

Selectmen's Meeting – May 23, 2005

Mr. Silvia, Mr. Eckenreiter and Mr. Manzone were present.

Also in attendance was Jeffrey Osuch.

Mr. Silvia called the meeting to order at 6:30 p.m.

Mr. Manzone motioned to approve the minutes of May 9, 2005. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Eckenreiter motioned to approve the executive session minutes of May 9, 2005.

Conservation Commission

Deborah Davis requested that the Board of Selectmen consider her for reappointment to the Conservation Commission.

Jeanne VanOrman requested that the Board of Selectmen consider her for reappointment to the Conservation Commission.

Andrew Jones, Conservation Commission Vice Chairman, requested the Board of Selectmen's indulgence to read a letter of opposition to the removal of Mr. Fostin as Conservation Agent into the record, signed by members of the Conservation Commission. (see attached)

Executive Secretary's Report

Copies of the State's local aid sheets were submitted to the Board for review.

Board of Health requests the Board of Selectmen's permission to use legal services regarding the Old Oxford Pub intention to appeal the court's decision that Old Oxford Pub is in violation of State and Town non smoking law. After some discussion, Mr. Eckenreiter motioned that the BOH meet with the Selectmen to provide further information before granting application for legal services. Mr. Manzone seconded. Mr. Silvia opposed. Vote passed 2 for and 1 opposed.

Meeting schedule: May 26, 2005 @ 1:00 pm in the Town Hall with Mr. Booth on Town Hall repairs.
May 27, 2005 meet with representatives of ComCast.
June 2, 2005 GEO insight @ Whaling Museum to update on oil spill.

Discussion regarding RRR Auto Sales will be scheduled on June 13, 2005.

Mr. Osuch suggested that discussion regarding billing by Connor & Bliss and legal services proposals be held in executive session.

Appointments

John Nunes presented to the Board a contract with Vadar Systems for signing. Mr. Manzone motioned to sign the contract. Mr. Eckenreiter seconded. Vote was unanimous.

Honey Dew Donut – in attendance were Mr. Texeira, Police Chief Souza and a number of abutting neighbors. The Chief presented to the Board a record of response calls for disturbance to Honey Dew within the last year which totaled 27, most occurring early morning hours. The Chief indicated that since May 1, 2005 the department has responded 4 times. Chief Souza explained that he has instructed his officers to do swing bys but to control the problem, Mr. Texeira should consider hiring a security guard for the property. Mr. Texeira assured the Selectmen that he is trying his best to get a handle on the situation and has recently initiated a closing time of 12 am and has posted no loitering signs. After further discussion it was agreed that the Chief would report back to the Selectmen within the next 30 days for a two month period. The Board of Selectmen instructed Mr. Texeira to post opening and closing times and the Board will wait for Chief Souza's report.

Hoppy's Landing – Gary Golas, Robert Hobson, and William Roth were in attendance to explain to the Board how maintenance of the property will be handled and that Lindbergh Marine will provide temporary docks until replaced with permanent structures. Mr. Hobson also explained that the committee is finding it hard to reach a quorum at most meetings due to poor attendance. Discussion ensued. The Board decided that the committee request new applications from the public and that any present member must reapply if interested, setting a limit of 8 voting members and 2 associate members. Mr. Manzone motioned to appoint Frank Coelho as Associate Member to Hoppy's Landing Committee. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Hathaway requested that the Board of Selectmen re examine their position on over night parking at Hoppy's Landing. Discussion ensued. The Board stated that they would review the matter to see if there are any conditions set regarding rules and regulations concerning Hoppy's Landing before voting. Mr. Roth stated that he will research further and that a public hearing will be scheduled June 27, 2005 before adopting any rules and regulations.

The BPW informed the Board that Jacob Galary will be the BPW's representative to Hoppy's Landing Committee.

Mr. Manzone motioned to appoint Mr. Golas acting Shellfish Warden. Mr. Eckenreiter seconded. Vote was unanimous.

Contracts

Clerical Union – Mr. Manzone motioned to sign Clerical Union contract as voted by Town Meeting, May 7, 2005. Mr. Eckenreiter seconded. Vote was unanimous.

Fire Union - Mr. Manzone motioned to sign Fire Union contract. Mr. Eckenreiter seconded. Vote was unanimous.

Harbor Dredging - Mr. Manzone voted to sign contract for services between New Bedford & Fairhaven for Harbor Dredging. Mr. Eckenreiter seconded. Vote was unanimous.

Taylor Cultured Seafood

Mr. Eckenreiter motioned to approve the contract with Taylor Cultured Seafood in the amount of \$1250.00 per year to be reviewed in 3 years. Mr. Manzone seconded. Vote was unanimous.

Conservation Commission

Mr. Manzone motioned to approve transfer \$2100 from the wetland Fund account to the Salary Account. Mr. Eckenreiter seconded. Vote was unanimous.

Council on Aging

The Board requested that the vacancy be posted on cable access with a deadline of June 6, 2005 for applications to be submitted and that letters of vacancy notification be sent to the two associate members giving them opportunity to apply. The Board will meet with COA June 13, 2005 for appointment of applicants.

The Board requested that the COA supply more information for the proclamation they are requesting.

Division of Marine Fisheries

Notice of closed areas read into the record. (see attached)

Special Town Election

Mr. Eckenreiter motioned to approve the list of poll workers submitted by the Town Clerk. Mr. Manzone seconded. Vote was Unanimous. (see attached)

The Board of Selectmen signed the warrant for the Special Town Election to be held June 13, 2005.

Cameron's Kids Walk a Thon

Chief Souza's response letter of conditions regarding the walk a thon was read into the record. (see attached)

Mr. Eckenreiter motioned to approve the event with conditions listed. Mr. Manzone seconded. Vote was unanimous.

Summer Schedule

The Board of Selectmen agreed on the following for a meeting schedule for the summer. June 13, June 27, July 11, July 27, August 15, August 29, and September 12 to meet @ 6:30pm and on August 8, 2005 to meet @ 12:00 pm.

Other Matters

The Board of Selectmen expressed their best wishes to Daniel Costa in his future endeavors and commended him on a job well done.

Memorial Day parade will begin @ 8:00am starting at Margaret's and proceeding to Riverside Cemetery.

Mr. Manzone instructed Mr. Osuch to contact Bristol Agricultural Vocational High School that he will attend their graduation ceremonies.

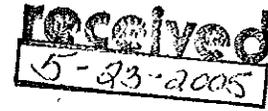
At 8:30pm, Mr. Eckenreiter motioned to go into executive session to discuss billing by Connors & Bliss and Legal Services Proposals and not to reconvene in open session. Mr. Manzone seconded. Vote was unanimous. Roll 3 – 0.

Submitted by

Bernice Alves
Principal Clerk

May 23, 2005

Board of Selectmen
Town Hall
40 Center Street
Fairhaven, MA 02719



Dear Mr. Chairman and Members of the Board of Selectmen:

We, the undersigned appointed members of the Town of Fairhaven Conservation Commission (the "Commission"), are writing to oppose the removal of Mr. Wayne Fostin from the position of Conservation Agent for the Town of Fairhaven. We request that this document be read into the public record of the Board of Selectmen's meeting of May 23, 2005, or at the soonest possible meeting.

For well over a decade, Mr. Fostin has served as the Town's Conservation Agent. During that time, he has balanced his duties as the Building Inspector and Conservation Agent with no apparent ill-effect to any of his job duties. In fact, the duties of Building Inspector and Conservation Agent sometimes go hand-in-hand. Mr. Fostin's knowledge of Building and Wetlands Regulations has proven to be a great asset to the Commission, to the environment and resource areas, and to the Town as a whole.

In our opinion, it would be ill-advised to seek another candidate for the position of Conservation Agent. It is extremely unlikely that a viable and qualified person could be found to accept the position for such a small stipend and on a part-time basis. By the same token, it would be fiscally irresponsible to hire a new Conservation Agent who would still have to process incoming applications, perform site inspections, identify violations, prepare paperwork for meetings, and complete paperwork for the Applicants and for submittal to the Department of Environmental Protection. It is also our opinion that it would be redundant to have a new employee perform these tasks, as some of these duties can be and have successfully been accomplished during everyday duties expected of the Building Inspector.

Therefore, we believe the removal of Mr. Fostin will have a detrimental effect upon the Commission and by relation, the necessary duties and regulations we have sworn to uphold.

On another note, it has been brought to our attention that a posting for employment for the position of Part-Time Conservation Agent has recently been advertised. We hereby voice our displeasure in not being notified or consulted of a possible personnel change that can have a substantial impact on our Commission.

Therefore, we request that our Commission (or a member elected by our Commission) be allowed to participate in any and all applicant reviews as well as potential candidate interviews. We request that any future changes in the operation of the Conservation Commission be brought to our attention, so that we may have an opportunity to discuss these matters which have obvious repercussions in relation to our Commission.

We, the undersigned:

Andrew Jones, Vice Chairman

Printed Name



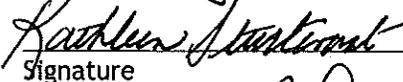
Signature

5/23/05

Date

Kathleen STURTEVANT

Printed Name



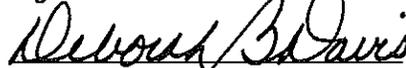
Signature

5/23/05

Date

Deborah B Davis

Printed Name



Signature

5/23/05

Date

Susan A. Morris

Printed Name



Signature

5/23/05

Date

Robert P. Duarte

Printed Name



Signature

5/23/05

Date

Jeanne VAN ORMAN

Printed Name



Signature

5/24/05

Date

Printed Name

Signature

Date

Poll Workers

Special Town Election – June 13, 2005

PRECINCT 1

Mary Lizotte, 16 Daniel Street, 993-3748 - - - - - Warden – U
Jan Lopes, 14 Homestead Avenue, 992-2564 - - - - - Clerk – U
Vivian Lewis, 144 Green Street, 992-0649 - - - - - Worker – D
Dorothy Gammans, 157 Adams Street, 992-2555 - - - - - Worker - U

PRECINCT 2

Patricia Lewis, 61 Weeden Road, 997-8125 - - - - - Warden – U
Hazel Rapoza, 32 Huttleston Avenue, 996-5213 - - - - - Clerk - D
Mary Gallant, 3 Jeannette Street, 993-0300 - - - - - Worker – U
Amy Ryle, 8 Jarvis Avenue, 992-0451 - - - - - Worker – U

PRECINCT 3

Doris Francis, 123 Howland Road, 997-9687 - - - - - Warden –D
Louis Denault, 37 Brown Street, 992-3683 - - - - - Clerk – U
Sally Hayward, 8 Walnut Street, 994-6930 - - - - - Worker – R
Mabel Filipek, 11 Chestnut Street, 994-6665 - - - - - Worker – R

PRECINCT 4

Alfred Vincent, 4 Blossom Street, 996-6963 - - - - - Warden – D
Margaret Rogers, 13 Jarvis Avenue, 994-3607 - - - - - Clerk – U
Joan Mello, 15 New Boston Road, 994-5488 - - - - - Worker - D
Donald Brazil, 805 Dana Farms, 999-2652 - - - - - Worker – D

PRECINCT 5

Florence Rocha, 22 Grove Street, 996-4002 - - - - - Warden – D
Eleanor Brazil, 805 Dana Farms, 999-2652 - - - - - Clerk – D
Ilene Rego, 17 Daniel Street, 996-4066 - - - - - Worker – D
Barbara Souza, 290 Mill Road, 996-1957 - - - - - Worker – U

PRECINCT 6

Norma Markey, 9 Day Street, 993-3745 - - - - - Warden – U
Dolores Nobrega, 303 Huttleston Avenue, 997-4046 - - - Clerk – D
Lillian Horsley, 180 Adams Street #3A, 994-7704 - - - - - Worker – D
Rita Varao, 128 Shaw Road, 992-7810 - - - - - Worker – D

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street • Suite 400

Boston, Massachusetts 02114

(617) 626-1520

fax (617) 626-1509



Paul J. Diodati
Director

June 1, 2005

RECEIVED
2005 MAY 18 A 11:17
DIVISION OF SELECTMEN
FAIRHAVEN MASS

Board of Selectmen
Town Hall
Fairhaven, MA 02719

Gentlemen:

In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined that the below-defined "CONDITIONALLY APPROVED" shellfish growing area, West Island South (BB:17), in the Town of Fairhaven, no longer meets the established criteria for the harvest of shellfish due to unacceptable water quality.

Therefore, under authority of Massachusetts General Laws, Chapter 130, sections 74A and 75, the status of the below-defined area has been changed to "CLOSED TO SHELLFISHING". Digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from the below defined area is prohibited.

Under authority of 322 CMR 7.01(7) all permits issued thereunder are hereby conditioned to prohibit the taking, selling or possession of shellfish from the below-defined area.

CLASSIFICATION: CONDITIONALLY APPROVED

STATUS: Closed to Shellfishing

[June 1 - October 31]

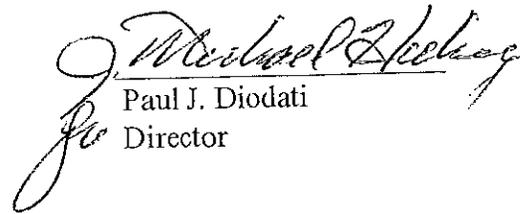
[Dates Inclusive]

**West Island South
BB:17.2**

"The waters, flats and all tributaries of West Island South, north of a line, drawn from Wilbur's Point on the southern tip of Sconticut Neck to the southern tip of West Island and south of the Goulart Memorial Causeway."

The preceding Conditionally Approved area shall remain in the closed status during the inclusive dates. The status will not automatically revert to OPEN TO SHELLFISHING on November 1, 2005, but will remain closed until examined by the Division and notification is made that the area has been placed in the open status.

Sincerely,


Paul J. Diodati
Director

cc: J. Hanlon, K. Dolan, P. Hanlon, DELE
D. McKiernan, M. Hickey, DMF
WPC. DEP
FDA
DPH
Dan Costa, Fairhaven Shellfish Constable



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

May 11, 2005

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

RE: Cameron's Kids Walk A Thon

Gentlemen:

I am writing in response to the request by the Cameron's Kids organization to conduct a Walk A Thon fundraising event on Saturday, June 5, 2005.

The police department raises no objections but I request your permission to hold the event be conditioned on the following:

1. An organizer of the event telephone the police department just prior to the walk beginning to ensure that an officer is available to assist participants in crossing Scoticut Neck Road. I will inform the shift sergeant of the need to provide this service but would like the beginning of the walk to be delayed slightly if all officers are tied up with an emergency.
2. Organizers ensure that all participants be required to walk on sidewalks particularly when walking south to Fort Phoenix from the bike path. I expressly request that you not authorize them to walk in the street.

Thank you for your attention to this matter.

Sincerely

Gary F. Souza
Chief of Police

Cc: Cameron's Kids

* Per Kathy Jupp, BPW approved request also.

RECEIVED
2005 MAY 11 P 247
BOARD OF SELECTMEN
FAIRHAVEN MASS

Town of Fairhaven

Massachusetts

Board of Public Works

5 ARSENE STREET
FAIRHAVEN, MASSACHUSETTS 02719
TEL. (508) 979-4030
FAX (508) 979-4086



FRANK J. REZENDES
RICHARD C. BRODEUR
ROBERT BOSWORTH

May 9, 2005

Sherri Goulart
111 S. Main Street
Acushnet, MA 02743

Re: Cameron's Kids, Fundraiser - June 4, 2005

Dear Ms. Goulart:

The Board of Public Works at their meeting of April 25, 2005 granted permission for your fundraiser on June 4, 2005 to use the Bike Path. A copy of this letter will be forwarded to the Fairhaven Police Department for you may want to seek their assistance with the crossing at Scoticut Neck Road.

The Town of Fairhaven does not allow any cookouts at the Fort side, located on the westerly section of the beach, which is owned by the Town of Fairhaven. The State owned section, which is located on the easterly side of the beach has cooking facilities available.

If you have any questions, please give us a call.

Sincerely,
FAIRHAVEN BOARD OF PUBLIC WORKS

Robert L. Bosworth
Chairman

RLB/kat
cc: Fairhaven Police Department