

Selectmen's Meeting – January 8, 2007

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.

Mr. Manzone motioned to approve the minutes of December 27, 2006. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to approve the minutes of the December 27, 2006 executive session. Mr. Silvia seconded. It was so voted.

POLICE DEPARTMENT

Mr. Manzone motioned to appoint Officer Kevin Kobza as a provisional Sergeant effective January 14, 2007. Mr. Silvia seconded. Vote was unanimous.

LIQUOR LICENSE HEARING – SAVALAI THAI CUISINE

Liquor License Hearing was scheduled for 7:00 p.m. to act on the application submitted by Sivalai 888 Corporation, d/b/a Savalai Thai Cuisine, 130 Sconticut Neck Road, Wayne J. Correia, Manager, for a new Restaurant/Wine and Malt License as approved in an act authorizing the Town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on premises. The license shall not be transferred to any other location. Mr. Correia was present. Brief discussion followed. Mr. Manzone motioned to approve the application, subject to Mr. Correia and employees becoming TIPS certified and submitting a copy of the TIPS certification to the Selectmen's Office. Mr. Silvia seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

THE EBB TIDE

The Ebb Tide, 47 Middle Street, submitted an application for a change of manager. New manager will be Lois Grindrod. Mr. Manzone motioned to approve the application, subject to Ms. Grindrod becoming TIPS certified. Mr. Silvia seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

LIQUOR LICENSE HEARING – ICE CHEST BAR & GRILLE

Liquor License Hearing was scheduled for 7:10 p.m. to act on the application submitted by Ice Chest, Inc. d/b/a Ice Chest Bar & Grille, 136 Huttleston Avenue, Andrew B. Tillett, Manager, for a transfer of a Restaurant/All Alcoholic License and Pledge of License. (Transfer from Rochester's) Mr. Manzone motioned to approve the application.

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Mr. Silvia seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

HARBORMASTER – CROW ISLAND MOORING GRID

The Harbormaster scheduled a public hearing on his proposed new mooring grid for Crow Island. Harbormaster was in attendance and discussion ensued on his proposal to rearrange the location of recreational boat moorings adjacent to Crow Island/Pease Park landing. (See attached.) Discussion followed. Mr. Manzone motioned to accept the proposal as presented. Mr. Silvia seconded. Vote was unanimous.

Mr. Golas summarized his survey of insurance for ports and marinas. (See attached.) Discussion followed with Union Wharf boat owners. Mr. Manzone motioned to go with the Harbormaster's proposal for a requirement of \$300,000.00 coverage or a personal bond in the same value for all lobster basin vessels (47 feet or less), and the larger deep sea vessels must have a \$1 million policy. Mr. Silvia seconded. Vote was unanimous.

Draft copy of the Rules and Regulations for Union Wharf will be distributed to boat owners. It will be placed on the January 22, 2007 agenda for finalization.

RECREATION DEPARTMENT

An appointment will be scheduled on the January 22, 2007 agenda to interview Rebecca Ferreira for the position of Program Coordinator. She has held the position of Acting Program Coordinator since July 2006. Tom Cooney, Recreation Director, will also attend the meeting.

EXECUTIVE SECRETARY'S REPORT

Mattapoissett River Valley Water District meeting is scheduled for 4:30 p.m. on January 9, 2007 at the Board of Public Works

East Fairhaven School Job meeting is scheduled for January 10 and 17, 2007 at 10:00 a.m. at the school.

Community Preservation Committee will meet on January 10, 2007 at 6:30 p.m. at the Town Hall.

Mattapoissett River Valley Water District Treatment Plant job meeting is scheduled for 10:00 a.m. on January 11, 2007 at the site.

The Town Hall will be closed on Martin Luther King Day, January 15, 2007.

Hoppy's Landing Committee will meet on January 16, 2007 at 6:30 p.m.

Selectmen's Meeting -- January 8, 2007

Buzzards Bay Action Committee will meet on January 18, 2007 at the Marion Music Hall.

Finance Committee meeting is scheduled for January 18, 2007 at 7:00 p.m. at the Board of Public Works.

FY 08 Town department budgets are due January 16, 2007.

Mr. Manzone motioned to authorize payment to Agostini Construction Company, Inc., 243 Narragansett Park Drive, East Providence, RI in the amount of \$947,250.12. Mr. Silvia seconded. Vote was unanimous. (East Fairhaven School project)

ANIMAL CONTROL

Karen Jachna, Animal Control Officer, resigned effective December 29, 2006. The Board thanked her for her time served as ACO and wished her well.

Job Description for the position of Animal Control Officer was finalized.

Donations to the Gift Account in memory of Lynn Goytizolo totaling \$585.00 were accepted.

BUILDING DEPARTMENT

Construction report for December 2006 will be placed on file.

COUNCIL ON AGING

The Board will review the proposed "Amendment of Fairhaven Council on Aging By-Laws". An appointment will be scheduled with the Council on Aging on the January 22nd agenda to discuss the by-laws and their FY 08 budget.

Mr. Eckenreiter read the letter from Gerald Brecken requesting appointment to the Council. (See attached.) Mr. Manzone motioned to appoint Mr. Brecken an Associate member. Mr. Silvia seconded. Vote was unanimous. Term to expire May 31, 2007.

HOPPY'S LANDING

Mr. Manzone motioned to sign the License Agreement by and between Town of Fairhaven and Robert Sakwa and the License Agreement by and between Town of Fairhaven and Robert Hobson for commercial storage area at Hoppy's Landing. Mr. Silvia seconded. Vote was unanimous. License term is September 1, 2006 thru August 31, 2007.

Selectmen's Meeting -- January 8, 2007

Letter from Town Counsel regarding a draft by-law for Hoppy's Landing was discussed. Mr. Manzone motioned to have Town Counsel draft a general by-law for all Town owned properties. Mr. Silvia seconded. Vote was unanimous.

POLICE DEPARTMENT DISPATCHERS

Mr. Eckenreiter read the letter from the Police Department Dispatchers requesting a desire to form their own bargaining unit and recognition as a bargaining unit. (See attached.) AFSCME has released the Dispatchers from the Union.

Mr. Manzone will represent the Board of Selectmen in Fire Union negotiations.

Mr. Silvia will represent the Board of Selectmen in Clerical Union negotiations.

Mr. Osuch will represent the Board of Selectmen in Police Union negotiations until a new Selectman is elected in April.

WASTE DISPOSAL SERVICES AGREEMENT

Mr. Manzone motioned to sign the Waste Disposal Services Agreement with ABC Disposal, Inc. and Howland Disposal Services, Inc. Mr. Silvia seconded. Vote was unanimous. Leases will expire December 31, 2007.

SEAPORT ADVISORY COUNCIL

Mr. Manzone motioned to sign the "Fourth Amendment to Lease and Lease Extension by and between the Town of Fairhaven and the Commonwealth of Massachusetts by its Division of Capital Asset Management and Maintenance on behalf of the Department of Business and Technology -- Seaport Advisory Council. Mr. Silvia seconded. Vote was unanimous. Extension expires June 30, 2007.

2006 ANNUAL TOWN REPORT

Mr. Manzone mentioned to award the contract for the printing of the 2006 Annual Town Report to Mallard Printing, 657 Quarry Street, Fall River, MA. Mr. Silvia seconded. Vote was unanimous. A picture of the High School will be placed on the cover.

SRTA

In accordance with MGL 161 B, Section 5 (as amended) Fairhaven is asked to submit to SRTA the name of an individual who will represent Fairhaven in accordance with Section 5. (See attached list of requirements for appointment.) A notice will be placed on the Cable Television Bulletin Board.

Selectmen's Meeting – January 8, 2007

200 7 LICENSE RENEWALS

Mr. Manzone motioned to approve renewal of the following Common Victualer Licenses: Fairhaven House of Pizza and Papa John's Pizza. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve renewal of the Car Repair License for Jet Wash Car Wash. Mr. Silvia seconded. Vote was unanimous.

CABLE TELEVISION

Attorney Solomon spoke on the possibility of Verizon Cable coming into this area. Mr. Manzone motioned to waive the time process for Verizon Cable to come into Fairhaven and to start the cable licensing process. Mr. Eckenreiter seconded. Vote was unanimous.

OTHER MATTERS

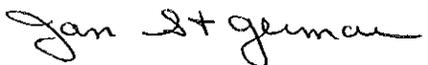
An inventory will be done at the Animal Control Shelter.

Jeffrey Osuch will prepare the FY 08 budget for the Animal Control Department.

The Board thanked all who attended and participated in the seventh annual Nancy Schonheinz Polar Plunge at Fort Phoenix. Proceeds from the event go towards public awareness of domestic violence.

EXECUTIVE SESSION

At 8:55 p.m., Mr. Manzone motioned to go into executive session to discuss the Comcast Cable Contract and potential litigation with Comcast, the Clerical Union position in the Tax Collector's Office and not to reconvene in open session. Mr. Silvia seconded. Vote was unanimous. Roll call vote 3-0.



Jan St. Germain
Secretary



GARY S. GOLAS, CHM
Harbor Master

Town of Fairhaven

Massachusetts

Office of the Harbor Master

40 Centre Street, Fairhaven, MA 02719

PUBLIC HEARING MONDAY, JAN 8, 2007, 7:15
Board Of Selectmen Meeting Room

TO: Selectmen Office, Public Review
FROM: Gary Golas, Harbormaster
DATE: 11/29/06
RE: Proposed New Mooring Grid/ Crow Island

BOARD OF SELECTMEN
FAIRHAVEN MASS

2007 JAN -5 P 12:33

RECEIVED

The Town of Fairhaven Harbormaster Office is proposing to rearrange the locations of the recreational boat moorings bounded within the Crow Island North/ New Bedford Boundary Line East/ Popes Island South and Pease Park Landing West area. The new plan will consist of potential mooring spaces for a maximum of 35 vessels. Currently approximately 15 moorings have been utilized in the past two years.

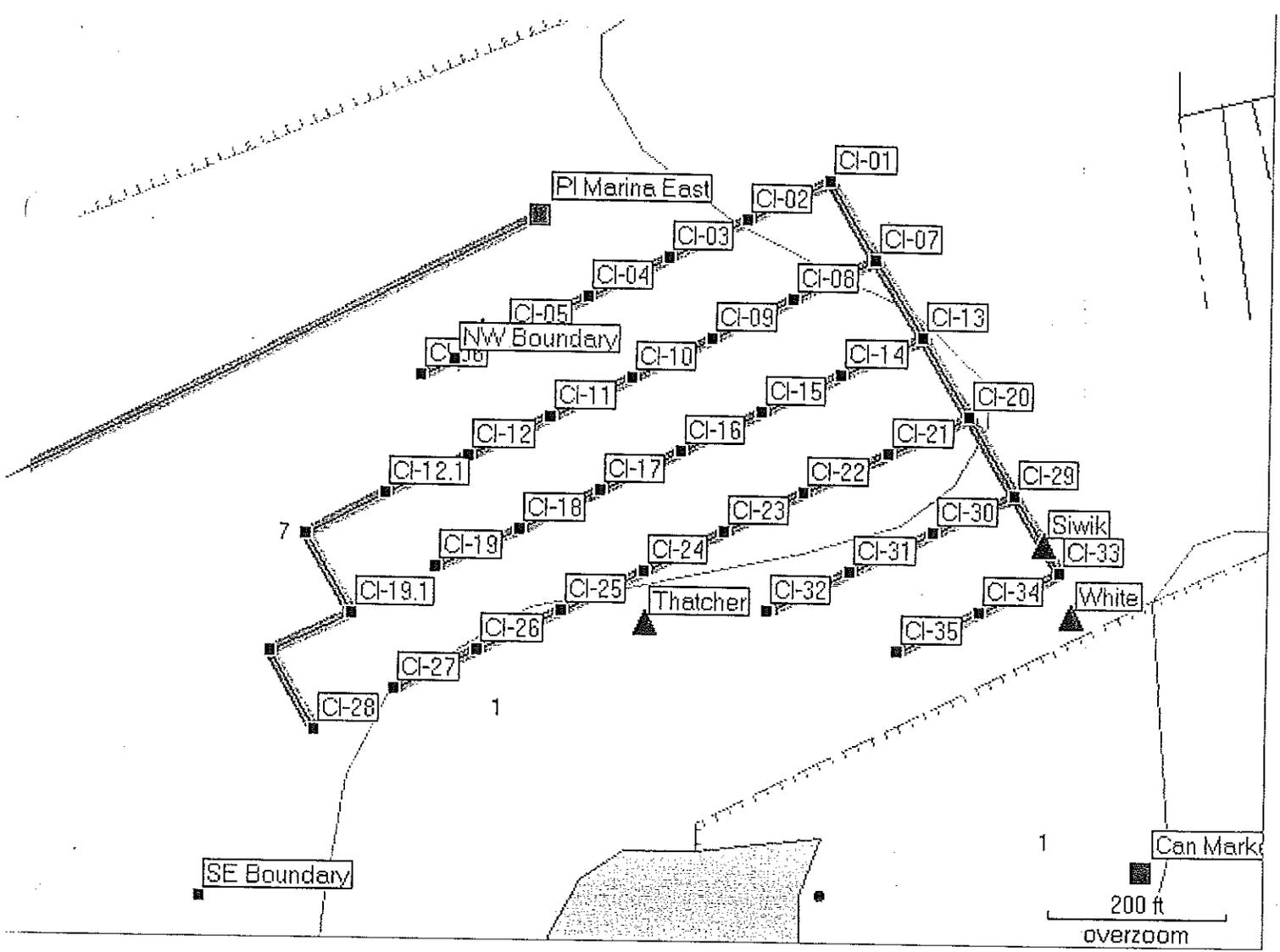
The design of the new mooring grid will run in rows east to west with 100 foot circles of influence for each boat. The 100 foot circle radius for each mooring is rather conservative and similar in size to the existing mooring field practices in this area. It is recommended that vessels of same size and type be grouped, since they can be expected to behave similarly in same weather conditions. Also the deeper draft vessels will be located in the first two rows to the north given the deeper water bottoms.

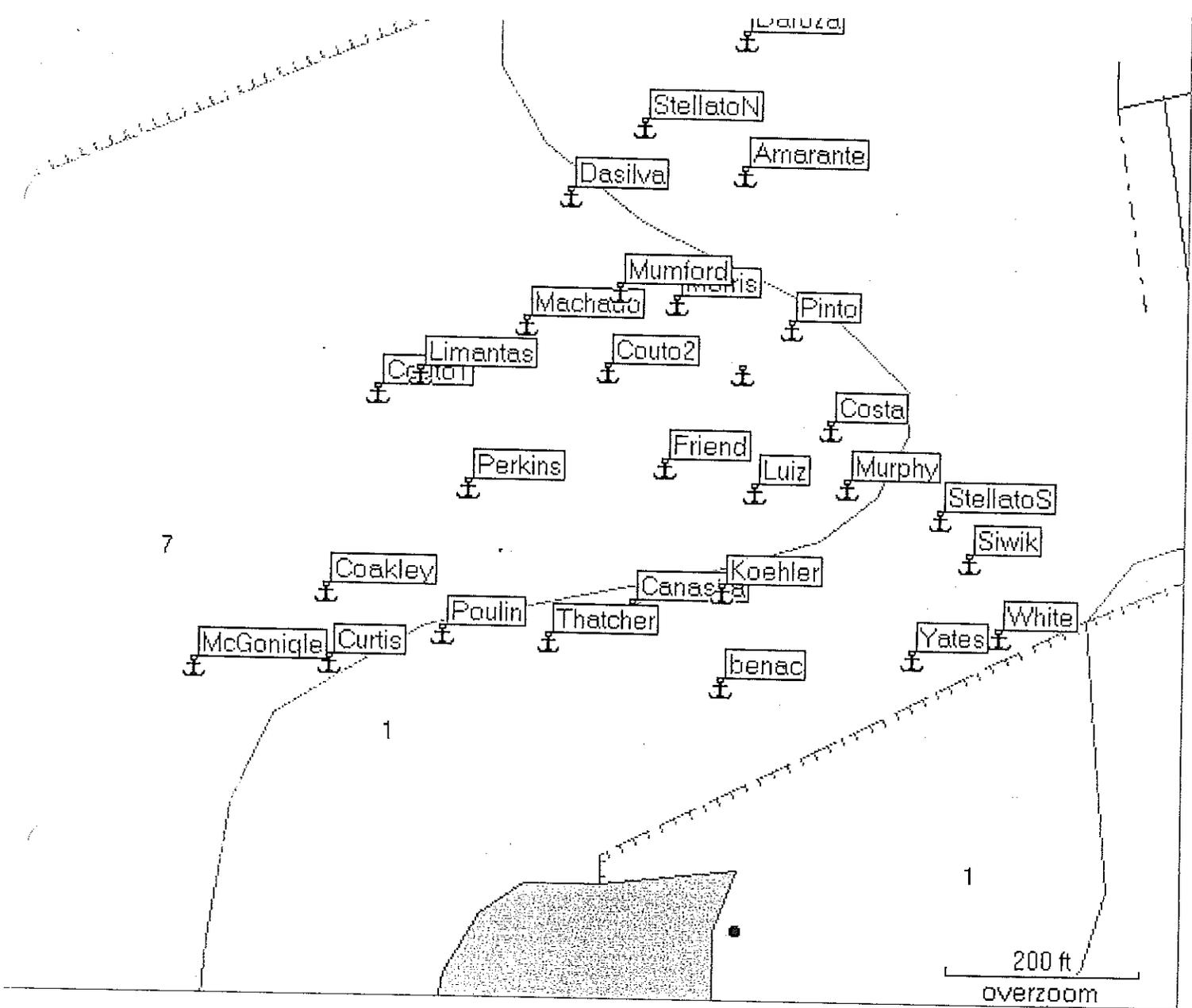
Thus single hulled sailing vessels within the 28 to 40 foot size bracket/ 4 foot to 7 foot draft keels will be located here. Smaller draft sail boats will follow in third and fourth rows, followed by power vessels in fourth and fifth rows.

Mooring types will be governed by the Mooring Bylaws of the Town of Fairhaven which recognizes mushroom anchors as the recommended type. However other, more modern mooring designs and types may be reviewed by the Harbormaster based on efficient holding power.

Each mooring permit holder will be required to present an access plan of getting to and from the vessels. Conversely, all mooring approvals will be based on past performance of owner utilization of his/her mooring. All mooring owners will be responsible for relocating their moorings to the exact latitude/longitude, following official inspections of mooring and tackle gear condition.

In addition, this office is looking to reserve two to three moorings in the corners of the grid for town promoted use such as allowing temporary tie up of vessels visiting the harbor, placing vessels which may have been abandoned, or for the use of town boats.





Proposed Mooring Locations Crow Island North

CI-01 N41 38.358 W70 54.603
CI-02 N41 38.351 W70 54.623
CI-03 N41 38.344 W70 54.642
CI-04 N41 38.336 W70 54.662
CI-05 N41 38.329 W70 54.682
CI-06 N41 38.322 W70 54.702
CI-07 N41 38.344 W70 54.592
CI-08 N41 38.336 W70 54.612
CI-09 N41 38.329 W70 54.632
CI-10 N41 38.322 W70 54.651
CI-11 N41 38.315 W70 54.671
CI-12 N41 38.308 W70 54.690
CI-12.1 N41 38.301 W70 54.710
CI-13 N41 38.330 W70 54.580
CI-14 N41 38.323 W70 54.600
CI-15 N41 38.316 W70 54.619
CI-16 N41 38.309 W70 54.639
CI-17 N41 38.302 W70 54.659
CI-18 N41 38.295 W70 54.678
CI-19 N41 38.288 W70 54.698
CI-19.1 N41 38.279 W70 54.718
CI-20 N41 38.316 W70 54.569
CI-21 N41 38.309 W70 54.588
CI-22 N41 38.302 W70 54.608
CI-23 N41 38.294 W70 54.628
CI-24 N41 38.287 W70 54.648
CI-25 N41 38.280 W70 54.668
CI-26 N41 38.273 W70 54.688
CI-27 N41 38.266 W70 54.708
CI-28 N41 38.258 W70 54.727
CI-29 N41 38.302 W70 54.558
CI-30 N41 38.295 W70 54.577
CI-31 N41 38.288 W70 54.597
CI-32 N41 38.280 W70 54.617
CI-33 N41 38.288 W70 54.546
CI-34 N41 38.281 W70 54.566
CI-35 N41 38.273 W70 54.586

NW Boundary N41 38.325 W70 54.694
PI Marina East N41 38.351 W70 54.674
PI Marina West N41 38.291 W70 54.831
SE Boundary N41 38.228 W70 54.754
Siwik N41 38.293 W70 54.550
Thatcher N41 38.278 W70 54.647

Carl P. Pimentel
P. O. Box 40159
New Bedford, MA 02744
Cellular: (508) 314-1511

TO: Gary Golas, Harbormaster

RE: Proposed New Mooring Grid/Crow Island

Thank you for your review of the proposed Boat Mooring Plan. My major concern, as you know, is the cable area that runs from the northwest corner of Linberg Marine to the northeast corner of Crow Island.

Your suggestion that a mooring buoy indicating the area be placed along the line I think is a good one, which I will implement in the spring.

I have already installed the sign on the northeast tip of the island.

I appreciate your concern and offer to help in monitoring this area.

On another issue. The new plan increasing mooring spaces from fifteen (15) to thirty-five (35) should be based upon the town's ability to provide adequate parking for whatever number of moorings they decide to accept.

Addressing the triangular anchorage south of the island, I think should be carefully considered as I have witnessed many boats that are not aware of the shoal area on the south side of the island. In some instances they have run aground which must have resulted in considerable damage to their vessels.

Thank you for keeping me aware of what is being considered. Please continue do so.

Sincerely



Carl P. Pimentel



GARY S. GOLAS, CHM
Harbor Master

Town of Fairhaven

Massachusetts

Office of the Harbor Master

40 Centre Street, Fairhaven, MA 02719

2001 JAN - 5 P 12:33
BOARD OF SELECTMAN
FAIRHAVEN MASS

RECEIVED

TO: Selectmen Office
FROM: Gary Golas, Harbormaster
DATE: 1/8/07
RE: Insurance Survey-Ports/ Marinas

The following represents a survey undertaken by direction of the Board of Selectmen as to what other ports and local marinas require from vessel owners with regards to insurance coverages.

My recommendation based on this survey that the Town of Fairhaven require a minimum \$300,000 coverage or a personal bond in the same value for all lobster basin vessels (47 feet or less), while the larger deep sea vessels must have a \$1 million policy.

Marinas;

1. Spoke with Dave Kelley from D.N. Kelley Shipyard, who stated that he does not require to see or copy of insurance coverages on the commercial vessels that are docked at his facility. He stated he knows they are good boat owners who are covered, thus he has no need to see any copy of coverages.
2. Spoke with Kevin McLoughlin of Fairhaven Shipyard and much like David Kelley, he also does not require to see or copy insurance plans. He stated he knows all are covered. He does require insurance coverages for vessels stored indoors for the winter, but again he does not ask for any copies.
3. Dave Hebert owner of Earl's Marina stated that all vessels must have insurance coverage to be docked at his facility, although he does not request a copy. It is simply stated in the marina contract.
4. The owners of Moby Dick Marina have informed me that they require all their customers to have up to \$300,000 in personal liability insurance protection and he does require a copy of their insurance plans along with the agreement.

5. The SouthCoast Express and Harborside Marina requires all their customers to have insurance coverage and attach a copy to the agreement. No set amount is requested and is different with every boat. They also require the name "South Coast" be named a beneficiary in each insurance plan.
6. The Popes Island Marina requires a minimum of \$300,000 insurance coverage for general liability for every customer. They request a copy along with the agreement. Most customers have much higher coverages.

Other Ports:

1. City of New Bedford has a regulation that requires all vessels to submit certificates of insurance, with no set figure, as all vessels have different coverages. According to Rodney Avila, Marine Superintendent, they do enforce this regulation.
2. Town of Westport does not have an insurance coverage requirement, however when vessel owners sign a dockage permit they also sign a line that the Town is held harmless from any liability.
3. Town of Plymouth has a regulation which requires all commercial vessels to show proof of insurance when they dock at the public dock. The assistant I spoke with was not aware of any minimum amount coverage.
4. Town of Sandwich has an active commercial basin on the east end of the Canal and Dave Wheatly tells me they require a \$1 million pollution insurance coverage from every vessel. They do allow transients without insurance up to thirty days to dock, but otherwise must leave if no insurance plan is provided. They developed this regulation because of "wrecks" attempting to fish out of their basin.
5. In the Town of Orleans, Rock Harbor is active with commercial vessels and Dawson Farber informs me that his requirement is that every vessel must present a minimum \$100,000 insurance coverage to dock in town. He considers this a basic amount.
6. The Town of Harwich has a requirement that passenger vessels have a minimum \$500,000 coverage while larger ferry's must have at least \$1 million.
7. The Town of Chatham does not have any insurance coverage requirement, although they are talking about it.
8. The Provincetown Harbormaster's Office states they are starting a new policy that all charter fishing vessels are required to have insurance starting at \$300,000 for six passenger boats to \$1. million for the larger vessels. They do not regulate commercial fishing boats yet, as he stated many are too old and cannot get coverage.

6B,

Gerald J Brecken
142 Balsam St.
Fairhaven, Ma. 02719

Date 12/12/06

To Board of Fairhaven Selectmen

I was a member of the Fairhaven Fire Dept. for twenty years and now have been a volunteer computer teacher at the Council on aging for four years. I am interested in becoming an associate Board member of the Council on aging here in Fairhaven .

Thank you for any consideration,

Gerald J Brecken

RECEIVED
2006 DEC 14 A 11:12
BOARD OF SELECTMAN
FAIRHAVEN MASS

Cc to Fairhaven Council on Aging
229 Huttleston Ave.

December 22, 2006

8

Board of Selectmen
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

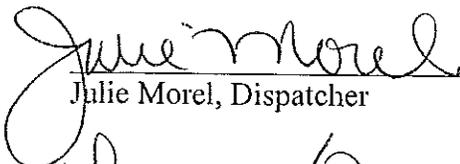
Dear Honorable Board,

We the undersigned Dispatcher's of the Fairhaven Police Department desire to form our own bargaining unit to be know as the Fairhaven Police Dispatchers Association. It is our desire to affiliate with the New England Police Benevolent Association (NEPBA) and we have taken the initial steps to disassociate ourselves for AFSCME (see attached) and form a new Dispatchers bargaining unit under NEPBA. As you can see in the attached letter, the Fairhaven Police Dispatchers Association has received voluntary release from AFSCME. AFSME has also released us from all article 20 provisions under AFL/CIO.

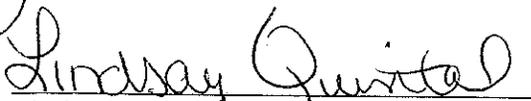
Therefore, at this time the Dispatchers of the Fairhaven Police Department are requesting voluntary recognition as a bargaining unit for the purposes of collective bargaining with respect to wages, hours and other conditions of employment. We would hope that the Town of Fairhaven would concur with the need for the Dispatchers of the police department to be uniformly represented as a single entity and support our request to this end. We would also request a response in writing so that we can forward it to the appropriate authorities.

Thank you for your time and prompt attention to this matter.

Sincerely,


Julie Morel, Dispatcher


Michael Sullivan, Dispatcher


Lindsay Quintal, Dispatcher


Lisa Cabral, Dispatcher


Marie Bretz, Dispatcher

2006 DEC 26 A 10:
BOARD OF SELECTM,
FAIRHAVEN MASS

RECEIVED



AFSCME Council 93

American Federation of State, County and Municipal Employees
8 Beacon Street, Boston, MA 02108 617 367-6000
www.afscmecouncil93.org

Dec. 18, 2006

Anthony J. Caso
Executive Director

Donene M. Williams
President

Kenneth Fanjoy
*Executive
Vice President*

Natalie Baker
*Recording
Secretary*

John G. Wagner
Treasurer

Frank Greco
Sgt. at Arms

Ms Julie Morel
Dispatcher
Town of Fairhaven
C/o Norman Pratt
South Shore Office

Dear Ms Morel:

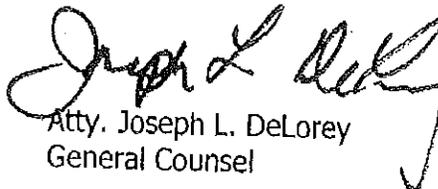
Your letter of Nov. 28th has been referred to me.

Please be advise that Council 93 will not oppose any effort on the part of you and your colleagues to sever from the existing unit and join another.

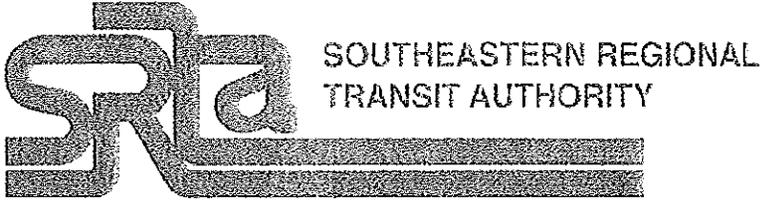
I see from your letter you intend to speak with representatives of other organizations to effectuate this change. When you determine whom you want to work with, have that organization give me a call, and we will do what we can to work out the details with them.

My direct dial is 617 367 6044.

Thank you,



Atty. Joseph L. DeLorey
General Counsel



SOUTHEASTERN REGIONAL
TRANSIT AUTHORITY

700 PLEASANT STREET, FIRST FLOOR
NEW BEDFORD, MA 02740-6263
TELEPHONE 508-997-6767 (Voice) 508-993-9196 (Fax)

December 4, 2006

Selectman Winfred Ekenwriter
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Dear Selectman Ekenwriter:

In accordance with MGL 161B, Section 5,(as amended) we ask that you submit to the Authority, the name of an individual who will represent your community in accordance with Section 5.

The next meeting will be on January 18, 2007. Could we please receive these names by January 5th.

Once we receive these names an order of communities will be established and each community will be notified of this order.

Sincerely,

LOUIS D. PETTINE
Administrator

LDP:jk

120406 sec 5 nominee request

12

BOARD OF SELECTMAN
FAIRHAVEN MASS

2006 DEC -5 P 12:15

RECEIVED

Serving the Communities of

Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, Mattapoisett,
New Bedford, Somerset, Swansea, Westport

low

Chapter 290 of the Acts of 2006

AN ACT REQUIRING A DISABLED COMMUTER REPRESENTATIVE ON REGIONAL TRANSIT AUTHORITY ADVISORY BOARDS.

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

Section 5 of chapter 161B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

One representative of the disabled commuter population shall serve on the advisory board as a non-voting member for a 1 year term. Every city or town in the region, on a rotating basis as determined by the board, shall appoint a representative successively. The mayor or city manager and the chairman, town manager or town administrator shall appoint a resident of the city or town for this purpose. This representative shall be mobility impaired or have a family member who is mobility impaired, be a caretaker of a person who is mobility impaired, or work for an organization that serves the needs of the physically disabled. The representative of a city or town may be reappointed after representatives from the other cities and towns within the region have served their 1 year terms.

Approved September 7, 2006.

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List of Laws passed in 2006 Session

General Court home page, or

Commonwealth of Massachusetts home page.