

SELECTMEN'S MEETING -- NOVEMBER 27, 2006

Mr. Silvia and Mr. Manzone were present. Also present was Mr. Osuch. Mr. Eckenreiter was absent.

Mr. Silvia called the meeting to order at 6:40 p.m.

Mr. Silvia stated his disappointment in the absence of Mr. Eckenreiter at this present meeting as well as his absence at several other important meetings and functions. Mr. Silvia assured the public that he and Mr. Manzone are honoring their commitment to the Town and asks that Mr. Eckenreiter fulfill his obligation to the voters until such time as his term expires.

Mr. Manzone motioned to approve the minutes of November 13, 2006. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of November 13, 2006 executive session. Mr. Silvia seconded. Vote was unanimous.

UNION WHARF

Gary Golas, Harbor Master, presented the Board of Selectmen with a draft of rules and regulations for Union Wharf. (See attached) Discussion.

Mr. Manzone motioned to approve the use of legal counsel to review the draft. Mr. Silvia seconded. Vote was unanimous.

Discussion of regriding mooring off Crow Island took place. Mr. Golas requested that a public hearing be scheduled. It was determined that before a public hearing take place a set of plans be submitted to the Selectmen's office for the public to review.

Discussion also took place regarding dingy rack and docks and what the cost of construction would be.

Mr. Manzone motioned to sign the contract and request reimbursement in the amount of \$453.28 for related work expenses to the Seaview Avenue Public Access Floats. (See attached) Mr. Silvia seconded. Vote was unanimous.

ANIMAL SHELTER GIFT ACCOUNT

Donations for the Animal Shelter Gift Account totaling \$500.00, most donated in the memory of Lynn Goytzolo were gratefully accepted.

CIVIL DEFENSE GIFT ACCOUNT

Donation for Civil Defense Gift Account totaling \$500.00 from the Fairhaven Road Race was gratefully accepted.

PLANNING & ECONOMIC DEVELOPMENT

Mr. Manzone motioned to grant GCG Associates, Inc., from Wilmington, MA the contract for engineering services in the amount of \$55,680; which was approximately

\$10,000 less than the other companies that submitted bids. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone moved and Mr. Silvia seconded that the contract with Breezeway Farm Consulting, Inc., to complete the FY05 Small Cities Grant for the Cushman Parking Planning Study is extended until June 30, 2007, contingent upon approval of a time extension request from DHCD. Vote was unanimous. See attached.

POLICE DEPARTMENT

Letter from Chief Souza requesting he and 6 officers be allowed to carry over vacation time was discussed. Mr. Manzone motioned to approve the one time request to carry over vacation time for the Chief as well as the 6 officers. Mr. Silvia seconded. Vote was unanimous. See attached.

Letter from Chief Souza acknowledging his gratitude to Jerald Bettencourt, Jr. of Jerry's Auto and Cycle Service for restoration of the police motorcycle was read into the record and the Board extended their gratitude for Mr. Bettencourt's services. See attached.

TAX COLLECTOR'S OFFICE

Cheryl Forand's notice of retirement was accepted.

The Board stated that the FY07 tax bills have been mailed and are due on December 21, 2006.

SHAW ROAD BASEBALL COMPLEX

Plans for lighting of Little League fields were discussed. Mr. Manzone motioned to support the project subject to the approval of the Board of Appeals and Zoning and Planning. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve the lease renewal pending the outcome of the lighting project. Mr. Silvia seconded. Vote was unanimous.

CONSERVATION COMMISSION

Mr. Jones presented the Board of Selectmen with a written request to purchase a new computer and GIS 9.1 software. Mr. Manzone motioned to approve the request to transfer \$4,000.00 from the Wetland Protection Fund to purchase a computer and GIS 9.1 software. Mr. Silvia seconded. Vote was unanimous.

COMMON VICTUALER LICENSES

Mr. Manzone motioned to approve renewal of 2007 Common Victualer Licenses of the following businesses; Pumpernickles Rest., Dunkin Donuts, 32 Howland Rd., Dunkin Donuts, 27 Alden Rd., Sivalai Thai Cuisine, Chris' Variety, Naughty Dawgs, Honey Dew Donuts. Mr. Silvia seconded. Vote was unanimous.

FIRE DEPARTMENT

Chief Francis presented the Board of Selectmen with notification of a donation in the amount of \$500.00 from Allen Days to be used to purchase smoke and carbon monoxide detectors to be given to low income families and the elderly at no cost.

OTHER BUSINESS

Flu Clinic to be held on 12/01/2006 at the Recreation Center from 10:00 am – 12:00 pm and 12/04/2006 from 6:00 pm – 9:00 pm.

The lighting of Benoit Square will take place 12/8/2006 at 6:00 pm and on 12/9/2006 Christmas Holiday events will be held at the Town Hall.

Selectmen's meeting schedule for December is 12/11/2006 and 12/27/2006 at 6:30 pm at Town Hall. January schedule is 1/8/2007 at 6:30 pm at the Town Hall.

At 7:40 pm, Mr. Manzone motioned to go into executive session to discuss issues concerning the Fire dept., Tax Collector's office, Town Planner and Fernandes law suit and not to reconvene open session. Mr. Silvia seconded. Vote was unanimous. Roll 2-0. Meeting adjourned.

Submitted by,



Bernice Alves
Principal Clerk



GARY S. GOLAS, CHM
Harbor Master

2 R

Town of Fairhaven

Massachusetts

Office of the Harbor Master

40 Centre Street, Fairhaven, MA 02719

draft

TO: Selectmen Office
FROM: Gary Golas, Harbormaster
DATE: 11/16/06
RE: Proposed Union Wharf Regulations

I am requesting the Board of Selectmen review of the following proposed regulations regarding vessel liability, specifically geared towards the larger fishing vessels which utilize Union Wharf. There has been a growing concern of older, unsafe, dilapidated vessels, without insurance coverage's, without operating funds, attempting to tie at Union Wharf after being forced off the New Bedford docks. I am looking to adopt the same requirements the New Bedford has successfully put into effect.

Rule 1. No owner, master, operator or any person in charge of any vessel shall permit any vessel to dock at Union Wharf without first obtaining a Docking Permit as provided. Only active commercial fishing vessels, which are seaworthy and which possess adequate insurance as outlined in Rule 2 shall be eligible to obtain a Docking Permit. At a minimum, each vessel or individual that applies for a Docking Permit must possess a valid state or federally issued commercial fishing license. Those vessels or individuals which possess such a state or federally issued commercial fishing license, but which at the time of application the license is under suspension or revocation by the issuing authority, shall not be eligible to receive a Docking Permit. For purposes of this rule, the Harbormaster shall be charged with the authority to determine if a vessel is an active commercial fishing vessel, if a vessel is seaworthy and if the vessel possesses the proscribed insurance. The Harbormaster shall take into consideration such information as the fishing history of the vessel for the previous two years, trip landing records for the vessel during this time, the number of days-at-sea that the vessel is authorized to use during each year and any such other information the Harbormaster may deem relevant to his determination.

Rule 2. Permitted vessels shall at all times maintain Protection and Indemnity insurance (P & I), and Water Pollution Liability Insurance. The P & I form used must be acceptable to the Harbormaster and Board of Selectmen in regards to policy form and limits of liability. Notwithstanding anything contained in this rule, the P & I policy must not contain any exclusion for wreck removal costs. All policies must have an A.M. Best

cc: Selectmen 11/16/06

rating of A- or better at such levels as the Board of Selectmen shall from time to time proscribe. For those vessels that are unable to obtain insurance from the conventional insurance market, those vessels may apply for a waiver to the requirement in this section and request the ability to provide adequate substitute security. Notwithstanding the foregoing sentence, no permit shall be issued until such time as the Board of Selectmen has, by majority vote, granted such a waiver and the Harbormaster is in possession of any security and/or security agreement between the waiver applicant and the Town of Fairhaven as authorized by the vote of the Board of Selectmen.

Rule 3. Permitted vessels shall at all times be maintained in a seaworthy condition, tight fit and staunch in all respects.

Rule 4. The captain or owner of any vessel berthed at Union Wharf shall be responsible for causing such vessels to be at all times tied and secured or anchored with proper care and equipment in such a manner as may be required to prevent breakaway and resulting damage. All vessels dock at Union Wharf shall be manned during all storm or hurricane warning.

Rule 5. Any changes in the vessel's ownership, captain, or mailing address shall be promptly reported to the Board of Selectmen's Office or Harbormaster. Failure to promptly report same shall be considered a violation of these regulations.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF FISH & GAME
FISHING AND BOATING ACCESS**

1440 SOLDIERS FIELD ROAD
BRIGHTON, MA 02135
TEL (617) 727-1843
FAX (617) 727-7214



LETTER OF TRANSMITTAL

DATE	11-15-06
ATTENTION	Gary Golas
RE:	Scoutcut Neck Reimb. for modif. to floats

TO Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change Order _____

COPIES	DATE	NO.	DESCRIPTION
2			Contract (\$453.20)

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 20 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS Gary
Please have the Selectman & Town Clerk execute both copies of the enclosed contract & return both to me.
I will make arrangements for signatures on my end & will process payment once I have the final approval
Any questions, please call

COPY TO _____

SIGNED: Doug Cameron



GARY S. GOLAS, CHM
Harbor Master

Town of Fairhaven
Massachusetts
Office of the Harbor Master
40 Centre Street, Fairhaven, MA 02719

June 23, 2006

Douglas H. Cameron
Conservation Engineer
Public Access Board
1440 Soldiers Field Road
Brighton, MA 02135

Dear Doug;

I am forwarding this request for the reimbursement of work related to the Seaview Avenue Public Access Floats. As we discussed, these items now allow us to lift the floats with safer and more ease when we retrieve or replace them. We seek reimbursement for the following expenditures:

Gear Locker Marine Services -	\$9.96
Bruce's Splicing -	\$356.16
CE Beckman -	\$30.01
CE Beckman -	<u>\$57.15</u>
TOTAL =	\$453.28

If this request is granted, please forward the \$453.28 check payable to, "Town of Fairhaven" and forward to my attention at the above address. You can reach me at my cell phone most times at 508-962-5781 or Town Hall Office at 508-984-4529 between 10 AM and Noon, most weekdays. Thank you for your consideration.

Sincerely,

Gary S. Golas, CHM
Harbormaster

The Commonwealth of Massachusetts

Department of Fish and Game

Office of Fishing and Boating Access

CONTRACT

Clause 1. This agreement, made this _____, 20____, between the Commonwealth of Massachusetts, by the Department of Fish and Game, Office of Fishing and Boating Access for the said Commonwealth and the Town of Fairhaven, herein called the Contractor.

Clause 2. Witnesseth that the parties to this agreement each in consideration of the agreements of the part of the other herein contained do hereby agree, the Commonwealth of Massachusetts, for itself and said Contractor for itself and its successors and assigns as follows:

The Contractor agrees to furnish all equipment, machinery, tools and labor, to furnish and deliver all materials required to be furnished and delivered in and about the improvement, and to do and perform all work in the Scouticut Neck Public Access Facility at Shore Road in strict conformity with the provisions herein contained repairs and modifications to the floating dock system consisting of the installation of lifting mechanism to make installation and removal of the float system easier and safer.

Clause 3. In consideration of the foregoing premises, the Commonwealth agrees to pay the Contractor and the Contractor agrees to receive as full reimbursement for everything furnished and done by the Contractor under this Contract, including all work required for the items herein mentioned, and also for all loss or damage arising out of the nature of the work aforesaid, or from the actions of the elements, or from any delay or from any unforeseen obstruction or difficulty encountered in the prosecution of the work, and for all risks of every description connected with the work, and for all expenses incurred by or in consequence of the suspension or discontinuance of work herein specified, and for well and faithfully completing the work, and the whole hereof, as herein provided, and reimbursement as in provided for the aforesaid specifications. Such reimbursement shall not exceed \$453.28.

In witness whereof, the said Contractor has caused these presents to be assigned in its name and behalf and its corporate seal to be hereto affixed by:

**SIGN
HERE**

Winfred Eckenreiter _____ Its Selectman
(Print Name)

Michael Silvia _____ Its Selectman
(Print Name)

Ronald Mawzone _____ Its Selectman
(Print Name)

_____ Its Selectman
(Print Name)

_____ Its Selectman
(Print Name)

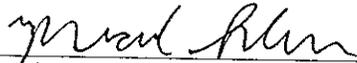
There to duly authorized, and the said Commonwealth has executed these presents by its Office of Fishing and Boating Access on the year and day above written.

David M. Peters, Commissioner Department of Fish and Game

John P. Sheppard, Director Office of Fishing and Boating Access (DF&G)

Town of Fairhaven
Contractor

By: _____ Selectman Corporate Seal
Signature



Signature Selectman



Signature Selectman

Signature Selectman

Signature Selectman

Certificate of the Town Clerk:

I hereby certify that the individual(s) who execute this agreement currently hold office in the Town of Fairhaven

Town Clerk

The Governor or his designee, the Secretary of Administration and Finance, and the State Auditor his designee shall have the right at reasonable times and upon reasonable notice to examine the books, records and other compilations of data of the vendor which pertain to the performance of the provisions and requirements of this contract or agreement.



6.

Town of Fairhaven
Department of Planning & Economic Development

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4082 • FAX (508)-979-4087

Memorandum

Date: November 21, 2006

To: Board of Selectmen
Jeff Osuch

From: William D. Roth, Jr., AICP 
Planning and Economic Development Director

RE: FY05 CDBG Planning Grant – Extension Request

The FY05 CDBG Planning Grant is set to expire at the end of the year. The Town has submitted a time extension request because two of the five planning tasks have yet to be completed.

As part of the extension request, the Town will also need to extend Breezeway Farm Consulting, Inc's contract to match the time extension request.

Attached is a recommended motion for such an extension request.

Town of Fairhaven

FY05 Small Cities Grant – Contract Extension

The following motion approves the extension of the contract associated with the time extension of the Planning Grant for Cushman Park.

Motion: TO EXTEND THE CONTRACT TIME PERIOD FOR THE GRANT CONSULTANT

Mr. Manzone moved and Mr. Silvia seconded that the contract with Brezeway Farm Consulting, Inc., to complete the FY05 Small Cities Grant for the Cushman Parking Planning Study is extended until June 30, 2007, contingent upon approval of a time extension request from DHCD.

Votes cast on this motion:

 2 YES

 0 NO

 0 ABSTENSIONS

Decision on this motion

 x APPROVED

 NOT APPROVED



GARY F. SOUZA
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FAIRHAVEN
DEPARTMENT OF POLICE
1 BRYANT LANE
FAIRHAVEN, MA 02719
www.fairhavenpolice.org

7A
TELEPHONES
Dial 911 Emergency
(508) 997-7421 Non-Emergency
(508) 997-1344 Business
(508) 997-3147 Fax

DONALD A. JOSEPH
LIEUTENANT

November 17, 2006

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

Gentlemen:

I respectfully you extend the time period the following officers are allowed to use 5 days vacation time to July 1, 2007. As it currently stands, they will be required to use all their vacation days by January 1, 2006. This is a one time request only.

1. Chief Gary Souza
2. Officer Frank Sniezek
Officer Marc Darmofal
Officer James Bettencourt
Officer Scott Joseph
Officer Kevin Kobza
Officer Laurie Peloquin

The reasons for these requests are as follows:

1. I currently have 13 days vacation on the books. The union contract states all vacation must be used by January 1st. I have always abided by that contract provision. This has been a very busy year in all aspects of the police department including two homicides. My responsibilities, including drafting our F/Y 08 budget request, make it impossible for me to take 13 days off between now and the end of the calendar year. I will attempt to use most of the days and return some to the town but do request that I be allowed to carry over 5 of those days for the first 6 months of the year.

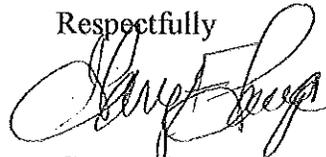
2006 NOV 17 P 3:14
BOARD OF SELECTMAN
FAIRHAVEN MASS

RECEIVED

2. The above listed 6 officers reach their 5 year anniversary date on 12/17/06 and will be credited with an additional week (5 days) vacation. Their contract requires them to "use or lose" vacation days by January 1st. I absolutely cannot allow all those officers to take a weeks vacation during the Christmas season. This request is as much if not more about my ability to maintain adequate police protection during the holiday season then it is about fairness to the officers.

I respectfully request the Board approve this request.

Respectfully

A handwritten signature in black ink, appearing to read "Gary F. Souza". The signature is written in a cursive, flowing style with some loops and flourishes.

Gary F. Souza
Chief of Police

7B



GARY F. SOUZA
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FAIRHAVEN

DEPARTMENT OF POLICE
1 BRYANT LANE
FAIRHAVEN, MA 02719
www.fairhavenpolice.org

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

DONALD A. JOSEPH
LIEUTENANT

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

November 14, 2006

BOARD OF SELECTMAN
FAIRHAVEN MASS

NOV 15 A 11:41

RECEIVED

To the Editors;

I want to publicly thank Jerald Bettencourt Jr. of Jerry's Auto and Cycle Service in Fairhaven for the hundreds of hours of skilled labor he donated to the Town of Fairhaven to refurbish the Police Department's 1978 Harley Davidson, Electra-Glide police motorcycle.

The Fairhaven police department obtained this motorcycle in 1978 through a grant from the Massachusetts Governor's Highway Safety Bureau.

In 1999, this motorcycle, nicknamed "Miss Piggy" was featured in an article and photo spread in a national magazine as the oldest continually, working police motorcycle"

Miss Piggy was used for traffic enforcement and special events until approximately three years ago. Lack of manpower to operate her, maintenance and the passage of time had taken its toll on Miss Piggy.

The next two and a half years in storage saw even greater deterioration of this once proud motorcycle. The engine, transmission and other mechanical and hydraulic systems badly needed overhaul and/or replacement. It needed extensive body work and would require re-painting.

Jerry Bettencourt and our Detective Glenn Souza recognized that this was a valuable antique motorcycle and enthusiastically proposed bringing it back to its original condition at a minimum cost to the town.

Jerry generously volunteered to donate his time and the resources of his business to bring Miss Piggy back to life. The police department would only be responsible for the cost of parts and, even then, he was able to get us tremendous discounts.

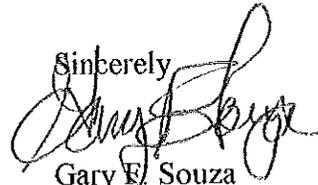
Jerry is a skilled motorcycle mechanic of many years experience. He is meticulous in his work and is best described as a perfectionist.

He brought all these qualities to the table when he began working on Miss Piggy. He stripped her down to the bare frame and began rebuilding. Every part was inspected and, if need be, was fixed or replaced. He spent hundreds of hours rebuilding Miss Piggy.

Our "new" motorcycle debuted in last weekends Veteran's Day parade. She looks and operates better than new and like the classic police motorcycle she is.

I cannot express how grateful I am to Jerry for the many, many hours he donated. He is truly the kind of public spirited businessman and resident that makes Fairhaven the wonderful place it is to live and work.

Thank you from all of us at the Police Department and most of all from your friend, Miss Piggy.

Sincerely

Gary E. Souza
Chief of Police