

Selectmen's Meeting – October 17, 2011

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 27, 2011. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the September 27, 2011 executive sessions. (6:36 p.m. and 7:53 p.m.) Mr. Murphy seconded. Vote was unanimous.

Mr. Silvia amended the minutes of October 3, 2011 stating he voted in opposition to increasing dockage fees at Union Wharf "Lobster Basin" to \$1,200.00 per year. Dr. Bowcock motioned to approve the minutes of October 3, 2011 as amended. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the October 3, 2011 executive session. Mr. Murphy seconded. Vote was unanimous.

#### BIKE PATH PLANNING COMMITTEE

Kenneth Pottel was in attendance to request the Bike Path Planning Committee be re-activated. Dr. Bowcock motioned to recreate the Bike Path Planning Committee. Mr. Murphy seconded. Vote was unanimous. Anyone interested in appointment may submit a letter to the Selectmen's Office.

#### JOHN POND

John Pond was present and discussed business and manufacturing in Fairhaven. He emphasized the need to attract new businesses. Brief discussion followed. Mr. Silvia stated manufacturing in Massachusetts is changing to a smaller scale. Fairhaven has Nye Lubricants, Brahmin Leather, several shipyards and tourism. These are all smaller scale manufacturers that bring money into Fairhaven. The Town also has a Fairhaven Businessman's Association that meets on a regular basis.

#### LIQUOR LICENSE HEARING RASPUTIN'S TAVERN, 122 MAIN STREET

A Liquor License Hearing was scheduled for Monday, October 17, 2011 at 7:30 p.m. pursuant to the provisions of Massachusetts General Laws, Chapter 138 §64 to determine whether Rasputin's Tavern, holder of a license issued under General Law Chapter 138 §12, to conduct business at the premises located at 122 Main Street, Fairhaven, Massachusetts has violated the provisions of said Chapter 138 and any rules and regulations promulgated under the authority of

## Selectmen's Meeting – October 17, 2011

that Chapter; and if such violation or violations is or are found to have occurred, whether such license should be modified, suspended or revoked. Mr. Silvia read the notice of hearing into the record. (See attached.) Ellen and Matthew Cebula, owners of Rasputin's Tavern, Attorney Joseph Michaud, representing the Cebula, Bar Manager Sarah Bland, Police Chief Myers and Sergeant Stephen Foster were in attendance. The Police Chief and Sergeant Foster testified that the Police Department is concerned with the management and operations of Rasputin's Tavern. Both stated numerous incidents have occurred ranging from fights, underage drinking, open containers and drinking on the streets outside the Tavern. These incidents disturb residents in the neighborhood and create problems with dispersing crowds at closing time. Chief Myers stated more than 60 calls/incidents had occurred during the past year and Rasputin's Tavern had more calls for incidents for assistance, than the other ten bars/taverns in Fairhaven. Attorney Michaud agreed the incidents had occurred. Attorney Michaud stated Rasputin's Tavern has become a popular establishment and the owners wanted it to be a place where people want to frequent safely. He stated the owners have begun to implement changes and improvements to address the Town's concerns. Some of the improvements included Premier Age Verification Magnetic Stripe scanners at the entry door and bar, security cameras inside and outside the Tavern, increased security at the entry door with "roaming" security outside the Tavern, and a "zero" tolerance policy for disruptive people. Discussion followed. The Board of Selectmen agreed to allow a trial period thru the end of December to determine if the improvements are working. Chief Myers will be asked to report back in December, as to the number of incidents that have occurred during the last quarter of 2011. The Board also requested a letter from Attorney Michaud outlining the proposed improvements and when changes/these improvements will occur.

### EXECUTIVE SECRETARY'S REPORT

Mr. Osuch will meet with John Beauregard from Sylvia Insurance Company of October 18, 2011 at 10:00 a.m.

Mattapoisett River Valley Water Supply Protection Advisory Sub-Committee will meet on October 18, 2011 at 2:00 p.m.

Flu shots will be given at the Recreation Center on October 18, 2011 from 5:00 p.m. to 8:00 p.m.

A "meet and greet social" for Anne Silvia, the new Council on Aging Director, will be held at the Council on Aging on October 19, 2011 at 1:00 p.m.

Conference call with Tighe & Bond to discuss the NPDES Permit is scheduled for October 20, 2011 at 10:00 a.m.

Buzzards Bay Action Committee will meet on October 20, 2011 at 12:00 noon in Wareham.

New School Building Committee will meet on October 20, 2011 at 6:00 p.m. at the High School Library.

Selectmen's Meeting – October 17, 2011

Finance Committee meeting is scheduled for 7:00 p.m. on October 20, 2011 at the Board of Public Works.

Meeting to discuss the New Bedford Fairhaven Hurricane Barrier Evaluation Report is scheduled for October 21, 2011 at 11:00 a.m. at the New Bedford Wastewater Treatment Plant.

The Retirement Board will meet on October 25, 2011 at 8:30 a.m. at Town Hall.

Next Selectmen's Meeting is scheduled for October 26, 2011 at 6:00 p.m. at Hastings Middle School.

Mr. Osuch will attend the SEMASS meeting in Rochester at 10:00 a.m. on October 26, 2011.

WES Job meeting is scheduled for October 28, 2011 at 10:00 a.m. at the Board of Public Works.

Board of Selectmen will meet on Wednesday, November 2, 2011 at 6:30 p.m. at Town Hall.

Dr. Bowcock motioned to request a transfer from the Finance Committee in the amount of \$8,000.00 to be added to the \$84,000.00 appropriated at Town Meeting for a new wood gym floor at the Recreation Center. Mr. Murphy seconded. Vote was unanimous.

Mr. Osuch and department heads attended a workplace harassment prevention training session sponsored by Travelers Insurance. Adoption of an "Anti-harassment Policy" will be placed on the October 25, 2011 agenda.

#### ANIMAL CONTROL

Donations to the Gift Account totaling \$865.00 were accepted.

Mr. Silvia read a letter from the Animal Control Officer regarding unleashed dogs belonging to Susan Staffon, 59 Ocean Avenue, (See attached.) He also read a petition from residents complaining about the same dogs. (See attached.) Dr. Bowcock motioned to schedule a dog hearing for Wednesday, November 2, 2011. Mr. Murphy seconded. Vote was unanimous. Residents who signed the petition will be advised of the date and time of the hearing.

#### COUNCIL ON AGING

Mr. Silvia read a letter from the Chairman of the Council on Aging requesting the number of Associates be increased for from 2 to 4. (See attached.)

Mr. Silvia read Joe Borelli's letter of resignation as a full member of the Council on Aging, effective October 27, 2011 and asking to be appointed an Associate member. (See attached.)

Selectmen's Meeting – October 17, 2011

Mr. Silvia read Elaine O'Neill's letter of resignation as a full member of the Council on Aging, effective October 27, 2011 and asking to be appointed an Associate member. (See attached.)

With regret, the Board accepted Ms. O'Neill's and Mr. Borelli's resignations.

Dr. Bowcock motioned to increase the number of Council on Aging Associate members to four and to appoint Ms. O'Neill and Mr. Borelli Associate members. Mr. Murphy seconded. Vote was unanimous. (Terms to expire May 31, 2012.)

Dr. Bowcock motioned to appoint Lee Cummings Allaire and Frances Cox full members of the Council on Aging. Mr. Murphy seconded. Vote was unanimous. (Terms to expire May 31, 2014.)

Anyone interested in appointment as an Associate member may submit a letter to the Selectmen's Office.

#### NATURAL RESOURCE DEPARTMENT

Mr. Silvia read the letter from the Harbormaster stating he will take time off between October 18, 2011 and November 15, 2011. (See attached.)

Dr. Bowcock motioned to appoint Betsy Lebeau a Deputy Shellfish Constable. Mr. Murphy seconded. Vote was unanimous. (Term to expire May 31, 2012.)

Dr. Bowcock motioned to signing the Lease Agreement with Michael Botelho for Hoppy's Landing. Mr. Murphy seconded. Vote was unanimous. (Lease expires August 31, 2012.)

#### TOWN HALL AUDITORIUM

Mr. Silvia read the request from the Historical Society to hold an "Antique Swords of Fairhaven" presentation on Friday, October 21, 2011 in the Auditorium. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

Mr. Silvia read the request from the Bicentennial Committee to hold a fund raising event on Saturday, November 19, 2011 from 10:00 a.m. to 4:00 p.m. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

A request from Footlights Repertory for the performance of "Nunsense" from November 14, 2011 to November 20, 2011 from 6:00 p.m. to 10:00 p.m. The Board reported the Bicentennial Committee has first option to use the Auditorium and Footlights will be contacted to ensure their performances do not conflict with the Bicentennial Committee's fund raising event.

Selectmen's Meeting – October 17, 2011

#### NSTAR GAS

Dr. Bowcock motioned to approve the petition for gas line maintenance at 92 Green Street between Union Street and South 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 84 Laurel Street between South Street and Church 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 intersection of Main Street at Howland Road. 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 Mill Road at pole #166/10 between Eddy Street and Meadow Lane. 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 intersection of Wayne Street and Sconticut Neck Road. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

#### STATE ETHICS COMMISSION

The Board will review the letter from the State Ethics Commission regarding health insurance. (See attached.)

#### TAX TITLE

Director of Finance/Treasurer provided the Board with additional information on tax title accounts, as a follow up to an article that appeared in the October 9, 2011 issue of the Standard Times. (See attached.)

#### OTHER MATTERS

North Fairhaven Improvement Association will hold the annual Halloween Parade on Sunday, October 30, 2011 at 5:00 p.m. starting at the Oxford School.

Mr. Murphy said he met the lead star of the movie *Passionata* while visiting California. She told Mr. Murphy she'd like to return to this area and do more movies.

Mr. Silvia read the letter from the Takeshi Hikiyara, Consul General of Japan in Boston, thanking Mr. Silvia for participating in the Manjiro Festival, the Friendship Dinner and Dr. Hinohara's 100<sup>th</sup> Birthday Celebration. (See attached.)

Selectmen's Meeting – October 17, 2011

EXECUTIVE SESSION

At 8:16 p.m., Dr. Bowcock motioned to go into executive session to discuss Fairhaven Wind LLC, Town of Fairhaven vs. UMASS Dartmouth, the NPDES Permit, the Quinn Bill, Clerical Union grievance, West Island Improvement Association issues, Cushman Park legal issues and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain  
Secretary