

Selectmen's Meeting – June 27, 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 June 13, 2005. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of the June 13, 2005 executive session. Mr. Eckenreiter seconded. Vote was unanimous.

#### PLANNING BOARD & TOWN PLANNER

Members of the Planning Board and the Town Planner were in attendance. The Planning Board submitted a request for authorization for legal services for a law suit from David Hebert, Earl's Marina – Special Permit Decision. Mr. Eckenreiter motioned to approve the request. Mr. Manzone seconded. Vote was unanimous.

#### NSTAR ELECTRIC - DOUBLE UTILITY POLES

Dennis Galvan from NSTAR Electric was in attendance. The Board questioned the number of double utility poles in Fairhaven and stated the problem is not new, and has been an issue for many years. Mr. Galvan reported NSTAR is the first utility to remove their equipment and Verizon is the last. 90 days is the average time for removal of the double pole. There are 118 double poles in Fairhaven and 35 are ready for removal. Discussion ensued. In six months, Mr. Galvan will update the Board on pole removal progress. Residents were advised to contact the Selectmen's Office with specific poles to be removed. The locations will be forwarded to NSTAR.

#### HOPPY'S LANDING

Members of the Hoppy's Landing Advisory Committee were in attendance to review the proposed Rules and Regulations (See attached.). Mr. Silvia read the letter from the Police Chief concerning enforcement of the proposed rules. (See attached.) Bill Roth will submit a draft rental policy for overnight camping. (Rule #12) Mr. Osuch questioned #5 and #7 regarding repairs to vessels and why this was to be allowed. He stated the rule needed to be either deleted or revised. Discussion ensued. The rules and regulations were taken under advisement and the Committee will report back on their revisions. Mr. Manzone motioned to have Town Counsel review the proposed rules and to determine if a Town By-Law is needed. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Manzone motioned to appoint Frank Coelho a full member of the Hoppy's Landing Advisory Committee. Mr. Eckenreiter seconded. Vote was unanimous.

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Mr. Manzone motioned to appoint Andrew L. Jones, an Associate member of the Hoppy's Landing Advisory Committee. Mr. Eckenreiter seconded. Vote was unanimous. Mr. Jones will represent the Conservation Commission.

#### HURRICANE PREPAREDNESS

Hurricane preparedness was reviewed with department heads and their updated plans submitted.

#### TOWN PLANNER

The Director of Planning and Economic Development explained an Urban Self Help Grant for the Henry Huttleston Rogers Community Park at Rogers School. The Town would receive 62% reimbursement for the project. Mr. Roth was given permission to submit the application. Mr. Eckenreiter motioned to authorize Mr. Silvia to sign documents for the project. Mr. Manzone seconded. Vote was unanimous.

Grants for Hoppy's Landing were discussed. Mr. Eckenreiter motioned to proceed with grants. Mr. Manzone seconded. Vote was unanimous.

#### RECREATION DEPARTMENT

Renee Tavares and Gary Golas were present to discuss the Recreation Department's proposed summer sailing program and the use of Hoppy's Landing by the Community Boating Center. Mr. Silvia read Town Counsel's letter regarding potential liability (See attached.) and Mr. Osuch read the letter from Sylvia Group, the Town's insurance consultant. (See attached.) Discussion ensued. Mr. Manzone motioned to allow the Recreation Department to pursue the sailing program at Hoppy's Landing. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Eckenreiter stated he is not the one to oversee the Recreation Department because he is a member of the non-profit committee. He motioned to appoint Mr. Silvia to oversee the Department and that the Board of Selectmen will oversee the Department on a rotating schedule. Mr. Manzone seconded. Vote was unanimous.

#### EXECUTIVE SECRETARY'S REPORT

Mr. Osuch will attend a meeting in Boston on June 28<sup>th</sup> for Waste Energy.

Representatives from the Woods Hole Group will meet at Hoppy's Landing on June 28<sup>th</sup> at 8:30 a.m.

Finance Committee will meet at the Board of Public Works on June 30<sup>th</sup> at 7:00 p.m.

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East Fairhaven School Building Committee will meet at Town Hall at 6:30 p.m. on July 6<sup>th</sup>.

Mr. Manzone motioned to award the Stop Loss Contract to Companion Insurance with a deductible of \$65,000. Mr. Eckenreiter seconded. Vote was unanimous.

Projected Worker's Compensation premium for FY 06 is \$109,829.

A & A Termite & Pest Control Co. estimates it will cost approximately \$950.00 for termite treatment at the old Senior Center, 150 Sconticut Neck Road. Mr. Manzone motioned to support a Finance Committee Transfer from the Reserve Fund for the cost. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Osuch summarized the letter from the Widemarsli Beach Association. (See attached.) Mr. Manzone motioned to approve the Associations request to remove a portion of the stone wall for foot traffic only. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Manzone motioned to sign the "Town of Fairhaven – Massachusetts Estuaries Project Partnership for the Nitrogen Management of the Fairhaven Embayment System. Mr. Eckenreiter seconded. Vote was unanimous. (On May 7<sup>th</sup>, Town Meeting members voted to fund the project from the Sewer Enterprise Account.)

Mr. Manzone motioned to have the Chairman sign the Division of Marine Fisheries Boat Pump-Out Grant in the amount of \$17,000. Mr. Eckenreiter seconded. Vote was unanimous.

The Police Chief submitted the 30 Day Report on Honey Dew. (See attached.)

The Board will review the June 27<sup>th</sup> letter from the Police Chief regarding an incident that occurred at the American Legion on June 16, 2005.

The Board will review the job description for the Shellfish Warden/Assistant Harbormaster.

Mr. Eckenreiter motioned to sign the contract between the Board of Health, Community Nurse and Hospice Care, Inc. and the Board of Selectmen for the term July 1, 2005 though June 30, 2006. Mr. Manzone seconded. Vote was unanimous.

Appointments to the Community Preservation Committee will be placed on the July 11, 2005 agenda.

Mr. Eckenreiter motioned to offer Kopelman & Paige \$75,000. for one year for the day to day legal operations of the Town and that Kopelman & Paige is to notify the Town within three days if the offer is acceptable. The motion was not seconded. Mr. Manzone

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motioned to maintain Perry, Hicks, Crotty & Deshaies as Town Counsel. Mr. Silvia seconded. It was so voted. Mr. Eckenreiter was opposed. The Board agreed to put legal services out to bid again next year.

#### ANIMAL SHELTER GIFT ACCOUNT

Donations to the Animal Shelter Gift Account totaling \$42.00 were accepted.

#### CONSERVATION COMMISSION

Mr. Silvia read Marinus VanderPol's letter of resignation from the Conservation Commission. (See attached.)

Mr. Silvia read Robert Duarte's letter requesting appointment as a voting member on the Conservation Commission. (See attached.) Mr. Manzone motioned to appoint Mr. Duarte a voting member. Mr. Eckenreiter seconded. Vote was unanimous. Term to expire May 31, 2006.

Mr. Manzone motioned to appoint Dennis Vello an Associate member of the Commission. Mr. Eckenreiter seconded. Vote was unanimous. Term to expire May 31, 2006.

#### COUNCIL ON AGING

A letter was received from the Council on Aging regarding the appointment of David Darmofal to the Council. (See attached.)

Mr. Manzone motioned to appoint Lois Curley a full member and to appoint David Darmofal, an Associate. Mr. Silvia seconded. It was so voted. Mr. Eckenreiter abstained. Ms. Curley's term will expire May 31, 2007. Mr. Darmofal's term will expire May 31, 2006.

As requested by the Council on Aging Director, Mr. Manzone motioned to declare a 1992 Chevrolet passenger van surplus property. Mr. Eckenreiter seconded. Vote was unanimous. A notice will be sent to Town departments to ask if they are interested in the vehicle.

#### FIRE DEPARTMENT

Mr. Manzone motioned to sign the "Agreement between the Town of Fairhaven EMS and St. Luke's Emergency Associates". Mr. Eckenreiter seconded. Vote was unanimous. The fee for the medical direction service for the Town of Fairhaven is \$8,000.

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As requested by the Fire Chief, Mr. Manzone motioned to declare a 1992 Ford Taurus Wagon and a 1996 Ford Crown Victoria surplus property. Mr. Eckenreiter seconded. Vote was unanimous.

#### POLICE DEPARTMENT

Mr. Silvia read the letter from the Police Chief regarding 2004 Fairhaven Crime Statistics (See attached.)

Mr. Silvia read the letter of resignation from Permanent Intermittent Officer Walter Baiardi. (See attached.)

Mr. Silvia read the letter from Officer Timothy Hunt requesting a transfer to Permanent Intermittent status. (See attached.) Mr. Manzone motioned to approve the request. Mr. Eckenreiter seconded. Vote was unanimous.

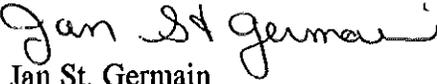
#### DEPARTMENT OF FINANCE

Mr. Silvia read the letter from Treasurer John Nunes requesting the Selectmen approve the re-appointment of Joyce Shepard as Assistant Treasurer. (See attached.) Mr. Eckenreiter motioned to approve the re-appointment. Mr. Manzone seconded. Vote was unanimous. Term expires June 30, 2008.

Mr. Silvia read the letter from Dennis A. Arsenault regarding the purchase of Town owned land. (See attached.) An appointment will be scheduled with Treasurer John Nunes to discuss the request. Mr. Osuch will also discuss the letter with Andrew Martin.

#### EXECUTIVE SESSION

At 9:20 p.m., Mr. Eckenreiter motioned to go into executive session to discuss Police Union negotiation, an incident that occurred at the American Legion and not to reconvene in open session. Mr. Manzone seconded. Vote was unanimous. Roll call vote 3-0.

  
Jan St. Germain  
Secretary



**GARY F. SOUZA**  
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS  
**TOWN OF FAIRHAVEN**

DEPARTMENT OF POLICE  
1 BRYANT LANE  
FAIRHAVEN, MA 02719

2D  
**TELEPHONES**

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

**DONALD A. JOSEPH**  
LIEUTENANT

June 21, 2005

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

RE: Hoppy's Landing Regs.

Gentlemen:

I received your request for comment on the proposed Hoppy's Landing regulations.

I have a concern about enforcement of these proposed regulations.

As written, it appears the only recourse an enforcing agent has for violation of many of the regs is to notify the Board of Selectmen who then can revoke the permit.

I believe that town meeting would need to approve by laws should you wish enforcing agents have the ability to cite, criminally or non-criminally, for violation of certain regs such as consumption of alcohol on the premises or camping overnight. For example, current by laws only prohibit possession of open containers of alcohol on town owned land after dark.

I suggest town counsel advice be requested on this enforcement issue.

RECEIVED  
2005 JUN 21 AM 10:21  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

Sincerely

Gary F. Souza  
Chief of Police

## **Rules and Regulations of Hoppy's Landing**

*As Amended 5/19/05 by Hoppy Landing Advisory Committee,*

*As Amended 6/15/05 by Hoppy Landing Advisory Committee,*

*Gary Golas, Harbormaster*

RECEIVED  
2005 JUN 22 P 2:50  
BOARD OF SELECTMEN  
TOWN OF HOPPY  
MASSACHUSETTS

### **Fees-**

1. For active dinghy's, skiffs, tenders used to get to and from moorings, the beach storage rate will be fifty dollars (\$50) per year.
2. Boat trailer and vehicle parking rates are set at thirty dollars (\$30) annually or five dollars (\$5) per day of use. Waterways User Fees and Boat Excise Taxes must be paid in full.
3. Fishing gear storage area leases available from September 1 to August 31 at a rate of two hundred fifty dollars (\$250.) per twenty by forty foot area, as assigned by the Harbormaster.

### **Rules and Regulations**

1. All boat mooring, dinghy storage and fishing gear storage privileges are subject to a yearly fee schedule and sticker display shall be assigned annually by the Harbormaster.
2. If any person fails to obey orders of the Harbormaster or his assistants, he/she shall notify the Board of Selectmen, and then the Harbormaster shall notify the offending person that all mooring or launching rights are suspended.
3. If any person shall refuse or neglect to move his/her boat or material on the Hoppy's Landing property when and as directed by the Harbormaster, he/she or the Board of Selectmen may remove same at the expense of such party.
4. Use of the boat launch ramp and floats are on a first come, first serve basis and must be used in an expedient manner to allow others the privilege of utilizing the facilities in a timely manner.
5. Boat owners repairing boats at the floats or the parking lots shall clean the immediate area at the end of each day.
6. No vessels are to be docked to the floats for more than one-half day (1/2) due to repairs, gear or bait transport, unless approved by the Harbormaster. If such unapproved vessels continue to be secured to the dock, the Harbormaster will remove the vessel at the expense of such party.
7. No heavy or long term repairing such as removal of engines, construction of drags or removal of winches, etc will be allowed. The Harbormaster will make the final determination.

8. Fishing gear for the purposes of keeping bait fish fresh may be kept, tied, secured to the floats upon the review and approval of the Harbormaster.
9. No recreational fishing, or swimming will be allowed from the floats and boat ramp areas at any time.
10. Parking in areas where prohibited is cause for a citation. All parking regulations will be strictly enforced by the Harbormaster, his assistants (parking control officers) and the Police Department.
11. All waterways user fees and boat excise taxes not paid within sixty days of billing may result in the loss of mooring and launching privileges.
12. Overnight parking of vehicles and boat trailers may be allowed with prior notification and approval of the Harbormaster. However, overnight camping is prohibited in all areas of the Hoppy's Landing property, either by use of camping trailers, tents, or open sleeping bags. Overnight use by recreational vehicles may be permitted in (3) three designated spots. Permits for the overnight use of these spots are available on a per night basis through the Selectmen's Office.
13. The storage of commercial fishing gear, lobster cages is available in limited area and would be considered on a per request basis.
14. Designated picnic areas, when established by the Town of Fairhaven, shall be defined as an area containing picnic tables and or fireplaces specifically established by the Town of Fairhaven for the outdoor consumption and/or preparation of food.
15. No alcoholic beverages of any kind shall be permitted within the confines of Hoppy's Landing property.
16. No person shall leave, place, or dispose of in any manner, garbage, waste, refuse, ashes, cans, bottles, paper, motor vehicles, bicycle, furniture, glass, oil, sewerage, anything of any unsightly or unsanitary nature, except in receptacles provided for such purposes.
17. No person shall kindle, build, maintain or use a fire other than in the picnic area for such use. Any fire shall be continuously under the care and direction of a competent adult from the time of kindling until it is extinguished.
18. No person shall solicit, sell, rent, advertise or offer to sell or rent, hawk, peddle, display, or distribute any goods, wares, tangible or intangible property, in any area of Hoppy's Landing except by permit and authority issued by the Board of Selectmen.

19. In the event of any matter arising not covered by these rules and regulations, the Board of Selectmen shall decide the question, and the decision shall be binding until the rules are changed or amended.

# HP LaserJet 3200se



HP LASERJET 3200

JUN-30-2005 3:15PM

## Fax Call Report

| Job | Date      | Time      | Type | Identification | Duration | Pages | Result |
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**Town of Fairhaven**  
**40 Center Street**  
**Fairhaven, Ma. 02719**

Date 6-30-05

Number of pages including cover sheet 4

To

Blaw Bailey

From

Jell

Phone#

Phone # 508 979 4023

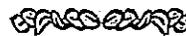
Fax # 508-999-2637

Fax # 508 979 4079

Remarks -- Urgent -- For your review -- Reply ASAP -- Please Comment

Please review and comment prior to 7/11/05.

Jell



PERRY, HICKS, CROTTY AND DESHAIES, LLP

ATTORNEYS AT LAW

388 COUNTY STREET

NEW BEDFORD, MASSACHUSETTS 02740-4909

DANIEL C. PERRY  
THOMAS P. CROTTY  
MARG R. DESHAIES

TELEPHONE  
(508) 996-8291

TELECOPIER  
(508) 997-2637

LEONARD E. PERRY  
(1965-1999)

EDWARD D. HICKS  
(1965-2002)

BLAIR S. BAILEY  
LAWRENCE D. HUNT  
ELLYN H. HURD  
AMY S. MELLO\*

E-MAIL: info@perryhicks.net  
www.perryhicks.net

\*ALSO ADMITTED IN R.I.

June 16, 2005

RECEIVED  
2005 JUN 17 A 11:14  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

Fairhaven Board of Selectmen  
40 Center Street  
Fairhaven, MA 02719

Re: Happy's Landing – Community Boating Club

Dear Members of the Board:

You have asked for my opinion and advice regarding potential liability on the part of the Town in allowing the use of Hoppy's Landing by Community Boating Center. ("CBC").

I understand that CBC proposes to operate a sailing program using moorings to be installed by the Town off of Hoppy's Landing. CBC may also have incidental use of the land itself. I do not know if CBC charges students for its sailing lessons or program.

In general terms almost any claim likely to arise from this activity would be subject to the tort liability limit of G.L. c. 258 – that is, a maximum exposure to the Town of \$100,000 for each injured person.

The Town may also be protected by G.L. c.21 §17C, which provides that the owner of land opened for public recreational use without charge is only liable for willful, wanton or reckless conduct – not for mere negligence.

The Town is further protected by its own general liability policy. You should talk to the Town's insurance consultant for those details.

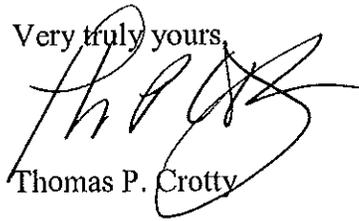
CBC has suggested that it would name the Town as an additional insured on its liability policy. This is a good idea for the Town – and again, you should talk to the Town's insurance consultant in this regard.

Fairhaven Board of Selectmen  
June 16, 2005  
Page 2

CBC has suggested a Hold Harmless Agreement which can be useful for the Town. I have enclosed my redraft of that document which I would recommend you have CBC sign.

Please let me know if you have any further questions in this regard.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. P. Crotty', written over the typed name.

Thomas P. Crotty

mb  
enc.

**HOLD HARMLESS AGREEMENT**

Community Boating Center (CBC) shall assume full responsibility for its employees, agents, and business invitees. CBC hereby agrees to hold and save Town of Fairhaven harmless from and against any claim, demand, action or cause of action that may be asserted by any person arising out of injury or death or property damage caused, incurred, or resulting whether directly or indirectly, by or from , the activities of CBC, or the acts or omissions of any of CBC employees, officers, agents and business invitees, including, but not limited to, third party actions for injury or death otherwise covered under applicable workers compensation laws, and regardless of the sole or contributing negligence of the Town of Fairhaven.

CBC further agrees to provide a Certificate of Insurance naming the Town of Fairhaven as an additional insured.

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Community Boating Center

Date

---

Town of Fairhaven

Date



# SYLVIA CONSULTING SERVICES

500 Faunce Corner Road ♦ Building 100 ♦ Suite 120 ♦ Dartmouth, MA 02747 ♦ 508-999-6454 ♦ Fax 508-990-7389

June 20, 2005

Town of Fairhaven  
Jeffrey Osuch  
40 Center Street  
Fairhaven, MA 02719

RE: Community Boating Center

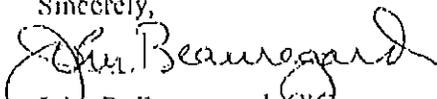
Dear Jeff,

Per our conversation, please be advised that coverage is provided under both the Town's General Liability policy and Commercial Umbrella policy for the boating lessons to be offered by the Community Boating Center. I also remind you that under Massachusetts Law, lawsuits against a municipality, except for Civil Rights and gross negligence, are capped at \$100,000 per claimant.

As we discussed, in order to provide Additional Insured status for the Community Boating Center, a written contract will need to be in place. I have forwarded you a sample contract along with Hold Harmless wording.

Please review and don't hesitate to call me if you have any questions or would like to discuss this matter in more detail.

Sincerely,

  
John R. Beauregard, GIC  
Vice President

David L. Small  
Head Trustee  
Widemarsh Beach Association  
6 Wildacre Lane  
Barrington, RI 02806  
(401) 247-0345

June 17, 2005

RECORDED  
2005 JUN 20 P 12:53  
TOWN OF FAIRHAVEN MASS  
BOARD OF SELECTMEN

Mr. Michael Sylvia  
Chairman of the Board of Selectmen  
40 Centre Street  
Fairhaven, MA 02719

RE: Permission to Cross Town of Fairhaven Lot 612, Assessors Plat 29C

Dear Mr. Sylvia:

On behalf of the Widemarsh Beach Association ("WBA") that owns lands on Sconticut Neck, Fairhaven, MA, (shown in Certificate #3607 Registered Land for Bristol County (S. D.) Registry of Deeds in Book 16, page 389) (Please see area enclosed by high lighted border on attached map from the Town Planner) I respectfully request permission from the Board of Selectmen to remove a portion of the stone wall that rests on the border of lot 612, Assessors Plat 29C, belonging to the Town of Fairhaven, and land belonging to the WBA, so that members of the WBA may cross Lot 612 to gain access to Shore Drive. Lot 612 is a one foot by 40 foot strip of land which lies between the end of Shore Drive and land belonging to the WBA. For 57 years members of the WBA enjoyed access to Shore Drive via a driveway across lot 33C (see Town Planner Map attached ) with the permission of the owners of lot 33C. However, the current owners of lot 33C, Steve and Donna Lavallee, have made changes to the house and landscaping of their lot and no longer want the members of the WBA to cross their land unless there is an emergency. Therefore, the WBA now wishes to gain access to Shore Drive directly from WBA land. For your convenience, I am enclosing a copy of a recent survey map made by a surveyor which shows the relationship of the WBA land, the one foot strip, Lot 612, and Shore Drive.

Thank you.

APPROVED BY THE BOARD OF SELECTMEN  
JUNE 27, 2005

*Michael Sylvia*  
*Wendell G. Eckerman*

Respectfully,

*David L. Small*

David L. Small

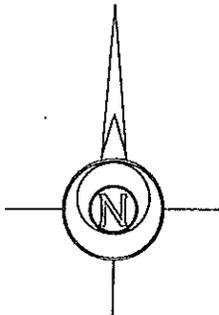
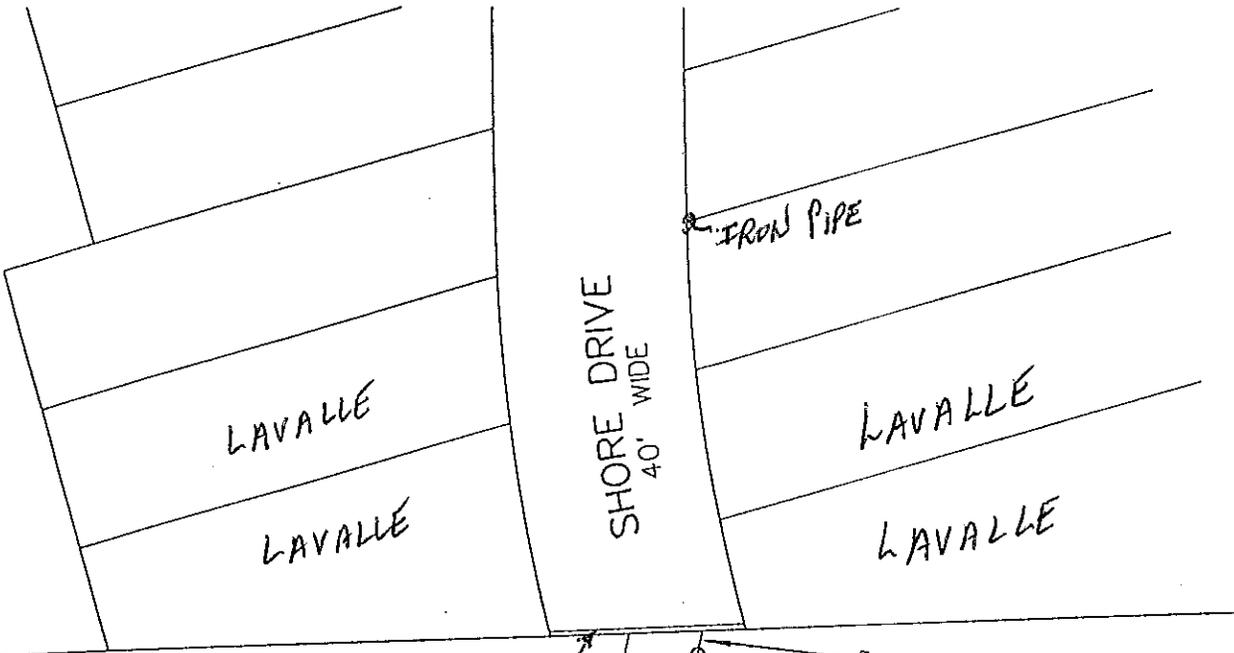
cc: Selectman *Paul J. [unclear]* 6/27/05





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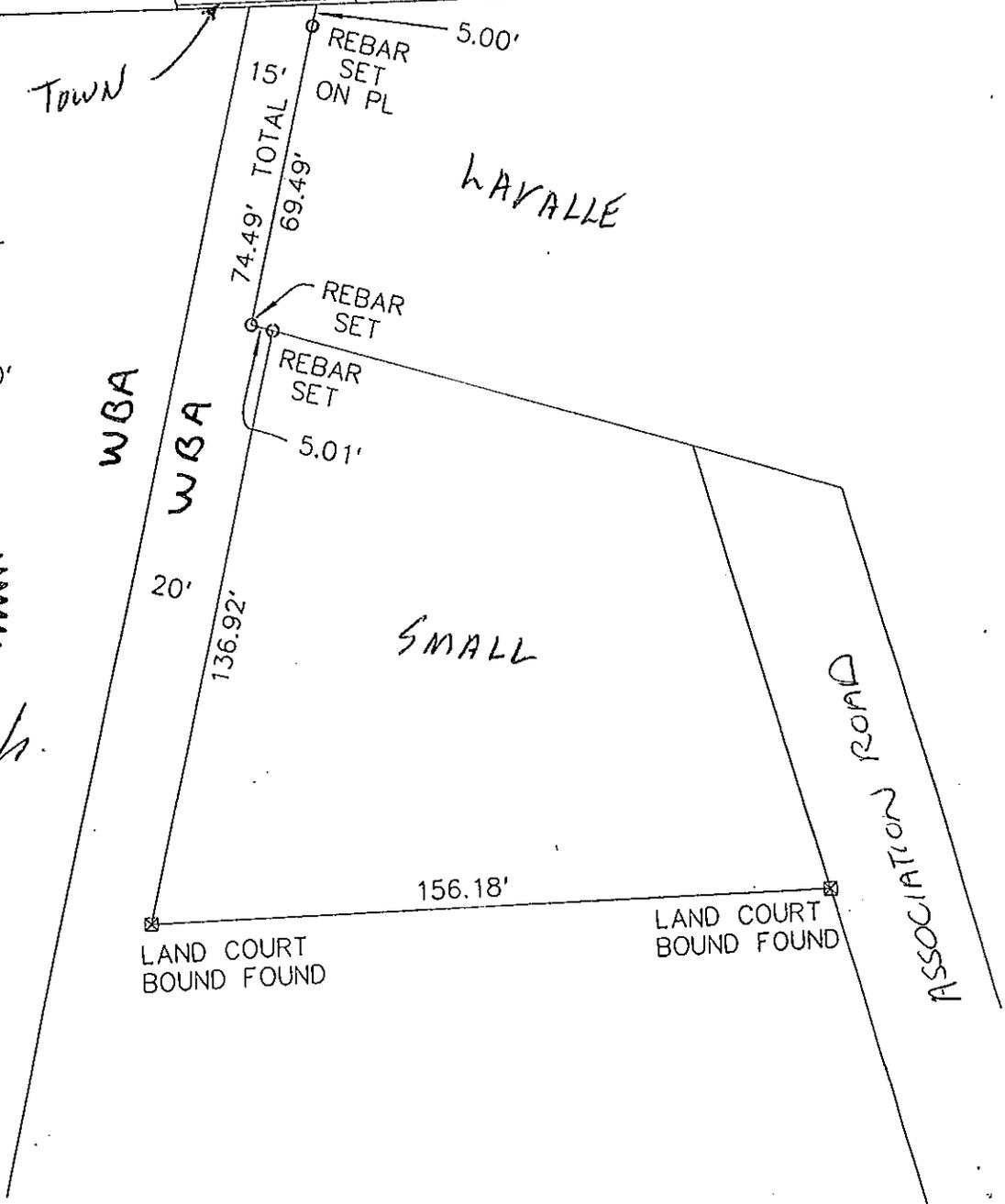
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| 2292 | 11543 | 2292 | 623 |
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| 2316 | 11567 | 2316 | 647 |
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| 2336 | 11587 | 2336 | 667 |
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| 2339 | 11590 | 2339 | 670 |
| 2340 | 11591 | 2340 | 671 |
| 2341 | 11592 | 2341 | 672 |
| 2342 | 11593 | 2342 | 673 |
| 2343 | 11594 | 2343 | 674 |
| 2344 | 11595 | 2344 | 675 |
| 2345 | 11596 | 2345 | 676 |
| 2346 | 11597 | 2346 | 677 |
| 2347 | 11598 | 2347 | 678 |
| 2348 | 11599 | 2348 | 679 |
| 2349 | 11600 | 2349 | 680 |
| 2350 | 11601 |      |     |



SCALE: 1" = 40'



*Earle O. Phillips, Jr.*  
8/29/03





**GARY F. SOUZA**  
CHIEF OF POLICE

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

**DONALD A. JOSEPH**  
LIEUTENANT

June 27, 2005

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

RECEIVED  
2005 JUN 27 P 10:00  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

RE: 30 Day Report – Honey Dew

Gentlemen:

As I promised at your May 23, 2005 meeting, the police department has been monitoring late night activity at Honey Dew and I forward this report on the past 30 days activity.

Out log shows 7 calls for service involving disturbances or dispersing of groups over the past 30 days. One was a call from an employee and 6 were originated by officers on patrol. No complaints were received from neighbors. Hopefully, this indicates officers and Honey Dew employees have been able to “nip in the bud” any problems before neighbors are affected. All 7 calls for service were between midnight and 2:30 am.

I attach a copy of the log entries concerning those calls.

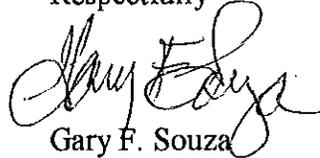
Officers report that the drive up window at Honey Dew remains open all night.

There have been conflicting reports on the closing of the interior of the business during the early morning hours. At times, officers have reported the doors locked and no one inside but the baker. Other times officers have found the doors open with a clerk, baker and a customer drinking coffee at a table. I personally came out at 3:15 am this past Saturday, June 25, 2005. I also observed the lights on inside the building with a clerk on duty and a customer drinking coffee at a table.

CC SEZERTON 6/27

The police department will continue to monitor activity at Honey Dew during the night hours and I will, as promised, file another report in 60 days.

Respectfully

A handwritten signature in black ink, appearing to read "Gary F. Souza". The signature is written in a cursive style with a large, looped initial "G".

Gary F. Souza  
Chief of Police

cc: Proprietor  
Neighbors

For Date: 05/28/2005 - Saturday

| <u>C#</u> | <u>Number</u>     | <u>Time</u> | <u>Call Reason</u>   | <u>Action</u>               |
|-----------|-------------------|-------------|--|-----------------------------|
| 05-6672   | 0126              |             | Phone - DISTURBANCE GENERAL                                    | DISPERSED GATHERING         |
|           | Call Taker:       |             | 048 - Dispatcher Lindsay Quintal                               |                             |
|           | Location/Address: |             | [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE               |                             |
|           | Unit:             |             | 403 Patrolman David M Correia                                  |                             |
|           |                   |             | Disp-01:27:00  | Arvd-01:29:44 Cldr-01:31:39 |
|           | Unit:             |             | 402 Patrolman Mark Cordeiro                                    |                             |
|           |                   |             | Disp-01:27:00  | Arvd-01:29:44 Cldr-01:31:39 |
|           | Narrative:        |             | EMPLOYEE REPORTS A GROUP HANGING OUT IN THE PARKING LOT...D~LQ |                             |

For Date: 06/01/2005 - Wednesday

|         |                   |  |   |                             |
|---------|-------------------|--|---|-----------------------------|
| 05-6833 | 0131              |  | Initiated - DISTURBANCE GENERAL   | PEACE RESTORED              |
|         | Call Taker:       |  | 069 - Dispatcher Kevin Viveiros   |                             |
|         | Location/Address: |  | [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE  |                             |
|         | Initiated By:     |  | 409 - Patrolman Scott P Joseph  |                             |
|         | Unit:             |  | 409 Patrolman Scott P Joseph  |                             |
|         |                   |  |   | Arvd-01:31:35 Cldr-01:41:53 |
|         | Narrative:        |  | UNIT 409 REPORTS GENERAL SERVICES AT LOCATION ABOVE....069-KV   |                             |
|         | Narrative:        |  | 6-8 males out in the lot speaking loudly advised to leave the area. the interior door for the business was still open. the group did not have any merchandise sold at the establishment, IE coffee, juice, donuts. lobby closing from 12-3am confirmed by sgt on shift.***spj/057 |                             |

For Date: 06/09/2005 - Thursday

|         |                   |  |  |                             |
|---------|-------------------|--|--|-----------------------------|
| 05-7199 | 0021              |  | Initiated - GENERAL SERVICES   | SERVICES RENDERED           |
|         | Call Taker:       |  | 048 - Dispatcher Lindsay Quintal   |                             |
|         | Location/Address: |  | [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE                                   |                             |
|         | Initiated By:     |  | 401 - Patrolman Walter M DeMello   |                             |
|         | Unit:             |  | 401 Patrolman Walter M DeMello   |                             |
|         |                   |  |  | Arvd-00:21:24 Cldr-00:23:30 |
|         | Narrative:        |  | UNIT 401 REPORTS DISPERSING A GROUP IN THE LOT...D~LQ                              |                             |
|         | Narrative:        |  | Dispursed small group hanging around between Cumberland Farms, and Honey Dew. wdm. |                             |

For Date: 06/15/2005 - Wednesday

|         |                   |  |   |                             |
|---------|-------------------|--|---|-----------------------------|
| 05-7495 | 0111              |  | Initiated - DISTURBANCE GENERAL                           | DISPERSED GATHERING         |
|         | Call Taker:       |  | 049 - Dispatcher Michael A Sullivan                       |                             |
|         | Location/Address: |  | [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE          |                             |
|         | Initiated By:     |  | 404 - Sergeant Michael J Bouvier Jr                       |                             |
|         | Unit:             |  | 404 Sergeant Michael J Bouvier Jr                         |                             |
|         |                   |  |   | Arvd-01:11:41 Cldr-01:12:27 |
|         | Narrative:        |  | OFFICER REPORTS DISPERSING GROUP AT THIS LOCATION...D-MAS |                             |

For Date: 06/20/2005 - Monday

Selective Search From: 05/23/2005 Thru: 06/27/2005 0000 - 2359 Printed: 06/27/2005

05-7755 0222 Initiated - DISTURBANCE GENERAL DISPERSED GATHERING  
 Call Taker: 048 - Dispatcher Lindsay Quintal  
 Location/Address: [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE  
 Initiated By: 402 - PATROLMAN Edward J Riggs  
 Unit: 402 PATROLMAN Edward J Riggs  
 Arvd-02:22:58 Clrd-02:24:05

Narrative:  
 UNIT 402 REPORTS REMOVING A GATHERING FROM THE LOT...D~LQ

Narrative:  
 OBSERVED THREE MOTOR VEHICLES AND SIX TO EIGHT PEOPLE  
 STANDING OUTSIDE THE MOTOR VEHICLES TALKING. THE  
 UNDERSIGNED OFFICER WAS ABLE TO HEAR THE PARTIES FROM THE  
 PARKING LOT ACROSS FROM CUMBERLAND FARMS ON HUTTLESTON  
 AVENUE. THE GROUP WAS IN THE SOUTH EAST CORNER OF THE  
 PARKING LOT. GROUP DISPERSED.

...EJR 06/20/2005 0412

For Date: 06/22/2005 - Wednesday

05-7871 0038 Initiated - DISTURBANCE GENERAL DISPERSED GATHERING  
 Call Taker: 048 - Dispatcher Lindsay Quintal  
 Location/Address: [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE  
 Initiated By: 401 - Patrolman Walter M DeMello  
 Unit: 401 Patrolman Walter M DeMello  
 Arvd-00:38:04 Clrd-00:42:51

Vehicle: BLK 2005 NISS SE ALTIMA Reg: MA 1524RT  
 Operator: STALEY, SANDRA J @ BOX 30330 - ACUSHNET, MA 02743  
 Owner: STALEY, SANDRA J @ BOX 30330 - ACUSHNET, MA 02743

Narrative:  
 UNIT 401 REPORTS REMOVING A SMALL GROUP FROM THE LOT...D~LQ

Narrative:  
 ESTABLISHMENT NOT CLOSED FOR BUSINESS. LIGHTS ON INSIDE &  
 OUT (SIGNS TOO), WAITRESS BEHIND THE COUNTER, BAKER IN  
 KITCHEN & CUSTOMER SEATED @ TABLE W/MV PARKED OUT FRONT.  
 SLF

For Date: 06/26/2005 - Sunday

05-8060 0117 Initiated - DISTURBANCE GENERAL DISPERSED GATHERING  
 Call Taker: 048 - Dispatcher Lindsay Quintal  
 Location/Address: [01 HONEYD] HONEY DEW DONUTS - 87 HUTTLESTON AVE  
 Initiated By: 402 - PATROLMAN Edward J Riggs  
 Unit: 402 PATROLMAN Edward J Riggs  
 Arvd-01:17:34 Clrd-01:18:02

Narrative:  
 UNIT 402 REPORTS DISPERSING A GROUP...D~LQ

Narrative:  
 DISPERSED TWO SEPARATE GROUPS OF PEOPLE. THE FIRST GROUP OF  
 FIVE WERE LOCATED SEATED AND STANDING NEAR THE NORTH  
 ENTRANCE, WHILE THE SECOND GROUP OF FOUR WERE STANDING IN  
 THE EAST SIDE OF THE PARKING LOT. DISPERSED WITHOUT  
 INCIDENT.

...EJR 06/26/2005 0525

BA

JUNE 17, 2005

HONORABLE BOARD OF SELECTMEN  
TOWN OF FAIRHAVEN  
CENTER STREET  
FAIRHAVEN, MA. 02719

GENTLEMEN:

I, THE UNDERSIGNED, HEREBY RESIGN, EFFECTIVE IMMEDIATELY, FROM THE FAIRHAVEN CONSERVATION COMMISSION FOR PERSONAL REASONS. THE YEARS OF SERVICE AS A MEMBER OF THE COMMISSION HAVE BEEN A MEMORABLE EXPERIENCE.

SINCERELY,

*Marinus Vander Pol Jr.*  
MARINUS VANDER POL JR.

cc: Selectmen 6/17/05  
gett  
Cun Com

cc: Town clerk 6/18/05

RECEIVED  
2005 JUN 17 P 12:10  
BOARD OF SELECTMEN  
FAIRHAVEN MASS

5B



Robert Duarte  
14 Blackburn St.  
Fairhaven, MA 02719-4334

RECEIVED  
1005 JUN 26 P 2:40  
BOARD OF SELECTMAN  
FAIRHAVEN MASS

Fairhaven  
Bd. of Selectmen  
Mike Sylva  
Wili Eckenreiter  
Ron Manzoni  
Gentlemen?

With the resignation of  
Mr. Vander Pol Jr. from the Conservation  
Commission. I would like to be  
considered for Appointment as a Voting  
member of Commission, I have been  
an Associate member for the past  
year.

appt full member  
6/27/05  
term exp. 5/31/06

Thank You  
Please respond to me  
Yours  
Bob Duarte



**DEBORAH JENKINS**  
Director

**Town of Fairhaven**  
**Massachusetts**  
**COUNCIL ON AGING**  
**INFORMATION AND REFERRAL CENTER**

229 Huttleston Avenue  
Fairhaven, Massachusetts 02719-1956  
Telephone: (508) 979-4029 / (508) 979-4081  
Fax: (508) 979-4116

BOARD OF SELECTMEN  
FAIRHAVEN MASS

2005 JUN 16 P 12:22

RECEIVED

60A

June 14, 2004

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

Dear Gentlemen,

The members of the Council on Aging Board of Director's reviewed prospective members Lois Curley, Rona Trachtenberg, and David Darmofal on June 14, 2005 and voted by majority to recommend that you consider appointing David Darmofal to the Council on Aging Board.

David expressed an interest in serving on the board in a letter dated May 12, 2005 (enclosed) and we believe he would be a helpful asset to the Council as he has been to the community.

If you should have any questions or request any additional information, please feel free to contact me at (508)979-4029.

Sincerely,

Deborah Jenkins, Executive Director

Honorable Board of Selectman  
Town of Fairhaven  
Center St.  
Fairhaven, MA 02719

May 12, 2005

Gentlemen,

I'm writing this letter in regards to a recent vacancy due to a resignation on the Council on Aging, Board of Directors. I would ask for your consideration as candidate to fill this position.

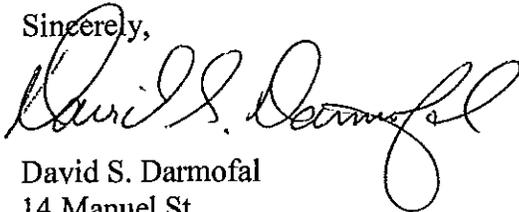
As a recent retiree, I have the time and availability to effectively carry out the duties associated with this position. As a long time resident of Fairhaven, I have a history of community involvement serving on Boards and Committees as a member and Chair. In addition to my community experience I bring certain skills that in my opinion would benefit the Council on Aging Board. These skills are due to my Management position within Verizon, and as a Director and Chair of a local financial institution. In these positions skills involved management of people and large budgets. However the most important skill learned was the ability to work within a team and to team build.

I will bring to this position the energy, skills and experience to ensure that my appointment will be a positive addition to the Board. With that, I again ask for your consideration in filling this position.

If you require more information or have any other questions please feel free to call me at my home. (508 994-7849)

Thank you for your time and consideration.

Sincerely,



David S. Darmofal  
14 Manuel St.  
Fairhaven, MA 02719

appointed an assoc. member 6/27/05  
to expire 5/31/06

cc: COA 5/20/05

RECEIVED  
2005 MAY 13 PM 1:05  
TOWN OF FAIRHAVEN  
FAIRHAVEN MA 02719



**GARY F. SOUZA**  
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS  
**TOWN OF FAIRHAVEN**  
DEPARTMENT OF POLICE  
1 BRYANT LANE  
FAIRHAVEN, MA 02719

2005 JUN 14 AM 10 28

BOARD OF SELECTMEN  
FAIRHAVEN MASS

TELEPHONES

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

**DONALD A. JOSEPH**  
LIEUTENANT

June 2, 2005

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

Gentlemen:

I am extremely pleased to report that serious crime in Fairhaven decreased by 13% in 2004. This statistic was reported to us by the State Police Crime Reporting Unit and confirms the results shown in our records. Violent crime decreased by 15.5% and property crime decreased by 12.5%.

This is the first time crime has decreased in Fairhaven since 1999. Crime reports have increased each year since 1999 with an average annual increase of 8.8%.

Fairhaven police personnel have been aware of the problems and have been working diligently to reduce criminal activity.

I feel that the actions of the men and women of this department has been the primary reason for this decrease in crime given that all other factors appear to have remained constant. Calls for service continue to increase each year which indicates that disturbances and other less serious crimes continue to occur at a high rate. Traffic accidents and violations continue to increase indicating as many or more people are coming to or traveling through town.

During this time period our officers have become more proactive in an attempt to prevent crime rather than just responding to it after it occurs. Further, patrol officers have been diligent in paying attention to crime trends to concentrate their efforts in areas and at times where they are needed the most.

Officers have developed and participated in many crime prevention and awareness programs. Our domestic violence/elder abuse awareness programs such as Alzheimer's

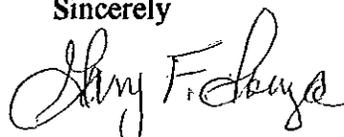
Alert and Cops and Donuts are a model for other departments. All reports of domestic violence and elder abuse are followed up by a specially trained detective. Our School Resource Officers have been invaluable in gaining the trust and respect of young people and thus their assistance in combating drug abuse, under aged drinking and violence among school aged youths.

I am confident that we can continue diminishing crime in Fairhaven given there is no diminution of police resources. We have developed and continue to expand our community policing program. This is a new strategy so its results have not yet been seen yet I am confident it will have a positive impact on our crime rate.

But it is clear that any strategy or tactic will fail without quality personnel to develop and implement them. I have been extremely lucky to have the opportunity to head a department of quality individuals who work well as a team. Any and all credit for the successes of this department belongs to them.

It is clear that the most valuable resource of this department is the dedicated men and women who serve here.

Sincerely

A handwritten signature in cursive script that reads "Gary F. Souza".

Gary F. Souza  
Chief of Police

# Fairhaven

| YEAR | Months Reported | Murder | Rape  | Robbery | Agg. Assault | Burglary | Larceny | MV Theft | Total  | Violent | Property |
|------|-----------------|--------|-------|---------|--------------|----------|---------|----------|--------|---------|----------|
| 2003 | 12              | 0      | 2     | 19      | 95           | 203      | 339     | 32       | 690    | 116     | 574      |
| 2004 | 12              | 0      | 3     | 15      | 80           | 155      | 316     | 31       | 600    | 98      | 502      |
|      | % Difference    | %      | 50.0% | -21.1%  | -15.8%       | -23.6%   | -6.8%   | -3.1%    | -13.0% | -15.5%  | -12.5%   |

Note: This report is being sent to you for your information. It is based on the crime data submitted to the Crime Reporting Unit - either summary UCR reports, or NIBRS data (converted to summary format) and includes all data received and processed (and found error-free) as of May 16, 2005.

"Violent" crimes are the sum of murder, rape, robbery, and aggravated assault. "Property" crimes are the sum of burglary, larceny, and motor vehicle theft. "Total" crimes are the sum of Violent and Property crimes.

If you see any problems with any of the data in this report, please contact us immediately so that we can make any needed changes.

If the number of months reported is less than 12 (but greater than 3), estimates for full-year data were made.



**GARY F. SOUZA**  
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS  
**TOWN OF FAIRHAVEN**

DEPARTMENT OF POLICE  
1 BRYANT LANE  
FAIRHAVEN, MA 02719

8B  
**TELEPHONES**  
Dial 911 Emergency  
(508) 997-7421 Non-Emergency  
(508) 997-1344 Business  
(508) 997-3147 Fax

**DONALD A. JOSEPH**  
LIEUTENANT

June 20, 2005

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

Gentlemen:

I respectfully forward the following:

1. Letter of Resignation from Permanent Intermittent status submitted by Off.  
Walter Baiardi
2. Letter requesting transfer to Permanent-Intermittent status submitted by Officer  
Timothy Hunt.

I regretfully request you approve both requests.

Sincerely

Gary F. Souza  
Chief of Police

APPROVED BY THE BOARD OF SELECTMEN - JUNE 27, 2005

BOARD OF SELECTMEN  
FAIRHAVEN MASS

2005 JUN 21 A 9:29

RECEIVED

June 15, 2005

Dear Selectman,

I am writing to inform you that as of June 26, 2005 I will be leaving my position as a full-time police officer for the Town of Fairhaven. I have been selected to attend the State Police Academy in New Braintree, MA on June 27, 2005.

I am requesting to transfer to permanent intermittent status beginning on June 26, 2005. Thank you for your time in this matter.

Sincerely,

  
Timothy J. Hunt

June 17, 2005

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

RE: Letter of Resignation

Gentlemen:

I hereby submit my letter of resignation from the position of Permanent-Intermittent Patrolman with the Fairhaven Police Department effective June 19, 2005.

This action is occasioned by my graduation from the Massachusetts State Police Academy and employment as a full-time, Massachusetts State Trooper.

It has been a pleasure to serve as a Fairhaven Police Officer and I have great respect for the members of that department.

Sincerely

A handwritten signature in black ink that reads "Walter W. Baiardi". The signature is written in a cursive style with a large, prominent "W" at the beginning.

Walter W. Baiardi



**JOHN L. NUNES, CMMT**  
Director of Finance/Treasurer

TOWN OF  
**FAIRHAVEN**  
MASSACHUSETTS  
*THE FRIENDLY TOWN*

10A-  
**OFFICE OF  
DIRECTOR OF FINANCE/  
TREASURER**  
TOWN HALL  
TELEPHONE (508) 979-4026

6/20/2005

To: Board of Selectmen

From: John L. Nunes, CMMT  
Director of Finance / Treasurer

Re: Assistant Treasurer

Per the provisions of Chapter 41, Section 39A of the Massachusetts General Laws, I request your approval of my re-appointment of Joyce Shepard as Assistant Treasurer effective July 1, 2005 to coincide with my term expiring on June 30, 2008.

I look forward to your approval.

APPROVED BY THE BOARD OF SELECTMEN - JUNE 27, 2005

BOARD OF SELECTMEN  
FAIRHAVEN MASS.

2005 JUN 20 A 8:47

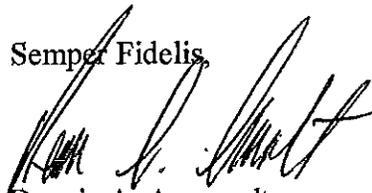
RECEIVED

17 Harding Rd.  
Fairhaven, MA 02719

June 13, 2005  
Board of Selectman,  
Town of Fairhaven, MA

I am interested in purchasing the land behind my house, from the town of Fairhaven. Last year I attended a public auction for tax lien land owned by the town. The auction included approximately 20 separate pieces of land and was held at the town hall. I was the successful high bidder on lots 196-197 map 20. I paid \$5,300.00. This was a very joyful day, seeing I had been trying to buy this property for the past 15 years. About a week after the auction, I received a check in the mail from the town of Fairhaven for the amount of \$5,300.00. I spoke with the town treasurer and he informed me the tax taking paper work had been incorrectly filled out. He told me that his office would redo the tax taking paper work and contact me. This never happened and the town treasurer retired. I recently talked with the newly hired town treasurer and was told that with his new job and new computers coming in he was extremely busy and that this land was not a priority at the moment. I understand this problem is not his fault, but I would like to see it resolved. In closing, this property would generate some income for the town from the sale, and also return it to the active tax roll. Thank you, in advance, for your time regarding this matter.

RECEIVED  
2005 JUN 13 P 3:15  
BOARD OF SELECTMAN  
FAIRHAVEN MASS

Semper Fidelis  
  
Dennis A. Arsenault