication or distribution to prospective bidders for the bonds or notes.

Yours faithfully,



PALMER & DODGE LLP

111 HUNTINGTON AVENUE AT PRUDENTIAL CENTER
BOSTON, MA 02199-7613

ROGER P. VACCO
617.239.0401
rvacco@palmerdodge.com

December 10, 2004

Lisa N. Dickinson
Vice President
UniBank
Fiscal Advisory Services, Inc.
39 Church Street
Whitinsville, Massachusetts 01588

Dear Lisa:

(Fairhaven Bonds)

The vote of the town passed June 8, 2002 (Article 35), which appropriated and authorized a borrowing of \$23,000,000 for constructing, equipping and furnishing a new elementary school, contained the contingency "that no debt may be incurred under this vote, except for up to \$1,500,000.00 for planning and other preliminary expenses, until the State Board of Education approves a school facilities or other similar grant equal to the applicable percentage of the eligible costs for the project determined pursuant to G.L. Chapter 70B, Section 10 for the year in which the project is approved."

In light of the enactment of Chapter 208 of the Acts of 2004 and the establishment of the Massachusetts School Building Authority you have asked what action, if any, is now needed to satisfy this contingency.

We believe that the contingency was included in the vote to preclude the town from borrowing for the project (except for \$1,500,000 for planning and other preliminary expenses) until the town had received the required approvals for receipt of a state school facilities grant of the project at the applicable reimbursement rate in effect at the time of such approvals. Since Section 50 of Chapter 208 provides in part that the Authority shall provide financial assistance for projects on the school building assistance priority list, which includes the elementary school project, and Section 47 of the Chapter 208 provides in effect that the reimbursement percentage to be received with respect to a project on the priority list shall the percentage shown on the list, we believe that the contingency in the vote has been satisfied.

Accordingly item 6 of our letter of September 16, 2002 is satisfied and we enclose our preliminary letter of approval.

Yours faithfully,



Roger P. Vacco

RPV:lak

LIQUOR LICENSES

Gene's Famous Seafood
Minerva's Pizza
99 Restaurant-Pub
Capeway Lounge
Bayside Lounge
Peking Palace
Mike's Rest.
Rochester's
Wall May Rest.
Little Bay Liquors
Pizzeria Uno Rest.
Douglas Wine & Spirits
Courtyard Rest.
T .J.'S Bar & Grill
Town Crier
Ponte Liquors
Connolly's Liquor Mart
Pizza Hut
Fhvn. Chowder House
Paul's Sports Corner
Moriarty Liquors
Seaview Corner Store
Old Oxford Pub

COMMON VICTUALER LICENSES

Naughty Dawgs
Blimpie Rest.
Dangelo Sandwich Shop
Dorothy Cox's Candies
Dunkin Donuts, 27 Alden Rd.
Earl's Marine-Deli-Deck
Just Ray's Rest.
7 Eleven
Fairhaven House of Pizza
Friendly Ice Cream
The Great Wall Rest.
Homlyke Bakery
Honey Dew Donuts
K-Mart (Food Court)
Mac's Soda Bar
Margaret's Rest.
Morgan's Rest.
Papa Gino's
Phoenix Rest.

Taco Bell
Wal-Mart (Food Court)
Wendy's Rest.
Fairhaven Gas
Subway

PRIVATE LIVERY LICENSES

Elite Transportation, 1 Deerfield Lane
Just In Time Shuttle Service, 248 Green Street

CAR DEALER LICENSES

Alden Buick Pontiac GMC (Class I)
O'Hara Mazda (Class I)
Howard's Auto Sales (Class II)
GTS Auto Sales (Class II)
Manny & Bob's (Class II)
RRR Auto Sales (Class II)
Teixeira's Auto, Inc. (Class II)
Dave's Cars (Class II)
Sarkis Enterprises-Fairhaven Getty (Class II)
Sarkis Bro's-Fairhaven Gas (Class II)

REPAIR GARAGE LICENSES

Alden Buick Pontiac GMC O'Hara Mazda
Howard's Auto Sales Manny & Bob's
Jiffy Lube #1229
Justley's Auto Body
Roland's Tire Service
Artistic Auto Body
Manny's Service Station
Jerry's Auto & Cycle Service
Auto Diagnostic Service
Teixeira's Auto, Inc.
Midas Auto Service Experts
Quality Car Wash
Stylin Cycles
Brian's Garage
Fairhaven Getty
Fairhaven Gas