

Selectmen's Meeting – July 25, 2005

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

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

Mr. Manzone motioned to approve the minutes of July 11, 2005. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of the July 11, 2005 executive session. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of July 19, 2005. Mr. Eckenreiter seconded. Vote was unanimous.

LIQUOR LICENSE HEARING – PASTA HOUSE, INC.

Liquor License Hearing was scheduled for 7:00 p.m. to act on the application submitted by Pasta House, Inc., d/b/a The Pasta House, Mario R. Ribeiro, Manager, 100 Alden Road for a Change of Officers & Directors, Transfer of Stock and Pledge of License. Mr. Ribeiro and Attorney Tierney were present. Hearing was called to order and a brief discussion followed. Mr. Eckenreiter motioned to approve the application. Mr. Manzone seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

ANIMAL SHELTER GIFT ACCOUNT

Donations to the Gift Account totaling \$125.00 were accepted.

DIVISION OF MARINE FISHERIES

Mr. Silvia read the notice from the Division of Marine Fisheries stating that West Island North is open to shellfishing. (See attached.)

Mr. Manzone met with Dave Whitaker from the Division of Marine Fisheries to discuss Shellfish Department issues.

COALITION FOR BUZZARDS BAY

Mr. Silvia read the letter drafted by The Coalition For Buzzards Bay in support of defending the law relative to oil spill prevention in Massachusetts and the request to designate Attorney Philip Beauregard a "special municipal employee". (See attached.) Mr. Manzone motioned to support and sign the statement and to designate Attorney Beauregard a "special municipal employee". Mr. Silvia seconded. Mr. Eckenreiter abstained.

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### MASSACHUSETTS PRODUCER TAKE BACK CAMPAIGN

Mr. Silvia summarized the memo regarding House Bill 3238, An Act to Require Producer Responsibility for Collection and Recycling of Discarded Electronic Products. (See attached.) Mr. Eckenreiter motioned to support House Bill 3238 and to send a letter to the Committee on Natural Resources and Agriculture requesting the Committee give the Bill a favorable report. Mr. Manzone seconded. Vote was unanimous.

### RECREATION CENTER

Mr. Silvia read the "REC CENTER NEWS". (See attached.)

### OTHER MATTERS

Mr. Eckenreiter stated the legal bill for June was \$13,208.30 and the Board needs to keep a close watch on legal expenses.

Town Hall Custodian position will be discussed at a future meeting.

Mr. Silvia attended the "farewell" dinner for Dr. Ansay. He wished her well in her new position in Norton.

North Fairhaven Improvement Association will hold their annual Car Show at Livesey Park on Sunday, July 31<sup>st</sup>. Mr. Manzone is one of the show sponsors.

Jeffrey Jason submitted a video of a dog complaint. The Board said they have already seen the video and took the matter under advisement.

6:50 p.m., the Board took a 10 minute recess. The meeting reconvened at 7:00 p.m.

At 7:05 p.m., Mr. Eckenreiter motioned to adjourn. Mr. Manzone seconded. Vote was unanimous.



Jan St. Germain  
Secretary



Paul J. Diodati  
Director

*Commonwealth of Massachusetts*

**Division of Marine Fisheries**

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(617) 626-1520

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BOARD OF SELECTMEN  
FAIRHAVEN, MASS.

2005 JUL 15 A 10:57

RECEIVED

June 1, 2005

Board of Selectmen  
Town Hall  
Fairhaven, MA 02719

Ladies & Gentlemen:

In accordance with Chapter 130, Section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has examined the quahogs relayed from the Taunton River to West Island North (BB:18.1 & BB:18.20) under the provisions of contaminated relay permit #9930-04-2.

As a result of this examination, the Division has determined that this area meets the requirements for harvest and has changed the status of the area to "OPEN TO SHELLFISHING".

The below defined area may be opened to the harvest of shellfish for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws Chapter 130, Section 52.

CLASSIFICATION: CONDITIONALLY APPROVED

**Status: Open To Shellfishing**

**West Island North**  
**BB:18.1 & BB:18.20**

"The waters of that portion of West Island North, in the Town of Fairhaven, south of a line drawn from the northern tip of Long Island to the western tip of Bella Vista Island; south of the opening in the Bella Vista Causeway and north of the opening in the Goulart Memorial Causeway."



Town of Fairhaven  
Massachusetts  
Office of the Selectmen

40 CENTER STREET  
FAIRHAVEN, MA 02719

TEL: (508) 979-4023  
FAX: (508) 979-4079

July 25, 2005

Statement in Support of Defending the Massachusetts Law;  
An Act Relative to Oil Spill Prevention and Response in Buzzards Bay and Other  
Harbors and Bays of the Commonwealth  
Municipality Commitment to Amicus Curiae Brief

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On January 18, 2005 the United States brought suit against the Commonwealth of Massachusetts for enacting a law that protected Buzzards Bay from future oil spills and enhanced the ability of local communities and the state to protect their environment and respond to oil spills. A successful defense of this State law is vital to the safety of the Bay's environment, the preservation of recreational and fishing industries, and human health.

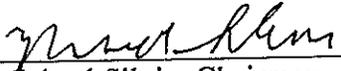
Despite its extraordinary environmental sensitivity, Buzzards Bay has become a major thoroughfare for oil-laden barges. Its location adjacent to the Cape Cod Canal allows transit through more protective waters as opposed to the exposed open-ocean route off Cape Cod. The Bay therefore hosts a significant volume of oil transported through its waters each year. For example, in 2002, there were 1,237 tanker barge trips through the Cape Cod Canal carrying approximately 2 billion gallons of petroleum products. The combination of the large volume of oil being transported in barges through its waters, the presence of myriad navigational hazards, and the relatively minimal regulation applicable to tug/barge units, guarantees that Buzzards Bay has been and will continue to be the site of several catastrophic oil spills and countless near-miss groundings unless the State regulations are upheld. More than 473,000 gallons of oil has been discharged into Buzzards Bay over the last 30 years.

The most recent grounding of the Bouchard-120 on April 27, 2003 - where 98,000 gallons of heavy fuel oil were released resulted in the contamination of 93 miles of shoreline, the closure of thousands of acres of shellfish beds, the death of hundreds of birds, and a \$40 million cleanup effort, was devastating to local economies.

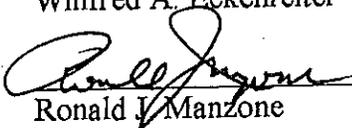
The undersigned agrees to the pro bono representation by Attorney Philip Beauregard, of the Law Offices of Beauregard, Burke & Franko, and designate Attorney Philip Beauregard as a "special municipal employee" under Massachusetts General Law chapter

268A, in representing the town as an amicus party to the United States District Court,  
District of Massachusetts in this particular matter.

Fairhaven Board of Selectmen

  
\_\_\_\_\_  
Michael Silvia, Chairman

Winfred A. Eckenreiter

  
\_\_\_\_\_  
Ronald J. Manzone

# Massachusetts Producer Take Back Campaign

c/o CLEAN WATER ACTION

262 Washington Street, Suite 300. Boston, MA 02108

(617) 338-8131 Fax: (617) 338-6449

kreeve@cleanwater.org

www.producertakeback.org

July 12, 2005

Dear Local Official,

Once again, thank you for your support of the Producer Take Back Campaign. So far, **161** Massachusetts cities and towns have adopted our Resolution supporting this bill. Currently **H-3238, An Act to Require Producer Responsibility for Collection and Recycling of Discarded Electronic Products**, has been assigned to the Natural Resources Committee. A hearing for the bill has been scheduled for **Monday, August 1, at the Massachusetts State House (Boston)**.

## To help the campaign pass H-3238:

(1) Please attend the **August 1** hearing at the State House (1 pm, Room A-1) and testify in favor of the bill. Please contact Kara Reeve (617-338-8131) immediately if you or a member of your Board/Council is planning to testify.

(2) Send letters to the Natural Resources Committee and request that the Committee give H-3238 a Favorable Report as soon as possible (please see sample letter on reverse). Please address one letter to Chairman Frank Smizik and another letter to Chairwoman Pamela Resor. Both letters can be sent to the same address: Committee on Natural Resources & Agriculture, State House - Room 473F, Boston, MA 02133. In your letter point out how much it costs your city or town to manage discarded computers & CRT's and what needed local service you could use those funds for instead.

(3) Even if you have already sent a letter to your state Representative and Senator, send them another letter now asking them to testify at the August 1 hearing, and also ask them to send a letter to the Natural Resources Committee, requesting that the Committee give the bill a Favorable Report. Your encouragement to your legislator to fight for this bill can and will make a huge difference in this campaign. Please send copies of any letters you send to the Producer Take Back Campaign at the above address.

Clean Water Action will be working hard to pass this crucial piece of legislation and, and your support has really propelled our efforts forward. Several local officials have already given their time to speak out about the bill, and it is the support from local governments at the hearing that can and will make a difference for the success of this legislation. For updated information about the bill status and the campaign, please visit [www.producertakeback.org](http://www.producertakeback.org) or contact Kara Reeve at the Clean Water Action office. Thank you again for your support.

Sincerely,

Rep. Mark Carron  
State Representative, 6<sup>th</sup> Worcester District  
(617) 722-2060  
[Rep.MarkCarron@hou.state.ma.us](mailto:Rep.MarkCarron@hou.state.ma.us)

John McNabb  
Clean Water Action  
(781) 383-6202  
[mcnabbj@mindspring.com](mailto:mcnabbj@mindspring.com)

Kara E. Reeve  
Clean Water Action  
(617) 338-8131  
[kreeve@cleanwater.org](mailto:kreeve@cleanwater.org)



## TOWN OF FAIRHAVEN RECREATION DEPARTMENT

227 Huttleston Avenue Fairhaven, MA 02719  
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www.fairhavenrecreation.com  
e-mail: fhvnrtares@comcast.net



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### REC CENTER NEWS with JEFF OSUCH

1. Summer Brochures are now available. Stop by the rec center for a copy or log onto the website at [www.fairhavenrecreation.com](http://www.fairhavenrecreation.com)
2. We are currently accepting registrations for the Kool Kids After-school program starting in September. Don't miss out and sign up today! This program includes transportation and extended care on early release days. This is one of the best after school deals in town!
3. Join our new Pee Wee Football team! We will be playing in the Greater New Bedford Youth Football League this fall. Detailed information is available at the center.
4. Sign up for your membership today and start receiving the endless benefits!