

Selectmen's Meeting – August 28, 2006

Mr. Eckenreiter, Mr. Manzone and Mr. Silvia were present.

Also in attendance was Jeffrey Osuch.

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

EXECUTIVE SECRETARY'S REPORT

East Fairhaven School Job meeting is schedule for August 30, 2006 and September 6, 2006 at 10:00 a.m. at the site.

East Fairhaven School Building Committee will meet on September 6, 2006 at 6:00 p.m.

Town Hall will be closed on Labor Day, Monday, September 4, 2006.

Next meeting of the Board of Selectmen is Monday, September 11, 2006.

Letter of resignation, effective August 28, 2006, was received from Kelly Ferranti. She will return to her previous position in the Tax Collector's Office.

Mr. Manzone motioned to re-post the Payroll Operator position. Mr. Silvia seconded. Vote was unanimous.

Department of Planning/Planning Board submitted a request for authorization for legal services for an easement issue on a proposed subdivision. Mr. Manzone motioned to authorize the use of Town Counsel. Mr. Silvia seconded. Vote was unanimous.

Request from William Roth to be officially assigned as the staff person to assist the Community Preservation Committee will be placed on the September 11, 2006 agenda.

Mr. Manzone motioned to approve the list of Poll Workers for the September 19, 2006 State Primary. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve the payment of a lump sum settlement in the amount of \$25,000. for Scott Perry's worker's compensation claim. Mr. Silvia seconded. Vote was unanimous.

HURRICANE PREPAREDNESS

Hurricane Preparedness was discussed with department heads. Discussion followed with residents of West Island.

Selectmen's Meeting – August 28, 2006

MOSQUITO CONTROL

Representatives from Bristol County Mosquito Control and Peter Deterra, Chairman of the Board of Health, were in attendance to discuss mosquito control, particularly on West Island. The Island was "ground sprayed" and larvicide placed in the catch basins. Aerial spraying is no longer allowed and Mosquito Control can not go on private property. Discussion followed.

UNION WHARF

Qualifications for rental of slips at Union Wharf will be placed on the September 11, 2006 agenda.

BOARD OF APPEALS

Mr. Manzone motioned to appoint James Alferes an Associate member of the Board of Appeals. Mr. Silvia seconded. Vote was unanimous. Term to expire May 31, 2009.

Curtis Lopes submitted his letter of resignation from the Board of Appeals effective September 19, 2006. Anyone interested in an appointment on the Board of Appeals was instructed to submit a letter to the Selectmen's Office.

HISTORICAL COMMISSION

The Historical Commission appointed Laura Knipe as their representative to the Community Preservation Committee to replace Debra Charpentier. Cynthia McNaughten will represent the Commission in the event Ms. Knipe is unable to attend a meeting. The Board thanked Debra Charpentier for her time served on the Commission.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Memo from the Director of Planning and Economic Development regarding the "Mullin Rule" - Chapter 79 of the Acts of 2006 was discussed. (See attached.) An article will be placed on the next Town Meeting Warrant.

BOARD OF PUBLIC WORKS

A letter was received from the Board of Public Works requesting a used vehicle from the Police Department when one becomes available. The Chief reported a vehicle will be available in 2 to 3 months.

Selectmen's Meeting – August 28, 2006

FAIRHAVEN IMPROVEMENT ASSOCIATION

Fairhaven Improvement Association will hold a Testimonial Dinner for Bob and Nancy Foster on Tuesday, October 10, 2006 at the Wamsutta Club. The Board of Selectmen received an invitation to the testimonial and a request to issue a proclamation. A proclamation will be issued.

BLOCK PARTY

Trevor Cabral submitted a petition requesting permission to hold a “block party” and close the street in the area of Academy Avenue on September 3, 2006 from 10:00 a.m. to 10:00 p.m. For public safety reasons, Mr. Manzone motioned to deny the request. Mr. Silvia seconded. Vote was unanimous.

UNREGISTERED CAR COMPLAINTS – FRANCIS STREET

Two complaints were received regarding unregistered vehicles on Francis Street. The Police Chief and the Building Commissioner will be asked to look into the matter. Mr. Manzone motioned to table the matter until the next Selectmen's Meeting. Mr. Silvia seconded. Vote was unanimous.

HOPPY'S LANDING

Gary Golas and Kevin Villa were in attendance. Mr. Golas updated the Board on several issues regarding Hoppy's Landing. He said a key to the Hoppy's Landing Building was given to the Chairman of the Committee and the American Flag is flown on a daily basis, the Board of Public Works was asked to remove sand from the boat ramp on a weekly basis, a marker buoy was placed at Elephant Rock, and weed whacking is being done. Mr. Golas expressed concern for the condition of the dock stating “that dock was not meant for the public use it is getting. I'm very concerned with its condition and in particular its condition to float during the coming winter months.” He also expressed liability concerns if the Town allows volunteers to assist in the maintenance of the property.

OTHER MATTERS

Mr. Eckenreiter and Mr. Silvia participated in the “Miles for Matty” road race/walk that was held on August 27th. They were impressed with the number of participants and commended Matty's family for turning a tragic event into something positive.

The Board offered their condolences to the family and friends of Esther Wojcik, a former Town employee and Town Meeting member, who passed away recently.

Selectmen's Meeting -- August 28, 2006

The Board offered their condolences to the family of Dorothy Bowcock, former Selectman Dr. Brian Bowcock's mother, who passed away this week.

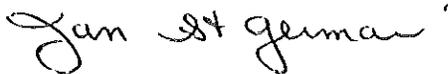
Mr. Manzone worked at the Knights of Columbus Clambake this past weekend and thanked all the individuals who supported the event.

Main Street sidewalk issues (concrete/asphalt) were discussed with Robert Bosworth, Chairman of the Board of Public Works.

The Selectmen were thanked for their support of the Improvement Associations "Music in the Park" summer program. Town Hall Custodian Frank Fostin and Ernie Lizzotte were also thanked.

Proposed wind turbine project in Fairhaven and the proposed project in Buzzards Bay were discussed with West Island residents.

At 9:20 p.m., Mr. Manzone motioned to adjourn. Mr. Silvia seconded. Vote was unanimous.



Jan St. Germain
Secretary



6.

Town of Fairhaven
Department of Planning & Economic Development

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4082 • FAX (508)-979-4087

Memorandum

Date: August 18, 2006
To: Board of Selectmen
Jeff Osuch, Executive Secretary
From: William D. Roth, Jr., AICP 
Planning and Economic Development Director
RE: "Mullin Rule" – Chapter 79 of the Acts of 2006

RECEIVED
2006 AUG 18 A 10: 31
BOARD OF SELECTMAN
FAIRHAVEN MASS

I recommend that the Board consider placing an article on the next Special/Annual Town Meeting warrant to adopt the above referenced Act. The Act allows for a board or commission member to not be disqualified for missing a meeting provided he/she reviews any tape, video or transcripts of the meeting.

There have been several instances in the last few years where an applicant before the Planning Board has had to withdraw an application and the re-submit it, because members had missed a meeting. Therefore, adopting this will allow for greater flexibility in their meetings.

The following is the complete language of the Act:

Chapter 79 of the Acts of 2006

AN ACT FURTHER REGULATING MEETINGS OF MUNICIPAL BOARDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Chapter 39 of the General Laws is hereby amended by inserting after section 23C the following section:-

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

Approved May 12, 2006.

cc: Planning Board