

Selectmen's Meeting – July 14, 2008

Mr. Silvia, Dr. Bowcock and Mr. Murphy were present.

Also in attendance was Jeffrey Osuch.

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

Dr. Bowcock motioned to approve the minutes of June 30, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the June 30, 2008 executive session. Mr. Murphy seconded. Vote was unanimous.

#### NSTAR ELECTRIC HEARING

NSTAR Hearing was scheduled for 7:00 p.m. for one proposed pole location on Timothy Street. Abutters were notified by certified mail of the date and time of the hearing. Diane and Richard Clark were present. Ms. Clark submitted photos of the proposed location and suggested the pole be placed on property lines, between lots 5 and 8, not where NSTAR proposes. (See attached NSTAR map.) Mr. Osuch will contact NSTAR and have NSTAR contact Ms. Clark. Dr. Bowcock motioned to table the petition. Mr. Murphy seconded. Vote was unanimous.

#### VFW POST 2892 HEARING

Liquor License Hearing was scheduled for 7:10 p.m. to determine whether VFW Post 2892, a holder of a license issued under G. L. c 138 § 12, to conduct business at the premises located at 109 Middle Street, Fairhaven has violated the provisions of said Chapter 138, and any rules and regulations promulgated under the authority of that chapter; and if such violation or violations is or are found to have occurred, whether such license should be modified, suspended, or revoked. The hearing shall deal with the following alleged violations of applicable law, rules and/or regulations: 2:04 CMR 2.05(2) Permitting any disorder, disturbance, or illegality of any kind in or on the licensed premises: 6/23/08 10:30 p.m. (08-690-OF) Fight and disturbance in parking lot of the licensed premises during a Birthday Party Remembrance. Also, failure to submit Permit for Third Party Use of Licensed Premises. This incident occurred during the six (6) month probationary period (June 2, 2008 – December 1, 2008) that the VFW Post 2892 was placed under on June 2, 2008. As was stated by the Board's June 4, 2008 letter, the Licensing Board reserves the right to consider the incidents that occurred from June 18, 2006 thru April of 2008. Mr. Silvia summarized the July 3, 2008 notice of hearing. (See attached.) Police Chief, Detective Jerald Bettencourt, Officer Matthew Botelho, Sergeant Michael Bouvier, Detective Glenn Souza, VFW Commander Donald Arsenault, VFW Manager Steven Murray, members of the VFW and the Mother of the boy who held the "Remembrance" for her son. The Police Chief stated that on June 24, 2008, Donald Arsenault met with him to discuss the disturbance at the VFW on the previous evening. A

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Birthday Remembrance was held for a young boy killed in Boston. It was later learned the boy was killed as a result of gang violence. The Chief asked why the VFW had not submitted the required Permit for Third Party Use of Licensed Premises. Mr. Arsenault stated the Manager, Steven Murray, was approached on Saturday and the Selectmen's Office is closed on weekends. He had to be at work early on Monday and didn't have time to file the form before the event on Monday evening. Mr. Arsenault told the Police Chief that many of the individuals at the event were wearing gang colors. (See incident report from the Chief.) Detective Bettencourt, Patrolman Botelho, Sergeant Bouvier and Detective Glenn Souza all testified to the events that transpired that evening. (See attached incident reports from each officer.) Sergeant Bouvier reported there was a high volume of calls on the evening of June 23, 2008 and only three officers were on duty. The Police Department had no way to prevent most of the situations that transpired that evening. However, the incident at the VFW could have been prevented. Residents and Police Officers were put at risk. The VFW could have called the Police Department. Security is an issue. Discussion followed. The Board agreed criteria was not followed. The VFW was on probation. The Board of Selectmen established rules for the use of the premise by a third party. The VFW did not file the form and the Board of Selectmen and the Police Chief were not aware of the event. This incident took place 21 days after being placed on six month probation and the VFW was negligent. There was no reason for this incident to have occurred if the rules and regulations were followed. Mr. Murphy motioned for a one week suspension of the license based upon the June 23, 2008 incident and other incident going back to June of 2006. Dr. Bowcock seconded. Vote was unanimous. Dr. Bowcock motioned that the suspension begin tonight and end the following Sunday. Mr. Murphy seconded. Vote was unanimous. Discussion followed regarding events already booked for this week. Mr. Murphy motioned to amend the motion and the suspension shall begin on July 21, 2008 thru July 27, 2008. Dr. Bowcock seconded. Vote was unanimous.

#### BOAT RAMPS & WATERFRONT ADVISORY COMMITTEE

Tim Cox, Chairman of the Boat Ramps & Waterfront Recreational Property Committee, was in attendance to recommend a ceremony be planned for Hoppy's Landing at the completion of the construction project. The Board agreed and suggested inviting the Governor, Lieutenant Governor, Representative Straus, Senator Montigny, Rick Armstrong, former Director of the Seaport Advisory Council and other dignitaries who helped obtain funding for the project. The Committee will come back to the Board at a later date with more details. Estimated date for project completion is August 29, 2008.

#### EXECUTIVE SECRETARY'S REPORT

Bids for the Town Hall Restoration Project will be opened at 2:00 p.m. on July 15, 2008.

Mattapoissett River Valley Water Plant Job Meeting is scheduled for July 16, 2008 at 9:00 a.m.

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Buzzards Bay Advisory Committee will meet at 12:00 noon on July 17, 2008 in Wareham.

Mattapoisett River Valley Water District Sub-Committee Meeting is scheduled for 9:00 a.m. on July 22, 2008 at the Board of Public Works.

Clerical Union negotiations are scheduled for 3:00 p.m. on July 22, 2008.

Elementary School Building Committee will meet at 6:30 p.m. on July 23, 2008 at the School Administration Building.

Meeting with the Buzzards Bay Coalition and Camp Dresser & McGee will be held on July 24, 2008 at 8:00 a.m.

Retirement Board will meet on July 25, 2008 at 8:30 a.m.

Dr. Bowcock motioned to authorize payment to Contractors Network, Inc., 190 Taunton Avenue, Seekonk, MA 02771 in the amount of \$5,700. Mr. Murphy seconded. Vote was unanimous. (Union Wharf Building Emergency Repairs)

The Town Planner submitted an update on the Hoppy's Landing Construction Project, Middle Street Road Reconstruction Project, LAND Grant for the Nasketucket Woods Project and the Harbor Dredging Project. (See attached.)

Town Planner William Roth was elected Vice-President of the Massachusetts Association Planning Directors (MAPD). At SRPEDD's Joint Transportation Planning Group (JTPG) meeting, he was re-elected as one of the three Vice-Presidents. (See attached.)

Dr. Bowcock motioned to hire VAS Electric, 132 Bridge Street, Fairhaven, MA 02719 to install the electric for the Hoppy's Landing Project at a cost of \$3,200. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to charge \$3,077.30 to the Animal Shelter Gift Account to pay off the existing bills and to charge the last remaining bills for FY 08 still to come, to this account. Mr. Murphy seconded. Vote was unanimous.

#### BUILDING DEPARTMENT

Construction Report for June 2008 will be placed on file.

The Building Commissioner submitted a request for legal services for Enforcement of Zoning By-Law 198-22 sub-section B 1-3 and Building Code violations on 17 Nancy Street and 8 Mina Street. Dr. Bowcock motioned to authorize legal services for defense

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of Town issues only, not to be used for the enforcement of Zoning By-Laws. Mr. Murphy seconded. Vote was unanimous.

#### CONSERVATION COMMISSION

Chairman of the Conservation Commission requests Associate member Steven Pereira be appointed a full member. Dr. Bowcock motioned to appoint Mr. Pereira a full member. Mr. Murphy seconded. Vote was unanimous. (Term to expire May 31, 2011.)

#### ANIMAL CONTROL

A report was received from the Animal Control Officer and an Incident Report from the Police Chief regarding an incident that occurred on June 29, 2008 at 17 Turner Avenue involving a Bull Mastiff and a Poodle. Dr. Bowcock motioned to schedule a Dog Hearing for 7:00 p.m. on August 11, 2008. Mr. Murphy seconded. Vote was unanimous.

#### AGREEMENT BETWEEN THE TOWN OF FAIRHAVEN EMS & ST. LUKE'S EMERGENCY ASSOCIATES

Dr. Bowcock motioned to sign the "Agreement between the Town of Fairhaven EMS and St. Luke's Emergency Associates, P.C." Mr. Murphy seconded. Vote was unanimous. (July 1, 2008 thru June 30, 2009)

#### OTHER MATTERS

There is a vacancy on the Board of Appeals for an Associate member. Anyone interested in the appointment, should submit a letter to the Selectmen's Office no later than August 11, 2008.

Dr. Bowcock motioned to appoint Herbert Eddleston to the Cable Advisory Committee. Mr. Murphy seconded. Vote was unanimous. (Term to expire May 31, 2009.)

Mattapoisett River Valley Water Treatment Plant should begin operation this week. BPW Superintendent advises residents to check the color of the water in washing machines before loading clothes.

The Board offered their condolences to the family and friends of Ellen Rogers. Ms. Rogers passed away recently.

#### EXECUTIVE SESSION

At 8:30 p. m., Dr. Bowcock motioned to go into executive session to discuss the Aquaculture License for Taylor Cultured Seafood, Inc., Comcast Cable Contract issues, the Veteran's Agent, Police Contract negotiations, Fire Contract negotiations, the

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Recreation Director Position, pending litigation regarding the Wind Turbine Project, the job description for the Part-time Assessor and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain  
Secretary