

Selectmen's Meeting – September 12, 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.

A moment of silence was observed for victims of the 2001 bombing of the World Trade Center and victims of Hurricane Katrina.

JEFFREY MESSIER

The Board presented Jeffrey Messier with a proclamation to thank him for his years of dedicated service to the Town of Fairhaven, especially the Finance Committee, North Fairhaven Improvement Association and other Town organizations.

MEETING MINUTES

Mr. Manzone motioned to approve the minutes of August 29, 2005. Mr. Eckenreiter seconded. Vote was unanimous.

Mr. Eckenreiter motioned to approve the minutes of the August 29, 2005 executive session. Mr. Manzone seconded. Vote was unanimous.

Mr. Eckenreiter will draft an amendment he wants made to the minutes of the August 15, 2005 executive session.

MISTRY ASSOCIATES

Forrest Lindwall, Executive Vice President of Mistry Associates, Inc., updated the Board on the dredging of the channels and basins located west of West Island in Nasketucket Bay. Dredged materials will be disposed of at the Town Beach and State owned property on West Island. If all permits are obtained, the first phase of the project will begin this winter.

LIQUOR LICENSE HEARING BAYSIDE LOUNGE

Liquor License Hearing was scheduled for 7:15 p.m. to act on the application submitted by Bayside Lounge, LLC, d/b/a Bayside Lounge, Joseph F. Dawicki, IV Manager, 125 Sconticut Neck Road for transfer of a General On Premise All Alcoholic License and Pledge of License. Mr. Silvia read the Legal Advertisement into the record. (See attached.) Joseph Dawicki IV and Attorney Robert Feingold were present. Discussion followed. Mr. Eckenreiter motioned to approve the application. Mr. Manzone seconded.

Selectmen's Meeting – September 12, 2005

Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

COMMUNITY PRESERVATION COMMITTEE

Members of the newly formed Community Preservation Committee were in attendance. Mr. Silvia briefly outlined the 2005 Special Town Meeting Article that established the Committee. Discussion followed. The Committee will contact other towns to inquire on the operations of their Community Preservation Committee.

COUNCIL ON AGING

Deborah Jenkins, Director of the Council on Aging, Council members, Renee Tavares, Recreation Director, and members of the Recreation Summer Vinyasa Yoga Class were in attendance to discuss use of the COA building for the Yoga class. A member of the COA requested this discussion be held in executive session. Mr. Silvia read the reasons for executive session. This issue does not qualify. The August 15th letter from the class was discussed. (See attached.) The letter stated the COA “did not approve the use of its facility for our Monday evening Yoga class run through Fairhaven Recreation. The past two 10 week sessions were successfully held in the Senior Center.” Discussion ensued. John Haaland, a member of the COA Board, stated the Council voted today to allow the Yoga class to use the building and the Directors of the COA and Recreation Center are to work out the details. The COA will prepared a draft outlining Rules and Regulations for use of the COA building for non-profit and profit organizations.

The Board wished David Ward a happy 90th birthday and congratulated him on the two gold medals he won as a participant in the Senior Olympics.

EXECUTIVE SECRETARY'S REPORT

Briefing session for the Town Hall Restoration Project is scheduled for 10:00 a.m. on September 13th.

Mattapoissett River Valley Water District Meeting is scheduled for September 13th at 4:30 p.m. at the Board of Public Works.

Police Union Arbitration is scheduled for September 19th at 10:00 a.m. in Boston. Mr. Eckenreiter motioned that Mr. Silvia be available by phone on September 19th to participate in any settlement discussions. Mr. Manzone seconded. Vote was unanimous.

Deadline for sub-bids for the East Fairhaven School is 2:00 p.m. on September 21st.

RFQ's for Town Hall Architect are due on September 22nd at 2:00 p.m.

Selectmen's Meeting – September 12, 2005

Finance Committee will meet at 7:00 p.m. on September 22nd at the Board of Public Works.

Mr. Manzone motioned to approve the Postmaster's request to use the Town Hall Auditorium on Tuesday, October 4th for his installation ceremony as Postmaster of Fairhaven. Mr. Eckenreiter seconded. Vote was unanimous. The installation will begin at 3:00 p.m.

"Notice of Intent to Sell" was received from Attorney Andrew B. Saunders, representing Mariner Youth Soccer Club, Inc. The Club has entered into a Purchase & Sale Agreement to sell Lots 22, 34A, 34C, 34F, 35, 35A, 36 on Assessors Plat 30 and Lots 97-101, 102-103 on Plat 30B. In accordance with the provisions of MGL Chapter 61, Section 8 the Town has first refusal option. A letter will be sent to Town Departments to ask if they have an interest in purchasing the site for Town purposes.

Mr. Manzone motioned to sign the Lease Agreements by and between the Town of Fairhaven and Robert Hobson and the Town of Fairhaven and Robert Sakwa. Mr. Eckenreiter seconded. Vote was unanimous. (Leases are for space at Hoppy's Landing to store commercial lobster/fishing gear only.)

Mr. Manzone motioned to sign the Harbor Dredging Agreement by and between the Town of Fairhaven and D.N. Kelley and Sons, Inc. and the Town and Linberg Marine, Inc. Mr. Eckenreiter seconded. Vote was unanimous.

The Board will review the list of articles for the October 18, 2005 Special Town Meeting.

Massachusetts Technology Collaborative (MTC) held a public informational meeting on August 31, 2005 at the Town Hall. MTC will prepare estimated cost/revenue projections. Brief discussion followed on turbine construction and ownership. Mr. Osuch will contact private developers regarding turbine construction.

ANIMAL SHELTER

Donations to the Gift Account totaling \$50.00 were accepted.

BUILDING DEPARTMENT

Construction Report for August 2005 will be placed on file.

BOARD OF APPEALS

Mr. Silvia read the letter from Dr. Michele Merolla requesting appointment to the Board of Appeals. (See attached.) Mr. Eckenreiter motioned to appoint Dr. Merolla an Associate

Selectmen's Meeting – September 12, 2005

member of the Board of Appeals. Mr. Manzone seconded. Vote was unanimous. Term to expire May 31, 2008.

FIRE DEPARTMENT

Mr. Silvia read the letter from the Fire Chief requesting the appointment of a Municipal Hearing Officer. (See attached.) The Board took the request under advisement and it will be placed on the September 26th agenda.

HARBORMASTER/SHELLFISH DEPARTMENT

Letter from Jeffrey Osuch to the Board of Selectmen regarding maintenance of the Harbormaster Vehicle and Shellfish Truck and Kevin Villa's letter regarding the Shellfish Truck were discussed. (See attached.) Mr. Silvia stated Mr. Golas is welcome to come before the Board to dispute the issues.

POLICE DEPARTMENT

Mr. Manzone motioned to support the Police Chief's request to transfer \$1,000.00 from the Reserve Fund to Police Department Dues/Professional Gatherings. Mr. Eckenreiter seconded. Vote was unanimous. Funds will pay for annual dues for the Massachusetts Law Enforcement Council. An article is on the October 18th Special Town Meeting Warrant for the same amount in the event the Finance Committee fails to approve the transfer.

Mr. Silvia read the letter from the Police Chief requesting the installation of Stop Signs on Bellevue Street/Alden Road. (See attached.) Mr. Manzone motioned to approve the request. Mr. Eckenreiter seconded. Vote was unanimous.

RECREATION DEPARTMENT

Mr. Eckenreiter motioned to approve Renee Tavares' request to carry over one unused vacation day. Mr. Manzone seconded. Vote was unanimous.

LOCAL PREPAREDNESS PROGRAM APPLICATION

Mr. Manzone motioned that Mr. Silvia sign the 2005 Local Preparedness Program Contract. Mr. Eckenreiter seconded. Vote was unanimous.

MATTAPOISETT RIVER VALLEY WATER DISTRICT COMMISSION

Mr. Osuch explained the letter from Town Counsel regarding the Mattapoissett River Valley Water District Commission and a potential conflict for Town employees serving on the Commission. (See attached.)

TOWN OF FAIRHAVEN

Notice is hereby given under Chapter 138 of the Massachusetts General Laws that Bayside Lounge, LLC, d/b/a Bayside Lounge, Joseph F. Dawicki, IV, Manager, 125 Sconticut Neck Road, Fairhaven, MA, has applied for the Transfer of a General On Premise/All Alcoholic License. The license will be Pledged to Slades Ferry Bank.

The premise consists of a main level containing bar, one storage room, a liquor room & cellar for storage. Three entrances to main level, one entrance to storage & cellar. There is one inside entrance to liquor room & bar area, and a 16'X28' addition to bar area, for liquor & storage area.

A hearing will be held at a Selectmen's Meeting, Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA, on Monday, September 12, 2005 at 7:15 PM.

BOARD OF SELECTMEN

MICHAEL SILVIA, CHAIRMAN

Bldg - OK
uses - OK
Health - OK
WC - pending

5A

August 15, 2005

Board of Selectmen
40 Center Street
Fairhaven, MA 02719

RECEIVED
2005 AUG 18 P 3:37
BOARD OF SELECTMEN
FAIRHAVEN MA

Dear Board,

We are writing to express our extreme dissatisfaction with a recent decision made by the Council on Aging at the August 8, 2005 board meeting. The Council did not approve the use of its facility for our Monday evening Yoga class run through Fairhaven Recreation. The past two 10 week sessions were successfully held in the Senior Center.

Recreation Director Renee Tavares informed us that the Council tabled the request to approve this Yoga session until their next meeting, which will not occur for another month. By the time this meeting occurs, we will have missed six weeks of the Yoga Summer Session. The timing of this inefficient decision does not make sense.

We are mature, respectful, tax paying citizens within this community. We have been using the Senior Center facility for an hour and a half once a week for 20 weeks! We are respectful of this facility and do not leave a mess nor do we use the restroom facilities in the Senior Center because they are available in the Recreation Center. The Senior Center facility is a perfect location for the yoga class due its large space and quietness. We have thoroughly enjoyed our class being held there for quite some time.

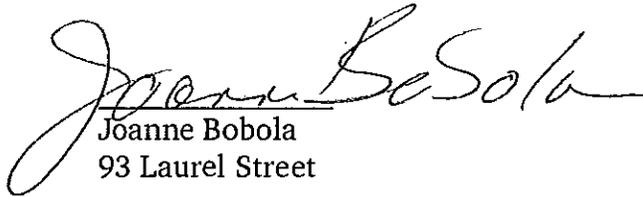
We are upset that it is suddenly being taken away, when there have been no problems for the last 20 weeks of use. The building sits idle when the Council closes at 3:30pm each day. The facility is a rare resource that Fairhaven is lucky to have. It is state of the art and could be utilized for so much more after the regular business hours. Our tax dollars support this senior center and feel there is no reason for it not to be used.

We request that you resolve this issue with the Council on Aging immediately and allow this program to continue in its desired location. We also request that you investigate why this facility is not being used more often. It appears that this great facility is being underutilized.

Sincerely,

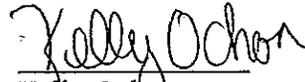
Fairhaven Recreation Summer Vinyasa Yoga Class
(please see enclosed)

cc: COA
Delorah Jenkins 8/31/05


Joanne Bobola
93 Laurel Street

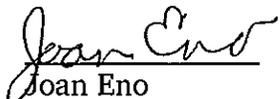
Wanda Medina
6 Timothy Street

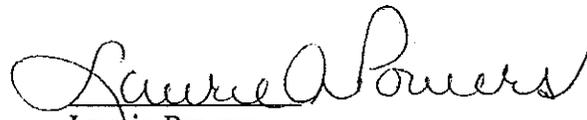
Linda Cavanaugh
PO Box 665
Marion, MA 02738

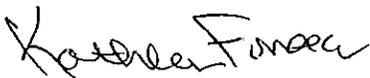

Kelly Ochoa
148 Green Street

Diana Daniels
13 Mangham Way

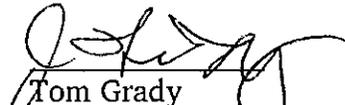

Elissa Paquette
7 Laurel Street


Joan Eno
3 Blackburn Street


Laurie Powers
241 Main Street

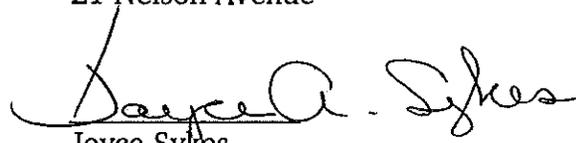

Kathleen Fonseca
509 Ocean Meadow

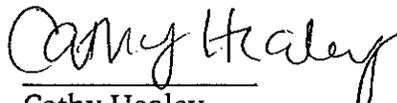

Carol Reeve
21 Nelson Avenue


Tom Grady
33 Bayview Avenue


Penn Reeve (a Fairhaver senior)
21 Nelson Avenue


Helen Green
26 Holiday Drive


Joyce Sykes
209 Main Street


Cathy Healey
57 Shaw Road


Lina Lebrun
9 Manuel Street

DR. MICHELE E. and EDNAMARIE MEROLLA
62 Rear Manhattan Avenue
Fairhaven, Massachusetts 02719

Telephone: (508)991-6652 Fax: (508)997-9512

April 7, 2005

Board of Selectmen
Town Hall
Fairhaven, Ma. 02719

Gentlemen:

I am interested in continuing to serve the town of Fairhaven. My business and Real Estate business experience would be useful on the **Board of Appeals** or any other place you might find my services useful.

Yours in good government,



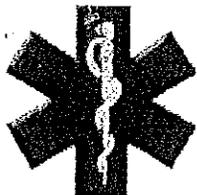
Michele E. Merolla, B.Sc., D.C., L.H.D.

cc: Board of appeals 4/12/05
3 yr appt - associate

BOARD OF SELECTMEN
FAIRHAVEN MASS

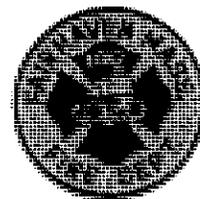
2005 APR - 8 P 12:14

RECEIVED



TOWN OF FAIRHAVEN

7.



MASSACHUSETTS

FIRE DEPARTMENT / EMERGENCY MEDICAL SERVICE

146 Washington Street, Fairhaven, MA 02719

Phone: 508 994-1428 Fax: 508 994-1515

Emergency # 911

TO: Board of Selectmen
FROM: Chief Timothy Francis
DATE: September 2, 2005
RE: Chapter 148A – Municipal Hearing Officer

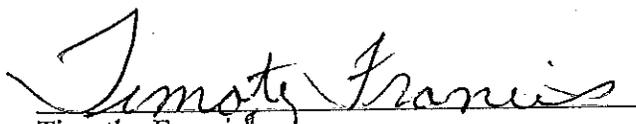
BOARD OF SELECTMEN
FAIRHAVEN MASS

2005 SEP -2 P 3:53

RECEIVED

I would like to request that the Board of Selectmen appoint a Municipal Hearing Officer pursuant to Chapter 148A Section 2. Appointing said Officer would allow this department to begin a new procedure of ticketing businesses and/or property owners for fire code violations during our quarterly, annually and individual inspections of commercial and residential properties.

If you have any questions, please contact me.


Timothy Francis
Chief of Department



8.

**Town of Fairhaven
Massachusetts
Office of the Selectmen**

40 CENTER STREET
FAIRHAVEN, MA 02719

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

September 2, 2005

Board of Selectmen
Town of Fairhaven
Fairhaven, MA 02719

RE: Maintenance of Harbor Master Vehicle and Shellfish Truck

Gentlemen:

It was brought to my attention on August 30, 2005 by Mr. Kevin Villa, that when he received the Shellfish truck he found numerous problems with the vehicle. He stated the front end/wheel made a grinding noise, the truck leaked oil, the side mirror was broken, the tail lights did not work and that there was no inspection sticker on the windshield. I advised Mr. Villa to bring the truck to the BPW and have the mechanics check out the vehicle in order to get a sticker as soon as possible.

On August 31, 2005 Mr. Villa informed me that the necessary parts were ordered and once repaired he would attempt to get a sticker. Mr. Villa stated that the mechanics records indicated that the oil and filters had not been changed since 2003 and the truck has been driven nearly 20,000 miles.

On September 1, 2005 I visited the BPW garage and spoke to the mechanics who indicated that it was more than one year since the oil had been changed in either the Shellfish truck or the Harbor Master car. I then asked for the history for the repairs and maintenance of both vehicles.

On Friday, September 2, 2005 at approximately 8:30 A.M., Mr. Gary Golas walked into the Selectmen's Office and I asked him about the broken mirror and the missing inspection sticker. Mr. Golas responded that he did not know and that the deputies were responsible for the truck. I then asked him about the last time the oil was changed in the Shellfish truck and his car. He stated he did not know and would have to check the records. He remembered that he had asked the BPW for an appointment three weeks ago for an oil change on his vehicle.

I informed him that the BPW mechanics had not done an oil or filter change on either vehicle in more than one year. I stated to Mr. Golas that he was responsible for the maintenance and the upkeep of the car and since May 2005, when Mr. Costa left, he was also responsible for the Shellfish truck. I also told Mr. Golas that it was irresponsible not to have an oil change in more than one year and that I would be reporting these findings to the Board of Selectmen.

The BPW and the Accounting records show the following;

1. Shellfish Truck – last oil change December 17, 2003 / 54,000 miles as of September 1, 2005 mileage was over 72,000 miles; the vehicle has traveled more than 18,000 miles since last oil change.
2. Harbor Master Car - last oil change March 4, 2004 / 110,552 miles as of August 28, 2005 (from gas fill up records) 123,080 miles was the odometer reading, the vehicle has traveled more than 12,500 miles since last oil change.
3. Last Inspection Sticker on Shellfish Truck was November 12, 2002.
4. Last Inspection Stickers on the Harbor Master Car – August 24, 2004
July 11, 2003
June 10, 2002

It appears from above information that both the Shellfish Truck and the Harbor Master Car have not been properly maintained. I believe the Board of Selectmen need to schedule a meeting with Mr. Golas and take appropriate action to make sure these Town vehicles are properly maintained.



Jeffrey W. Osuch

To: Board of Selectmen

September 1, 2005

From: Kevin J. Villa- (Shellfish Constable)

Gentlemen,

On August 30th, I took possession of the Shellfish Constable's truck. During the inspection of the vehicle, I noticed a broken passenger door mirror, on further inspection, a rear tail light was not working, but the biggest problem was that it has no State inspection sticker on windshield.

I notified Mr. Osuch of the problems. I was told to bring it to the DPW. On August 31,st I went to DPW and asked about getting parts for mirror and rear tail light. I was told, no problems getting the parts, they would have to be ordered. When replaced, I will be bringing this vehicle in for a State inspection sticker. When at the DPW, I checked maintenance records for the said vehicle. This Vehicle has not had an oil change since 2003, it's last oil change was at 54,000 miles, it now has over 72,000 miles. After I receive the new inspection sticker for the vehicle, I am making an appointment with the DPW for a full maintenance check and change including, oil and air filters, lube, fluids, etc. I brought this matter to the Board's attention, only for the purpose of protecting myself, in the event a major problem with this truck should develop.

Thank You,
Kevin J. Villa
Shellfish Constable

cc: Select.
Jeff Osuch

RECEIVED
2005 SEP -1 9 02
BOARD OF SELECTMEN
FAIRHAVEN, MASSACHUSETTS

ac



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

September 6, 2005

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

RE: STOP SIGN

Gentlemen:

I respectfully request the Board vote to install stop signs on Bellevue Street (westbound) at Alden Road and on Bellevue Street (eastbound) at Alden Road. This request is made as a result of citizen complaints and my review of the situation at that intersection which leads me to believe those concerns are valid.

There is nothing to indicate to a person traveling on Bellevue Street that Adams Street is a busy, main thoroughfare. When traveling Bellevue, Adams Street does not appear to be a wider, main street until the motorist is actually in the intersection causing a very dangerous situation given the prevailing speeds on Adams Street.

There have been two crashes over the past year at this intersection which I believe were causally related to this problem. I would also like to bring to your attention that many students from Hastings Middle School walk through this area to and from school.

Sincerely

Gary F. Souza
Chief of Police

RECEIVED
2005 SEP -8 P 2:24
BOARD OF SELECTMEN
FAIRHAVEN MASS

APPROVED BY THE BOARD OF SELECTMEN - SEPTEMBER 12, 2005

CC: POLICE CHIEF - 9/15/05
BPW
TOWN CLERK

PERRY, HICKS, CROTTY AND DESHAIES, LLP

RECEIVED ATTORNEYS AT LAW
388 COUNTY STREET

NEW BEDFORD, MASSACHUSETTS 02740-4992

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

BLAIR S. BAILEY
ELLYN H. HURD
AMY S. MELLO*

*ALSO ADMITTED IN R.I.

2005 SEP -6 P 12:15
TELEPHONE
(508) 996-8291

BOARD OF SELECTMEN
FAIRHAVEN MASS
TELECOPIER
(508) 997-2637

LEONARD E. PERRY
(1065-1999)

EDWARD D. HICKS
(1065-2002)

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

September 2, 2005

Board of Selectmen
Town of Fairhaven
Attn. Jeffrey W. Osuch
40 Center Street
Fairhaven, MA 02719

Board of Selectmen
Town of Marion
Attn. John F. Dolan, Jr.
2 Spring Street
Marion, MA 02738

Board of Selectmen
Town of Mattapoisett
Attn. Michael J. Botelho
16 Main Street
Mattapoisett, MA 02739

Board of Selectmen
Town of Rochester
Attn. James F. Huntoon
One Constitution Way
Rochester, MA 02770

Gentlemen:

I am writing to you in my capacity as counsel for the Mattapoisett River Valley Water District Commission.

As a result of a recent request for opinion under the conflict of interest law it appears that there is a potential that your town employees may be or become in violation of that law as a result of their volunteering to serve as a District commissioner.

The potential conflict is this:

The District is considered by the Ethics Commission to be an instrumentality of each member town. As such, District commission members are considered town employees. A paying job with a member town is considered a contract with the town. Thus a commission member who becomes a paid town employee would be a town employee (commission member) with a financial interest in a contract (his job) with the Town. This would be a violation of C. 268A §20, the Conflict of Interest Law, unless an exemption applies. (There is no violation going in the other direction, when a current Town employee becomes a member of the commission. That is because there is no financial interest in being on the commission.)

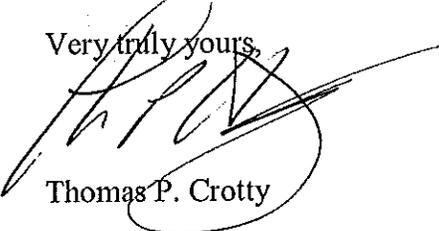
Boards of Selectmen
September 2, 2005
Page 2

The simplest exemption would be for commission membership to be designated "special municipal employment". Under exemption (d) of §20 a special municipal employee would not be in violation if he files with the town clerk a disclosure of his financial interest (his pay) in his town job.

Based on the above I suggest that you consider designating the position of commissioner representing your town on the Mattapoissett River Valley Water District Commission as "special municipal employee" pursuant to G.L. C.268A, the Conflict of Interest Law.

Please call me if you have any questions in this regard.

Very truly yours,



Thomas P. Crotty

cc: Don Torres, Chairman,
Mattapoissett River Valley Water District
Laurel Farinon, Clerk

15.

Robert J. Clarkson
12 Winnatuxett Beach Rd.
Mattapoisett, MA 02739
508-758-2718

Fairhaven Selectmen
Town of Fairhaven
Fairhaven, MA 02719

September 1, 2005

Dear Sirs:

On behalf of myself, and my wife, Pat, we would like to donate the full scale model of Joshua Slocum's, SPRAY, which has been on display at the Fairhaven Chowder House. It was built by Peter Duff in 1996 and was part of the centennial celebration of the famous voyage that began in Fairhaven in 1898.

We feel that this model should stay in town because it is part of Fairhaven's history.

We await your reply.

Sincerely,



Bob Clarkson

BOARD OF SELECTMEN
FAIRHAVEN MASS

2005 SEP - 1 P 12:03

RECEIVED