

Selectmen's Meeting – September 1, 2011

(Meeting postponed from August 29, 2011 because of Tropical Storm Irene.)

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

Also in attendance was John Nunes.

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

Dr. Bowcock motioned to approve the minutes of August 15, 2011. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the August 15, 2011 executive session. Mr. Murphy seconded. Vote was unanimous.

HOPPY'S LANDING LAND MANAGEMENT AGREEMENT

Doug Cameron, Assistant Director, Deputy Chief Engineer for the Department of Fish and Game, the Shellfish Warden and members of the Boat Ramps and Waterfront Recreational Property Committee were in attendance to review the proposed "Land Management Agreement" for Hoppy's Landing. (See attached.) The State is proposing a "handicapped accessible sport fishing pier and parking for 12 vehicles, shore fishing access and parking for 6 vehicles, canoe/car top boat access and parking for 6 vehicles, existing boat ramp and parking for 35 vehicles with boat trailers. Brief discussion followed. Dr. Bowcock motioned to execute the "Land Management Agreement". Mr. Murphy seconded. Vote was unanimous. Mr. Cameron will forward the Agreement for signatures.

At 7:10 p.m., the Board took a 5 minute recess. Meeting reconvened at 7:15 p.m.

LIQUOR LICENSE HEARING SEAPORT INN

Liquor License Hearing was scheduled for 7:15 p.m. for the Seaport Inn, 110 Middle Street, to determine whether to modify, suspend or revoke their license for the sale of alcoholic beverages, as a result of their failure to obtain a Third Party Permit, as required by M.G.L Chapter 140 §181 and in violation of M.G.L. Chapter 140 §182 and §184, for a professional wrestling event held on Friday, July 29, 2011. Mr. Silvia read the notice of hearing. (See attached.) Jami Franco, Manager of the Seaport Inn, Attorney Shane Carlson, Police Chief Myers and Sergeant Sobral were in attendance. The Police Chief stated he saw an advertisement for the wrestling event in the Standard Times and was concerned with the possible size of the crowd. He contacted Mr. Osuch and was informed the Seaport did not have a Third Party Permit. Mr. Silvia read the May 18, 2008 letter sent to all establishments in Fairhaven licensed to serve alcoholic beverages and who intend to rent, lease or sponsor all or part of the licensed premise to a third party. (See attached.) Attorney Carlson stated the Seaport Inn was not aware a permit was required. There has been a change in management since 2008 and this information was not passed on to the new

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manager. Ms. Franco stated the Seaport Inn will apply for the Third Party Permits when needed. No action was taken to modify, suspend or revoke the alcoholic license.

BOARD OF APPEALS

Peter DeTerra, Chairman of the Board of Appeals and Associate member Rene Fleurent, Jr. were in attendance. Mr. DeTerra discussed an incident that occurred during the August 2, 2011 meeting of the Board of Appeals. In a letter to the Board of Selectmen dated August 4, 2011 (See attached.), Mr. DeTerra stated Mr. Fleurent “was aggressively determined to discuss his proposed changes to establish procedural protocol for the Board of Appeals.” Mr. DeTerra stated that to his knowledge, Mr. Fleurent never spoke with the Building Commissioner/Zoning Enforcement Agent to determine what procedures are currently in place. Mr. DeTerra informed Mr. Fleurent that in accordance with the Open Meeting Law, this matter must be placed on an agenda and advertised. Mr. Fleurent said he researched procedures/protocol for the Board of Appeals. He attended meetings in other Town and several Town have the procedures on their web site. Discussion followed. Mr. Fleurent was asked to meet with Mr. DeTerra and the Building Commissioner/Zoning Enforcement Agent to discuss the proposed changes.

COUNCIL ON AGING DIRECTOR

Initial interviews for the Council on Aging Director were done by Mr. Murphy, Cheryl Randall, Lindsay Gordon and Jane Stankiewicz. Two finalists were selected, Annette Carreiro and Anne Silvia.

The Board of Selectmen interviewed Annette Carreiro and Anne Silvia. Dr. Bowcock motioned to appoint Anne Silvia the Director of the Council on Aging. Mr. Murphy seconded. Vote was unanimous.

NSTAR GAS

Dr. Bowcock motioned to approve the petition for gas line maintenance at 57 Pleasant Street between Allen Street and Farmfield Street. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Dr. Bowcock motioned to approve the petition for a new gas service at 6 Glenhaven Avenue between Dudley Street and Parker Street. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Dr. Bowcock motioned to approve the petition for a new gas service at 2 Pine Avenue between Narragansett Boulevard and dead end. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

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Dr. Bowcock motioned to approve the petition for a new gas service at 45 Oxford Street between Main Street and Cherry Street. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

TOWN AUCTION

The Board of Public Works scheduled an auction for Saturday, September 17, 2011 at 9:00 a.m. at the Board of Public Works.

BICENTENNIAL COMMITTEE

Mr. Silvia read the letter from Gerald Stabell, Post Adjutant for Fairhaven American Legion Post 166 and past Post Commander of Post 166, requesting appointment to the Bicentennial Committee. (See attached.) Dr. Bowcock motioned to appoint Mr. Stabell to the Bicentennial Committee. Mr. Murphy seconded. Vote was unanimous.

CONSERVATION COMMISSION

Joseph Taylor submitted a letter requesting appointment to the Conservation Commission. Dr. Bowcock motioned to appoint Mr. Taylor to the Conservation Commission. Mr. Murphy seconded. Vote was unanimous. (Term to expire May 31, 2014.)

911 ANNIVERSARY

Mr. Silvia summarized the notice from the Fire Department regarding the "911 Anniversary Ceremony" planned for September 11, 2011 beginning at 12:30 p.m. at the Fairhaven High School flag pole. (See attached.)

OUR LADY OF ANGELS CATHOLIC ASSOCIATION

Mr. Silvia read the invitation to attend the Annual Labor Day Feast and Procession on Monday, September 5, 2011. (See attached.)

ANIMAL SHELTER GIFT ACCOUNT

Donations to the Gift Account totaling \$355.00 were accepted.

WHITFIELD-MANJIRO FRIENDSHIP SOCIETY, INC.

Mr. Silvia, a member of the Whitfield-Manjiro Friendship Society Executive Committee, left the room. The 13th John Manjiro Festival will be held on Saturday, October 1, 2011. Dr. Bowcock read the letter from Gerry Rooney requesting use of the Town Hall for indoor events, including janitorial services, Police details as needed and Board of Public Works trash services and street barricades. (See attached.) Dr. Bowcock motioned to approve the requests. Mr. Murphy

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seconded. It was so voted. Delegations from Tosashimizu and Okinawa will attend along with Dr. Shigeaki Hinohara, who will celebrate his 100th birthday. Mr. Silvia returned to the meeting.

BOARD OF SELECTMEN'S MEETINGS

Schedule of Selectmen's Meetings for October thru December will be placed on the next Selectmen's Agenda.

TROPICAL STORM IRENE

The Board thanked the Fire Department, Police Department, EMA, Tree Warden, the Board of Public Works, the School Superintendent, School Business Manager, the Harbormaster and the Shellfish Warden for their dedication, professionalism and a job well done during and after recent Tropical Storm Irene. Mr. Silvia asked that this be kept in mind when preparing budgets for the Tree Department and EMA. The Board also thanked residents for their cooperation and reminded everyone it is still hurricane season.

OTHER MATTERS

Dr. Bowcock reminded residents of the "911 Anniversary Ceremony" planned for September 11, 2011 beginning at 12:30 p.m. at the High School.

School is in session and the Board urges motorists to be careful.

EXECUTIVE SESSION

At 8:15 p.m., Dr. Bowcock motioned to go into executive session to discuss the digester project and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain
Secretary