

SELECTMEN'S MEETING – AUGUST 13, 2007

Present were Mr. Manzone, Mr. Silvia and Dr. Bowcock.

Also present was Jeffrey Osuch.

At 6:30 pm Mr. Manzone called the meeting to order.

Dr. Bowcock motioned to approve the minutes of July 30, 2007. Mr. Silvia seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of executive session, 7:30 pm, July 30, 2007. Mr. Silvia seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of executive session, 8:00 pm, July 30, 2007. Mr. Silvia seconded. Vote was unanimous.

EXECUTIVE SECRETARY'S REPORT

Mr. Osuch presented to the Board the weekly meetings schedules.

Mr. Osuch presented Town Hall Repairs Change Order in the amount of \$23,558.95 for approval. Mr. Silvia motioned to approve and sign the Change Order. Dr. Bowcock seconded. Vote was unanimous.

Change Order#10, East Fhvn. School Project in the amount of \$35,635.00 for kitchen upgrades, rewiring, HVAC, trim painting, and required signage. Mr. Silvia motioned to approve and sign CO#10, East Fhvn. School Project. Dr. Bowcock seconded. Vote was unanimous.

Monthly Requisition#21, East Fhvn. School in the amount of \$99,960.40 was presented to be approved. Mr. Silvia motioned to approve Req. #21. Dr. Bowcock seconded. Vote was unanimous. (Corrected amount due as of 8/15/07 is \$94,515.40.)

Mr. Osuch presented the contract with Dwyer Brown for Union Wharf in the amount of \$17,800.00 to be signed. Dr. Bowcock motioned to sign. Mr. Silvia seconded. Vote was unanimous.

Presented to the Board to sign was the document of acceptance for an Easement in Shannon Meadows as approved and voted at Town Meeting, 5/5/2007. Br. Bowcock motioned to sign. Mr. Silvia seconded. Vote was unanimous. (See attached)

Acceptance and Order of Taking of Fox Run Lane as voted by Town Meeting, 5/5/2007, for signatures. Mr. Silvia motioned to sign. Dr. Bowcock seconded. Vote was unanimous.

Acceptance and Order of Taking of Potter Street as voted by Town Meeting, 5/5/2007, for signatures. Mr. Silvia motioned to sign. Dr. Bowcock seconded. Vote was unanimous.

Order of Taking of Drainage Access Easement for Fox Run Lane as voted by Town Meeting, 5/5/2007 for signing. Mr. Silvia motioned to sign. Dr. Bowcock seconded. Vote was unanimous.

Order of Taking of Storm Water Drainage Facility for Fox Run Lane as voted by Town Meeting, 5/5/2007. Dr. Bowcock motioned to sign. Mr. Silvia seconded. Vote was unanimous.

Mr. Osuch presented the Board with the Audit Report for Fiscal Year 2006 and stated that it will on file at the Selectmen's Office if anyone wished to examine it.

Mr. Osuch explained that the Selectmen would have to go into executive session to discuss Police and Dispatchers negotiations.

#### ANIMAL SHELTER GIFT ACCOUNT

Donations totaling \$565.00 was gratefully accepted.

#### BUILDING DEPARTMENT

Construction Report for July will remain on file at the Selectmen's Office.

#### HEALTH AND DENTAL INSURANCE

The Selectmen reviewed the recommended 10% increase for health and dental insurance that will take effect on October 1, 2007. (See attached)

#### NATURAL RESOURCE DEPARTMENT

Senior Cove and Round Cove open to shellfishing.

#### APPOINTMENTS/RE-APPOINTMENTS

Mr. Silvia motioned to re-appoint Gary Souza, Constable for a 1 year term. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to re-appoint Carol Brandolini, Tax Collector for a 1 year term. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to appoint Constance Aiello to the Cultural Council. Dr. Bowcock seconded. Vote was unanimous.

## NEW BEDFORD HARBOR SUPER FUND SITE

New Bedford Harbor Super Fund Site 4<sup>th</sup> season of cleanup-project update on Thurs. 8/16/2007 at 7:00 pm at the New Bedford Public Library, Pleasant St., New Bedford, MA

### TOWN PLANNER

William Roth, Planning Director, explained to the Board the Atlas Tack zoning and permitted uses. (See attached) He also gave an update on various grant projects.

### SHELLFISH ADVISORY COMMITTEE

Frank Coelho presented the Selectmen with a mission statement for the formation of a Shellfish Advisory Committee. (See attached) The Board was concerned that the mission statement submitted did not detail the exact purpose of the committee; Dr. Bowcock present Mr. Coelho with a draft that he prepared. The Selectmen suggested that Mr. Coelho review the document with other interested parties and meet with the Selectmen in the future.

### OTHER BUSINESS

Dr. Bowcock read a letter submitted to the Board regarding a diesel fuel and oil leak. (See attached)

Mr. Silvia spoke about the Environmental Insurance Policies in place on Union wharf.

Dr. Bowcock offered the condolences to the family of John Mahaney on behalf of the Board of Selectmen.

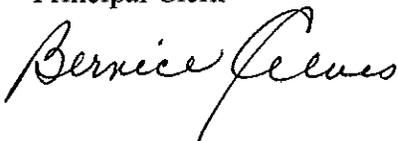
Mr. Manzone announced that he would fulfill his obligation as Selectmen to the end of his term but has decided not to seek re-election.

### CLERICAL UNION GRIEVANCE

Mr. Medeiros, Union Representative, requested an executive session. Bernice Alves deferred the recording of the minutes to Mr. Osuch due to the fact that she is a Clerical Union member.

At 7:30 pm Mr. Silvia motioned to go into executive session to discuss the Clerical Union's Grievance and Police and Dispatcher's negotiations and not resume in open session. Dr. Bowcock seconded. Vote was unanimous. Roll 3-0.  
Meeting adjourned at 7:30 pm.

Submitted by  
Bernice Alves  
Principal Clerk



EASEMENT

**RALPH K. MULFORD, Trustee of the Shannon Meadows Realty Trust** u/d/t dated April 29, 2003 recorded in the Bristol County Registry of Deeds in Book 6183 Page 114 and **LONG BUILT HOMES, INC. f/k/a LONG REALTY, INC.**, a Massachusetts business corporation with a principal place of business at 150 Charles McCombs Boulevard, New Bedford, Massachusetts 02745, for no consideration paid but in consideration of the acceptance of the land hereinafter described as a public way in accordance with M.G.L. c.82 §21 et seq., grants to the **TOWN OF FAIRHAVEN**, a municipal corporation, 40 Center Street, Fairhaven, Massachusetts, the perpetual right and easement to use said land as hereinafter described as public ways for all purposes that public ways are utilized in the Town of Fairhaven.

The land in Fairhaven, Bristol County, Massachusetts, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO  
AND MADE A PART HEREOF

I, Ralph K. Mulford, Trustee aforesaid, hereby certify that I am the sole Trustee of the Grantor Trust; that said Trust has not been altered, amended, revoked or terminated; that no Beneficiary is a minor, a corporation selling all or substantially all of its Massachusetts assets, a personal representative of an estate subject to estate tax liens, or is now deceased or under any legal disability; and that I have been directed by the Beneficiaries of said Trust to take this action.

Witness our hands and seals this \_\_\_\_ day of August, 2007.

Shannon Meadows Realty Trust

By:

\_\_\_\_\_  
Ralph K. Mulford, Trustee

Long Built Homes, Inc.

By:

\_\_\_\_\_  
Robert F. Long, President & Treasurer

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this \_\_\_\_\_ day of August, 2007, before me, the undersigned notary public, personally appeared the above-named RALPH K. MULFORD, Trustee aforesaid, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding page, and acknowledged to me that he signed it voluntarily for its stated purpose and was his free act and deed and the voluntary act of Shannon Meadows Realty Trust.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

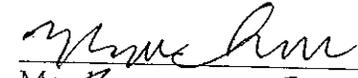
On this \_\_\_\_\_ day of August, 2007, before me, the undersigned notary public, personally appeared the above-named ROBERT F. LONG, President & Treasurer aforesaid, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding page, and acknowledged to me that he signed it voluntarily for its stated purpose and was his free act and deed and the voluntary act of Long Built Homes, Inc.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

ACCEPTANCE

WE, being a majority of the Board of Selectmen of the Town of Fairhaven, acting pursuant to the adoption of Articles 38, 39 and 40 at the Annual Town Meeting of May 5, 2007, do hereby accept the above described layouts of Oliver Street, Courtlyn Way and Rivard Street as public eas in the Town of Fairhaven pursuant to M.G.L. c.82 §21 et seq.

  
Chairman

  
Member

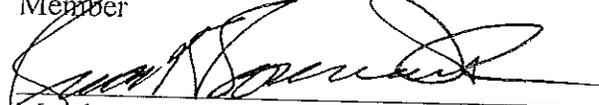
  
Member

EXHIBIT "A"

PARCEL I

Oliver Street and Courtlyn Way as laid out on a plan entitled "Roadway Acceptance Plan, Oliver Street and Courtlyn Way in Shannon Meadows, Fairhaven, Massachusetts", prepared for Long Realty, Inc. now known as Long Built Homes, Inc., Scale: 1" = 40', Date: January 19, 2007, by Boucher & Heureux, Inc. and filed in the Bristol County S.D. Registry of Deeds in Plan Book 161 Page 83.

PARCEL II

Rivard Street as laid out on a plan entitled "Roadway Acceptance Plan, Rivard Street in Shannon Meadows, Fairhaven, Massachusetts", prepared for Long Realty, Inc. now known as Long Built Homes, Inc., Scale: 1" = 40', Date: January 19, 2007, by Boucher & Heureux, Inc. and filed in the Bristol County S.D. Registry of Deeds in Plan Book 161 Page 83.

THERE WILL BE A 10% INCREASE FOR HEALTH AND DENTAL INSURANCE AS OF OCTOBER 1, 2007 AS FOLLOWS;

	NEW		OLD	
	INDIVIDUAL	FAMILY	INDIVIDUAL	FAMILY
BLUE CARE ELECT	58.50	139.30	53.16	126.64
HMO BLUE	46.25	113.90	42.00	103.56
DENTAL	3.63	8.83	3.30	8.00

THERE WILL BE A 10% INCREASE FOR HEALTH AND A 10% INCREASE FOR DENTAL INSURANCE AS OF OCTOBER 1, 2007 AS FOLLOWS;

	NEW		OLD	
	INDIVIDUAL	FAMILY	INDIVIDUAL	FAMILY
BLUE CARE ELECT	253.60	603.60	230.40	548.80
HMO BLUE	200.40	493.60	182.00	448.80
MEDEX	NO INCREASE		150.40	
CARVE OUT A	223.60		203.20	
CARVE OUT A&B	159.60		145.20	
DENTAL	15.75	38.25	14.33	34.65

THERE WILL BE A 10% INCREASE FOR HEALTH AND A 10% INCREASE FOR DENTAL INSURANCE AS OF OCTOBER 1, 2007 AS FOLLOWS;

	NEW		OLD	
	INDIVIDUAL	FAMILY	INDIVIDUAL	FAMILY
BLUE CARE ELECT	634.00	1509.00	576.00	1372.00
HMO BLUE	501.00	1234.00	455.00	1122.00
DENTAL	31.50	76.50	28.66	69.30



# 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: July 13, 2007

To: Board of Selectmen  
Jeff Osuch  
Wayne Fostin

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

RE: Atlas Tack Permitted Uses

Per the request of Michael Silvia, I have reviewed the zoning, in consultation with Wayne Fostin, Zoning Administrator, of the Atlas Tack parcel to determine what the permitted uses for the site would be.

The site is zoned Wetland Resource Protection (WRP) and has been since May 1, 1999, by Article 8. The WRP has limited uses; however, there is a note #16 which states:

*Subject to the provisions of § 198-29C the Planning Board as special permit granting authority may, by special permit, allow a use or combination of uses on a lot in the Wetland Resource Protection District provided that such use or combination of uses is either permitted or authorized by special permit in either the district in which the lot was last zoned or in the Mixed Use District. [Added 5-1-1999 ATM by Art. 8]*

This has been interpreted that any use allowed in the Mix Use District (MU) will be allowed with a Special Permit. Therefore, making the WPR a form of a mixed use district.

The following are the uses allowed as of right and use permitted by a Special Permit:

- Y = A Permitted Use
- A = Requires a Special Permit

**Activity or Use**

**AGRICULTURAL USES**

Farm without Livestock Y

**GREEN HOUSE**

Site Over 5 Acres Y

Wholesale only

Site Over 5 Acres Y

Livestock Raising\*\*\*

Site Over 5 Acres Y<sup>a</sup>

COMMERCIAL USES

Business, Professional Office	A
Funeral Home	A
Printing Shop	A
Bank	A
Restaurant	A
Retail sales or service, <sup>x</sup>	A
Wholesaling without storage	A
Laundrettes	A
Museum	A
Conference meeting/facility	A

INSTITUTIONAL USES

Municipal use	Y
Religious use	Y
Nursery school/pre-school	Y
Other commercial schools	Y
Non-Profit Corporation Educational Uses	Y
Religious Organization Educational Uses	Y
Other schools	Y
Nursing, convalescent, rest home	A
Philanthropic institutions	A
Club or lodge <sup>4</sup>	Y
Passenger station	A
Assisted Living Residence	A
Artist Studio or Gallery	A
Charter School for the Arts	A
Museum	A

RECREATIONAL USE

Boatyard	A
Indoor commercial recreation	A
Non profit indoor recreation <sup>13</sup>	A
Outdoor commercial recreation <sup>5</sup>	A
Non profit outdoor recreation <sup>13</sup>	A
Sportsman's club game preserve	Y
Public stables	Y
Bath houses, commercial beaches	Y
Commercial picnic area, outing areas	A
Marina	A
Private Dock or Piers <sup>11</sup>	A

RESIDENTIAL USES

Dwelling	
Single family	Y
Two-family	Y
Multifamily <sup>9</sup>	A
Non-family accommodations	A
Motel or hotel	A
Dwelling conversion (subject to the provisions of § 198-32.1)	A
Accessory apartment/inlaw apartment	A
Accessory apartment to a business	Y
Bed & breakfast home	A

OTHER PRINCIPAL USES

Temporary structures	A
Parking Not More Than:	

2 non commercial vehicles per dwelling unit <sup>6</sup>	Y
1 commercial vehicles not over 1 1/2 tons	Y
Taking of boarders	Y
Signs <sup>7</sup>	Y
Light manufacturing for retail sales primarily on premises	A
Other customary uses	Y
Facade and Roof-Mount Antennas	Y
Commercial Wind Facility	A
Municipal Wind Facility	Y

## FAIRHAVEN SHELLFISH ADVISORY BOARD

The mission of the Fairhaven Shellfish Advisory Board shall be to advise the Board of Selectmen regarding shellfishing as it pertains to the waters of the Town of Fairhaven. This Advisory Board will meet in public setting, and discuss during legally posted public meetings issues that pertain to shellfishing in the waters of the Town of Fairhaven.

The advisory board will be comprised of individuals who have submitted their name to the Board of Selectmen for appointment to the Fairhaven Shellfish Advisory Board. The appointed individuals will serve for a one-year term and may be reappointed for additional one-year term(s) at the discretion of the Board of Selectmen. The Board of Selectmen reserves the right to remove any member of the Advisory Board by a majority vote during a publicly held Board of Selectmen meeting. The Board of Selectmen will have one ex officio member and said member serves as chairman when present at a meeting. Otherwise, the Advisory Board will select a Chairman, Vice Chairman and Recording Secretary. Minutes of all the public meetings will be recorded by the Secretary and the minutes after formal approval will be submitted to the Board of Selectmen and the Town Clerk.

The advisory board will be able to discuss and advise the Board of Selectmen on issues regarding shellfishing in Fairhaven to include but not limited to:

1. Propagation of shellfish
2. Contaminated shellfish relay program
3. Commercial, recreational and senior shellfishing programs
4. Upwhellar Program
5. Grant writing
6. Rules and regulations pertaining to shellfishing in the waters of Fairhaven.
7. Short-term and long-term goals for sustainable shellfishing in the waters of Fairhaven