

Selectmen's Meeting – November 3, 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 October 20, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the October 20, 2008 executive session. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of October 29, 2008. Mr. Murphy seconded. Vote was unanimous.

LIQUOR LICENSE HEARING FAIRHAVEN CONVENIENCE STORE

Liquor License Hearing was scheduled for 7:00 p.m. to act on the application submitted by Nina Enterprises, Inc., d/b/a Fairhaven Convenience Store, 121 Sconticut Neck Road, James A. Casey, Manager. Mr. Silvia read the notice of hearing into the record. (See attached.) Attorney Stephen Swaye, representing the applicant, and the owner Mr. Shamsi, were in attendance. Mr. Silvia read letters from the Building Commissioner regarding parking issues and from the Health Agent indicating violations for keeping out-of-code foods on the store shelves and haphazard storage. (See attached.) Attorney Swaye indicated the parking issues were corrected and Board of Health issues were addressed. Discussion ensued on the layout of the store. Attorney Swaye stated liquor will be stored behind a chain link fence and locked and alcohol will not be served before noon on Sunday. Mr. Silvia stated the Building Department and Board of Health must "sign off" on the application, as is the procedure for all liquor licenses. Also, workers' compensation insurance must be submitted. Dr. Bowcock motioned to continue the hearing to November 17, 2008. Mr. Murphy second. Vote was unanimous.

TAX CLASSIFICATION HEARING

In accordance with the provisions of Chapter 369 of the Acts of 1982, the Board of Selectmen scheduled a public hearing on the issue of allocating the local property tax levy among the five property classes. Notice of hearing, scheduled for 7:15 p.m., was published in the Standard Times on October 27, 2008. The Director of Finance/Treasurer, the Board of Assessors and the Board of Assessors Administrative Assistant were present. Mr. Silvia opened the hearing. The Treasurer recommended a Commercial Rate of \$16.51 and a Residential Rate of \$8.30. Discussion followed. Dr. Bowcock motioned to adopt a Residential Rate of \$8.30 per thousand and Commercial Rate of \$16.51 per thousand. Mr. Murphy seconded. Vote was unanimous. Tax bills are expected to be

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mailed on November 14, 2008. The Treasurer/Director of Finance encouraged tax payers to either mail tax payments to the “lock box” or use the Town’s web site to make payment either from a credit card or checking account.

COMMUNITY DEVELOPMENT STRATEGY HEARING

Community Development Strategy Public Hearing was scheduled for 7:45 p.m. The purpose of the hearing was to gather public input on the Town’s FY 09 CDBG application. Mr. Silvia opened the hearing and read the notice of hearing into the record. (See attached.) Mr. Roth summarized the “2008 Fairhaven Community Development Strategy”. (See attached.) Topics discussed were: housing, planning, infrastructure, economy, open space and recreation, cultural and strategy priority goals. It is recommended the “Target Area” remain the same: the Cushman Park neighborhood including the following priority streets: Green Street, Main Street, Middle Street, Spring Street, Park Street and Elliot Street. Discussion followed. Public comments will be taken until Friday, November 14, 2008. Hearing to finalize the strategy is scheduled for November 17, 2009 at 7:00 p.m.

OTHER PLANNING & BLOCK GRANT MATTERS

Dr. Bowcock motioned to sign the contract, not to exceed \$4,800.00, with Caulfield Environmental, 243 Legate Hill Road, Leominster, MA for environmental services for the 2008 Community Development Block Grant. Mr. Murphy seconded. Vote was unanimous.

Director of Planning/Economic Development suggested the formation of a formal Advisory Committee.

EXECUTIVE SECRETARY'S REPORT

Election Day is November 4, 2008. Polls are open from 7:00 a.m. to 8:00 p.m.

Town Hall Job Meeting is scheduled for 2:00 p.m. on November 4, 2008.

Mattapoisett Water District Job Meeting is scheduled for 9:00 a.m. on November 5, 2008.

Mattapoisett River Valley Water District Meeting is scheduled for 4:30 p.m. on November 10, 2008 at the Board of Public Works.

Town Hall will be closed on Veterans' Day, Tuesday, November 11, 2008.

SRPEDD Meeting will be held on November 13, 2008 from 2:30 p.m. to 4:00 p.m. in Carver, MA.

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Flu Clinic will be held on Thursday, November 13, 2008 from 5:00 p.m. to 7:00 p.m. and Thursday, November 20, 2008 from 11:00 a.m. to 1:00 p.m. at the Recreation Center, 227 Huttleston Avenue.

Finance Committee will meet on November 13, 2008 at 7:00 p.m. at the Board of Public Works.

Mr. Osuch and Mr. Silvia attended the “Legislative Breakfast” in New Bedford on October 31, 2008. Discussion followed on State and Town finances and regionalization. Dr. Bowcock motioned to send a notice to the School Committee, Board of Public Works, Town Hall Department Heads and the Finance Committee to advise of a hiring freeze for departments within their jurisdiction, all purchases of \$1,000.00 or greater need to be approved by the School Superintendent for school purchases, Board of Public Works Superintendent for BPW departments, Finance Director for all other departments and all FY 2010 budgets must be reduced by 5% from FY 09 requests. Mr. Murphy seconded the motion as long as the hiring freeze does not affect critical personnel. Vote was unanimous.

Dr. Bowcock motioned to sign the “Certificate of Substantial Completion” with Construction Specialists, Inc., 453 South Main Street, Attleboro, MA for the Town Hall Exterior Restoration Project. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve payment to NER Construction Management, Inc., 867 Woburn Street, Wilmington, MA in the amount of \$99,149.13 for the Town Hall Exterior Restoration Project. Mr. Murphy seconded. Vote was unanimous.

The new Flood Plain Maps may be viewed in the Building Department at Town Hall.

Dr. Bowcock motioned to approve Change Order #2 in the amount of \$16,197.98 to the contract with NER Construction Management, Inc. for the Town Hall Exterior Restoration Project. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve Change Order #3 in the amount of \$2,944.27 and #4 in the amount of \$8,188.83 to the contract with NER Construction Management, Inc. for the Town Hall Exterior Restoration Project. Mr. Murphy seconded. Vote was unanimous.

ANIMAL SHELTER GIFT ACCOUNT

\$24.00 donation to the Gift Account was accepted.

BOAT RAMPS & WATERFRONT RECREATIONAL PROPERTY COMMITTEE

Mr. Silvia read the letter from Tim Cox, Chairman of the Committee, stating the Committee recommends the installation of a sign at Hoppy's Landing to warn mariners

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when the gangway would be raised because of bad weather. (See attached.) The Harbormaster and Town Planner are aware of the issue and are working on a solution.

CLERICAL UNION

Dr. Bowcock motioned to sign the "Collective Bargaining Agreement between the Town of Fairhaven and Council 93, American Federation of State, County and Municipal Employees AFL-CIO, covering Clerical Employees. Mr. Murphy seconded. Vote was unanimous. Contract is in effective from July 1, 2008 to June 30, 2009.

CULTURAL COUNCIL

Dr. Bowcock motioned to sign the FY 09 Massachusetts Cultural Council Contract and Signature Authorization. Mr. Murphy seconded. Vote was unanimous.

POLICE DEPARTMENT

Mr. Silvia read the letter from the Police Chief requesting the Board approve Officer Michael Ouimette's request to return to Permanent Intermittent (part-time) status from his current full-time status. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

HABITAT FOR HUMANITY

Cindy Parola, Executive Director of the Buzzards Bay Area Habit for Humanity, submitted a request to meet with the Board to discuss the Habitat for Humanity Program. William Roth, Director of Planning and Economic Development, will be asked to contact Ms. Parola and discuss the program.

MONSTER MINI GOLF

J52 Entertainment, LLC, Monster Mini Golf, 8 Sarah's Way, submitted an application for 1 pinball game, 1 air hockey game, 4 video games, 3 claw machines, 9 redemption machines and restricted music. Dr. Bowcock motioned to approve the application. Mr. Murphy seconded. Vote was unanimous.

2009 LICENSE RENEWALS

Dr. Bowcock motioned to approve renewal of the following Common Victualer Licenses: Burger King, D'Angelo's Sandwich Shop, Mac's Soda Bar, Papa Gino's, Wendy's Restaurant and Taco Bell. Mr. Murphy seconded. Vote was unanimous.

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NSTAR ELECTRIC

Dr. Bowcock motioned to approve the petition for one (1) proposed pole location and pole removal on Main Street. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works)

NSTAR GAS

Dr. Bowcock motioned to approve the petition to install a new gas service at 18 Cedar Street. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works)

Dr. Bowcock motioned to approve the petition to install a new gas service at 23 Beach Street. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works)

Dr. Bowcock motioned to approve the petition for gas line maintenance at 12 Brook Drive. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works)

Dr. Bowcock motioned to approve the petition for gas line maintenance at 16 Harding Road. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works)

OTHER MATTERS

Residents were encouraged to attend the second annual Improvement Association's Veterans' Day Dinner and Dance on Saturday, November 8, 2008 at the Town Hall. Linda and Terrence Meredith were thanked for all their hard work to make the event so successful.

The Board will participate in the Annual Veterans' Day Parade on Tuesday, November 11, 2008 beginning at 10:00 a.m. from Livesey Park.

North Fairhaven Improvement Association was congratulated for another successful Halloween Parade. Volunteers and those who made a contribution to the parade were thanked.

Condolences were extended to the Fire Chief and his wife Pam. Pam's sister recently passed away.

Condolences were offered to the family and friends of Tina Cox, whose brother recently passed away.

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CIVIL SERVICE HEARING

A letter was received from Attorney Philip Beauregard stating that his client, Teresa Darwin, will not attend tonight's scheduled Civil Service Hearing because of medical reasons. Mr. Silvia stated there will be no hearing tonight and the Board will go into executive session with Town Counsel and the Board of Health.

EXECUTIVE SESSION

At 8:05 p.m., Dr. Bowcock motioned to go into executive session with the Board of Health and Town Counsel to discuss litigation/strategy regarding the Teresa Darwin Civil Service Hearing, to discuss CCI issues concerning wind turbines and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain
Secretary