

Selectmen's Meeting -- October 6, 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 September 22, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to table the minutes of September 22, 2008 executive session. Mr. Murphy seconded. Vote was unanimous.

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#### EXECUTIVE SECRETARY'S REPORT

Meeting schedule as follows:

- Oct. 8, 2008 – 1:00 p.m. Water meeting  
5:00 p.m. School Bldg. Committee  
6:00 p.m. Selectmen's meeting
- Oct. 10, 2008 – Seimons Energy Efficiency meeting
- Oct. 13, 2008 – CLOSED HOLIDAY
- Oct. 14, 2008 – 2:00 p.m. Town Hall job meeting  
4:30 p.m. Water District meeting
- Oct. 15, 2008 - 9:00 a.m. SEMASS meeting
- Oct. 16, 2008 --12:00 p.m. BBAC in Wareham

Present to the Board for approval and signatures, payment to NER for \$41,372.50. Dr. Bowcock motioned to approve and sign in the amount of \$41,373.50. Mr. Murphy seconded. Vote was unanimous.

Also presented were requisition #5, period through 8/31/2008 totaling \$4,892.50 and requisition #6, period through 9/30/2008 totaling \$11,280.71 for work done to Union Wharf for payment from Contracting Specialist, Inc. Dr. Bowcock motioned to approve and sign requisitions #5 & #6 for Contracting Specialist, Inc. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock inquired as to the For Sale sign located at Union Wharf. Mr. Osuch stated that this was the portion of the property owned by Mr. Horton.

Mr. Osuch stated that he has received all the names from each of the unions who will be the representatives to the Insurance Advisory Committee but is still waiting to here from the State.

Presented to the Board for signatures was a request for extension of the Pavao Construction contract for Middle St. project dated to expire on October 1, 2008 to extend to December 1, 2008. Brief discussion.

Dr. Bowcock motioned to approve the request for extension of contract date to December 1, 2008 and sign. Mr. Murphy seconded. Vote was unanimous.

#### LIQUOR LICENSE HEARING

Mr. Silvia opened the Liquor License Hearing for Down the Hatch at 7:00 p.m. reading the hearing notification and the letter from the Building Commissioner into the record. (See attached)

Mr. Hebert and Atty. John Mathieu were present, representing Down the Hatch.

Atty. Mathieu addressed the Board and requested a 90 day extension in order to comply with the five main concerns. Atty. Mathieu said his client does admit he expanded the bar area without proper permits; however Mr. Hebert states no additional seating has been added. Atty. Mathieu explained his client is planning to purchase a lot to increase parking and that by granting the extension his client would have the time to get everything in place.

West Island residents also in attendance were Robert Rizzo, Sid Martin, Jim Walczak, Mr. & Mrs. Correia and Robert Molding, all of whom spoke of their concerns regarding the loudness of the music and the affect of such on their quality of life throughout the summer. Atty. Mathieu stated that Mr. Hebert has started to address these issues by conducting sound tests. Discussion ensued.

Mr. Osuch read the most recent Police Reports into the record. (See attached)

Dr. Bowcock motioned to extend the hearing for 90 days, with the understanding that the liquor license may be revoked if all criteria set forth by Board and other departments is not addressed to satisfaction of the Board of Selectmen. Mr. Murphy seconded. Vote was unanimous.

#### POLE LOCATION HEARING

Mr. Silvia opened the Pole Location Hearing, location Sconticut Neck Rd. at Karen Ave., at 7:30 p.m. Being as there was no one present to speak for or against; Dr. Bowcock motioned to approve the petition for joint or identical pole location from NSTAR. Mr. Murphy seconded. Vote was unanimous.

#### BUILDING DEPARTMENT

Construction Report for September 2008 on file.

Request for authorization for legal services for enforcement of Special Permit issued August 10, 1999 for RRR Auto. (See attached)

Dr. Bowcock motioned to approve authorization for legal services. Mr. Murphy seconded. Vote was unanimous.

## CULTURAL COUNCIL

Willoughby Elliot requests appointment. (See attached) Dr. Bowcock motioned to appoint Mr. Elliot. Mr. Murphy seconded. Vote was unanimous.

## FIRE/RESCUE DEPARTMENT

Fire/Rescue & Police Departments will host a free Public Safety Open House on Sunday, October 12, 2008 from 1 – 3 p.m. at 146 Washington St.

## GOVERNMENT ACCESS

Proposal from Unique Media Systems for consulting services for Government Access Channel equipment was submitted by Ms. Blasingame and was discussed. Dr. Bowcock motioned to support the proposal and the money to come from the Government Access Account. Mr. Murphy seconded. Vote was unanimous.

## HISTORICAL COMMISSION

A donation in the amount of \$450.00 from Commonwealth Utilities Credit Union was accepted.

## BOARD OF PUBLIC WORKS

Request for legal services for court action for violation of Town by-law from the BPW was discussed. (See attached)  
Dr. Bowcock motioned to table until the BPW can clarify the request. Mr. Murphy seconded. Vote was unanimous.

## RECREATION DEPARTMENT

Request for donations to purchase an automated external defibrillator for the Recreation Center was approved and the Board commended Mr. Rensehausen on his initiative. (See attached.)

## SUSTAINABILITY COMMITTEE

A letter of request to block off a section of Walnut St. on Oct. 18<sup>th</sup> from 8:00 a.m. – 4:00 p.m. was read and discussed. (See attached)  
Dr. Bowcock motioned to approve the request and forward to the Police Dept. Mr. Murphy seconded. Vote was unanimous.

## PRIVATE LIVERY LICENSE

Dr. Bowcock motioned to approve the application from Karen Goodhue for a Private Livery License at 1 Hidden Dr. Mr. Murphy seconded. Vote was unanimous.

## VETERANS' SERVICES

An invitation to participate in the Veterans' Parade on Tues., Nov.11 starting at 9:00 a.m. from Livesey Park was read and all Selectmen plan on attending. (See attached)

## NSTAR GAS

Dr. Bowcock motioned to approve petition to install new gas service at 15 Green St. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve petition to install new gas service at 8 Baxter Ave. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve petition to install new gas service at 16 Bryant Ln. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve petition for gas line maintenance at Francis St. beginning at the intersection of Elm St. and going southerly on Francis St. approximately 100'. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 16 & 18 Cottage St. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 18 Cooke St. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 11 Cooke St. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 22 Ash St. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 13 Academy Ave. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 67 Massasoit Ave. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 18 Massasoit Ave. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 36 Hedge St. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 41 Castle Ave. digging on Oxford St. side. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve gas line maintenance at 384 Main St. digging on Dover St. side. Mr. Murphy seconded. Vote was unanimous.

### TOWN ACCOUNTANT

Discussion ensued regarding Town Accountant contract verses non-union status. Dr. Bowcock motioned in favor of a contract for the Town Account subject to review by Town Counsel. Mr. Murphy seconded. Vote was unanimous.

### SPECIAL TOWN MEETING ARTICLES

#### ARTICLE 1-TOWN CHARGES

##### PUBLIC SAFETY

1. Police Dept.

b. Purchase of Services- Request: \$40,000 Recommend: \$40,000

Dr. Bowcock motioned to approve \$40,000. Mr. Murphy seconded. Vote was unanimous.

##### VETERANS SERVICES

2. Veterans Services

b. Purchase of Services -- Request: \$43,000 Recommend: \$15,000

Dr. Bowcock motioned to approve \$43,000. Mr. Murphy seconded. Vote was unanimous.

c. Supplies-Request: \$830.00 Recommend: \$

Dr. Bowcock motioned to approve \$830. Mr. Murphy seconded. Vote was unanimous.

d. Other charges/Expenses-Request: \$98,000 Recommend: \$60,000

Dr. Bowcock motioned to approve \$98,000. Mr. Murphy seconded. Vote was unanimous.

##### UNCLASSIFIED

3. Stabilization Fund-Request: \$ Recommend: \$

Pass over.

#### ARTICLE 2-FUNDING LABOR CONTRACTS

1. Police Dept.-New England Police Benevolent Asso., Local 64

a. Salaries & Wages- Request: \$61,830 Recommend: \$

2. Fire Dept.-International Asso. Of firefighters, AFL-CIO, Local 1555

a. Salaries & Wages-Request: At Town Meeting Recommend: At Town Meeting

Mr. Osuch stated that these request were for FY'08.

#### ARTICLE 3-FUNDING LABOR CONTRACTS

1. Police Dept.-New England Police Benevolent Asso., Local 64

a. Salaries & Wages -- Request: \$18,788 Recommend:

2. Fire Dept. -- International Asso. Of Firefighters, AFL-CIO, Local 1555

a. Salaries & Wages -- Request: At Town Meeting Recommend: At Town Meeting

4. Clerical Union – AFSCME, AFL-CIO, Local 851 and to authorize the Town Accountant to allocate the funds to the various affected departments.

a. Salaries & Wages – Request: \$19,000 Recommend:

Dr. Bowcock motioned to approve \$19,000 for salaries & Wages for Clerical Union Contract for FY'09. Mr. Murphy seconded. Vote was unanimous.

#### **ARTICLE 4-UNPAID BILL OF PRIOR YEARS**

1. Coastal Orthopedics-Petitioned by Police Chief

Request: \$556.46 Recommend: \$556.48

2. Southcoast Hospitals-Petitioned by Police Chief

Request: \$345.42 Recommend: \$345.42

3. University Orthopedics-Petitioned by Fire Chief

Request: \$275.00 Recommend: \$275.00

4. Hawthorne Medical Asso.-Petitioned by Fire Chief

Request: \$135.28 Recommend: \$135.28

5. Southcoast Hospitals-Petitioned by Fire Chief

Request: \$234.95 Recommend: \$234.95

6. Dr. Brian Bowcock-Petitioned by Fire Chief

Request: \$445.50 Recommend: \$445.50

Dr. Bowcock abstained. Mr. Murphy motioned to approve Article 4/1-6. Mr. Silvia seconded. Vote was 2 to approve, 1 abstained. Motion passed.

#### **ARTICLE 5-ACCEPTANCE OF STATUTE**

To see if the Town will vote to accept M.G.L. Chapter 60, Section 15 entitled “Fees of Collector” by amending the Town of Fairhaven Demand Fees from \$5.00 to \$25.00, or to take any other action relative thereto.

Dr. Bowcock motioned to change the fine amount to \$30.00. Mr. Murphy seconded. Vote was unanimous.

#### **ARTICLE 6-ACCEPTANCE OF STATUTE**

Petitioned by Andrew Jones (See attached); discussion ensued.

#### **ARTICLE 7-ACCEPTANCE OF FEES**

Mr. Osuch stated that Map & Lots must be added to read Map 29A, Lots 037-042. (See attached)

Dr. Bowcock motioned to accept. Mr. Murphy seconded. Vote was unanimous.

#### **ARTICLE 8-SPECIAL LEGISLATION (See attached)**

Dr. Bowcock motioned adoption. Mr. Murphy seconded. Vote was unanimous.

**ARTICLE 9-STREET LIGHT PURCHASE** (See attached)

Discussion.

**ARTICLE 10-SEWER DEVELOPMENT FEE REFUND** (See attached)

Dr. Bowcock motioned to yield to the petitioner. Mr. Murphy seconded. Vote was unanimous.

**ARTICLE 11-AMENDMENT TO TOWN BY-LAW** (See attached)

No Action.

**ARTICLE 12-AMENDMENT TO TOWN BY-LAW** (See attached)

Discussion regarding line 5; percentage of fine needs explanation. Dr. Bowcock motioned to adopt subject to percentage correction. Mr. Murphy seconded. Vote was unanimous.

**BOARD OF ASSESSORS**

Discussion took place regarding changing Jane Bettencourt's job description and compensation. Dr. Bowcock motioned to appoint Mrs. Bettencourt to Administrative Assistant, at Level 15, top Step. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock acknowledged Mr. & Mrs. Days for their outstanding dedication and support for the Annual Father's Day Road Race and congratulate them for 35 years of sponsorship.

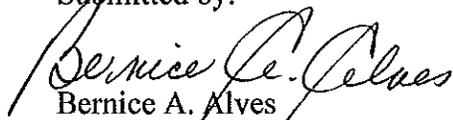
Mr. Murphy commended the Fairhaven Militia on an excellent exhibition recently held at Fort Phoenix. He found it to be very informative and entertaining and encourages everyone to try to enjoy this experience when it's held again.

The Board of Selectmen expressed their condolences to the Cebula family on the recent passing of their loved ones.

At 8:30 p.m., Dr. Bowcock motioned go into executive session to discuss Police dept., Personnel Board and BOH issues and not reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll 3-0.

Meeting adjourned at 8:30 p.m.

Submitted by:

  
Bernice A. Alves  
Principal Clerk