

Selectmen's Meeting – October 29, 2007

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

Also in attendance was Jeffrey Osuch.

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

Dr. Bowcock motioned to approve the minutes of October 15, 2007. Mr. Silvia seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the October 15, 2007 executive session (8:30 p.m.). Mr. Silvia seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the October 15, 2007 executive session (9:25 p.m.). Mr. Silvia seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of October 23, 2007. Mr. Silvia seconded. Vote was unanimous.

99 RESTAURANT & PUB – LIQUOR LICENSE HEARING

Liquor License Hearing was scheduled for 7:00 p.m. to act on the application submitted by 99 Restaurant & Pub, 34 Sconticut Neck Road for a change in manager. New manager is Daniel Ceurvels. Mr. Silvia motioned to approve the application. Dr. Bowcock seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

HARBORMASTER

The Harbormaster was in attendance to discuss Waterway User Fees and submitted a draft packet for the Board to review. Other issues he would like to discuss in the future included comp. time issues, the establishment of an enterprise fund, a new mooring plan with fees and a fee structure for the “big” boats at Union Wharf. An appointment will be scheduled with the Harbormaster on the November 19, 2007 agenda. The information he submitted will be sent to Town Counsel.

CULTURAL COUNCIL APPLICATION

Mr. Silvia motioned to have the Chairman sign the Massachusetts Cultural Council application in the amount of \$5,370. Dr. Bowcock seconded. Vote was unanimous.

FIRE DEPARTMENT

The Fire Chief was in attendance and advised the Board four firefighters are out on injury leave and another is at the Academy. All four have fire related injuries. Firefighter Riggs

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is returning from Iraq, and the Chief requested permission to keep the temporary permanent Firefighter hired to replace him. Another Firefighter will be retiring in January. The Board agreed to allow the Chief to keep the temporary Firefighter. The Chief will advise the Finance Committee he may have a budget shortfall.

EXECUTIVE SECRETARY'S REPORT

The Retirement Board will meet on October 30, 2007 at 8:30 a.m. at the Town Hall

Fire flow test for the East Fairhaven School is scheduled for 1:00 p.m. on October 30, 2007

East Fairhaven School Building Committee will meet at the school at 6:00 p.m. on October 30, 2007

Mattapoissett River Valley Water Treatment Plant job meeting is scheduled for 10:30 a.m. on October 31, 2007

East Fairhaven School Job Meeting is scheduled for 1:00 p.m. on October 31, 2007

“Web Page” training is scheduled for November 5, 2007 from 9:00 a.m. – 2:00 p.m.

Board of Selectmen will meet with the Coalition for Buzzards Bay on November 8, 2007

Dispatcher Contract negotiations are scheduled for November 13, 2007

Fire Contract negotiations are scheduled for November 14, 2007

Police Contract mediation is scheduled for November 15, 2007

Mr. Silvia motioned to authorize payment to Agostini Construction Co., Inc., 243 Narragansett Park Drive, East Providence, RI in the amount of \$97,319.50. Dr. Bowcock seconded. Vote was unanimous. (East Fairhaven School)

Mr. Silvia motioned to authorize payment to Contracting Specialists, Inc., 453 South Main Street, Attleboro, MA in the amount of \$23,939.80. Dr. Bowcock seconded. Vote was unanimous. (Town Hall Restoration)

ANIMAL SHELTER GIFT ACCOUNT

Donations to the Gift Account totaling \$725.00 were accepted.

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COMMUNITY PRESERVATION ACT

Mr. Silvia motioned to sign the letter (FY 08 application) to the Community Preservation Committee requesting \$575,000. to make exterior repairs to the Town Hall. Dr. Bowcock seconded. Vote was unanimous.

POLICE DEPARTMENT

Mr. Manzone read the letter from the Police Chief requesting the installation of a stop sign at the south end of McGann Terrace at Washington Street. (See attached.) Mr. Silvia motioned to approve the request. Dr. Bowcock seconded. Vote was unanimous.

The Police Chief submitted copies of letters he sent to the Board of Public Works regarding a proposed public park curfew by-law and safety measurers being proposed for the West Island Town Beach.

SCHOOL DEPARTMENT

Mr. Osuch summarized the letter from the MA School Building Authority regarding the High School Project and final grant amount approved by the Authority. (See attached.) The letter was tabled and will be placed on the next agenda.

TOWN HALL

Mr. Manzone read the letter from the Chairman of the Historical Society requesting permission to use the Auditorium on Thursday, November 8, 2007 for a lecture. (See attached.) Mr. Silvia motioned to approve the request. Dr. Bowcock seconded. Vote was unanimous.

Mr. Manzone read the letter from the Cuttyhunk Historical Society requesting permission to use the Town Hall on November 17, 2007 for their Fall Board Meeting. (See attached.) Mr. Silvia motioned to approve the request with the \$75.00 fee for the custodian. Dr. Bowcock seconded. Vote was unanimous.

TOURISM DEPARTMENT

Mr. Manzone read the letter from the Tourism Committee requesting the formation of a Committee to begin planning the Town's Bicentennial in 2012. (See attached.) Mr. Silvia motioned to establish a Committee and direct Chris Richards to contact potential members and also that interested persons should contact Chris Richards. Dr. Bowcock seconded. Vote was unanimous.

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PROCLAMATION

The Southeastern Massachusetts Veterans Housing Program, Veterans Transition House Board of Directors, requests a proclamation for the ninth annual Southeastern Massachusetts Veteran of the Year. A proclamation will be issued.

STAR

STAR (Stand Together Act Responsibly) requests FY 08 annual dues for municipality membership. Mr. Silvia motioned to approve payment. Dr. Bowcock seconded. Vote was unanimous.

VETERAN'S DAY LUNCHEON

The Board received an invitation from the Council on Aging to attend a complementary lunch on Friday, November 9, 2007 at 11:30 a.m. at the Council.

NSTAR GAS

Mr. Silvia motioned to approve the petition to install a new gas service at Gilbert Street for 332 Sconticut Neck Road. Dr. Bowcock seconded. Vote was unanimous. (Approved by the Board of Public Works)

Mr. Silvia motioned to approve the petition for maintenance of gas lines at 25 Green Street. Dr. Bowcock seconded. Vote was unanimous. (Approved by the Board of Public Works)

Mr. Silvia motioned to approve the petition for maintenance of gas lines at the intersection of Green Street and Linden Avenue. Dr. Bowcock seconded. Vote was unanimous. (Approved by the Board of Public Works)

2008 LICENSE RENEWALS

Mr. Silvia motioned to approve renewal of the following licenses: D'Angelo's Sandwich Shop, Friendly Ice Cream, Great Wall Restaurant, Mac's Soda Bar, McDonald's Restaurant, Taco Bell and Wendy's Restaurant. Dr. Bowcock seconded. Vote was unanimous.

OTHER MATTERS

Jim Holmes family will be presented with a "dedication plaque" at the November 19, 2007 Selectmen's Meeting.

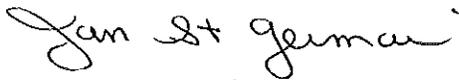
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Mr. Silvia, President of the North Fairhaven Improvement Association, was commended for another successful Halloween Parade. Volunteers were also thanked including Dr. Bowcock, Peter Deterra and the Town's Public Safety Departments.

A letter will be sent to Richard Sullivan of the Department of Conservation and Recreation, requesting more staffing and beach cleaning equipment be made available to Fort Phoenix State Beach. A copy of the letter will be sent to Senator Montigny and Representative Straus.

EXECUTIVE SESSION

At 7:55 p.m., Mr. Silvia motioned to go into executive session to discuss pending litigation regarding the Fire Department and not to reconvene in open session. Dr. Bowcock seconded. Vote was unanimous. Roll call vote 3-0.



Jan St. Germain
Secretary

6A



GARY F. SOUZA
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FAIRHAVEN

DEPARTMENT OF POLICE
1 BRYANT LANE
FAIRHAVEN, MA 02719
www.fairhavenpolice.org

TELEPHONES
Dial 911 Emergency
(508) 997-7421 Non-Emergency
(508) 997-1344 Business
(508) 997-3147 Fax

DONALD A. JOSEPH
LIEUTENANT

RECEIVED
2007 OCT 19 A 9:28
October 19, 2007
BOARD OF SELECTMAN
FAIRHAVEN MASS

Board of Selectmen
Town Hall
40 Center St.
Fairhaven, MA 02719

Gentlemen:

I respectfully request the Board vote to install a stop sign at the south end of McGann Terrace at Washington Street.

This request originated with the Fairhaven Housing Authority and I join them in making this request.

While a stop sign at this location may appear unnecessary at first blush, there are some matters I ask you consider. Drivers coming out of McGann Terrace tend to be older due to that senior housing complex. Oftentimes, drivers fail to stop at the end of the street and enter Washington Street causing a crash. I personally was struck while driving a police cruiser by an elder driver coming out of McGann Terrace.

It is our hope that a large gauge stop sign will make that intersection safer making it clearer that the road ends and a stop is required before entering Washington Street.

I ask you to favorably consider this request.

APPROVED BY THE BOARD OF SELECTMEN
OCTOBER 29, 2007

Sincerely

Gary F. Souza
Chief of Police

cc: Housing Authority

7A.

Massachusetts School Building Authority

Timothy P. Cahill
Chairman, State Treasurer

Katherine P. Craven
Executive Director

October 19, 2007

Mr. John Nunes
Finance Director
Town of Fairhaven
Town Hall
40 Center Street
Fairhaven, MA 02719

Re: Project #C19973530 – The Fairhaven High School

Dear Mr. Nunes,

This letter is to inform you that on August 21, 2007, the Massachusetts School Building Authority's (the "MSBA") Board of Directors ("Board") met to consider and vote on the Town of Fairhaven's appeal of the draft audit report and the final grant amount for the Fairhaven High School project (#C19973530). The final grant amount approved by the Board for the Fairhaven High School Project is \$21,979,917.

On March 15, 2007, the Project Management Subcommittee of the Board met with Town officials to discuss this appeal. In its appeal, the Town requested that the MSBA reconsider a total of \$1,765,638 in construction costs for the Fairhaven High School project that were found to be ineligible in the draft audit report dated January 17, 2007.

The Town of Fairhaven requested reconsideration of \$1,171,002 of costs related to Cushman Park which were originally deemed ineligible because it did not appear that the park was not built specifically for use by the school or as part of the High School project. During the appeal process, the Town presented additional information that demonstrated that Cushman Park is used exclusively by the High School during school hours and explained that the Cushman Park portion of the project had been approved by the Department of Education. The Board voted to restore \$1,142,775 of eligible construction costs and the associated interest costs, subject to the reimbursement rate.

The Town of Fairhaven also requested that the MSBA allow \$250,000 of additional costs related to expanding the gym to accommodate 600 seats. The Board voted to reimburse the Town for \$250,000 of expenses, subject to the reimbursement rate, incurred relating to expanding the gym as soon as the MSBA receives invoices and proof of payment from the Town.

The Town of Fairhaven requested also reconsideration of \$172,942 of costs which were incurred beyond the eligible time period of one year past the date of occupancy ("Eligible Time Period"). The Town was able to demonstrate that a contract was executed within the Eligible Time Period for these costs. Based on the additional information provided, the Board agreed to reimburse \$172,942 of these construction costs and associated interest costs, subject to the reimbursement rate.

The Town of Fairhaven also requested reconsideration of \$26,808 in costs for legal fees. The Board voted not to restore any of these costs because there was no additional information provided.

Finally, the Town of Fairhaven requested reconsideration of other costs totaling \$139,536. These costs were disallowed for a number of reasons, which are detailed in the schedule of ineligible costs in the attached final audit report. Based on the information submitted, the Board voted to restore \$6,982 of these costs. The rest of the invoices were ineligible pursuant to MSBA's policies, which are consistent with DOE's policies.

In total, the Board voted to restore \$1,572,699 of construction costs and the associated interest costs for the High School, subject to the reimbursement rate.

The results of the audit are included in the attached report. The Fairhaven High School project was approved by the Department of Education's Board in Fiscal Year 1997 at a reimbursement rate of 72%. The following is a summary of the audit findings, the details of which are included in the attached report.

Construction:	
Original Estimate	\$19,447,818
Final Construction Costs Submitted	20,621,656
Eligible MSBA Construction Costs	20,332,313
Interest:	
Original Estimate	13,638,438
Final Interest Costs Submitted	13,175,561
Eligible MSBA Interest	10,371,952
TOTAL ELIGIBLE PROJECT COSTS:	30,704,265
TOTAL GRANT FROM MSBA*:	21,979,917
TOTAL GRANT PAYMENTS FROM MSBA*:	21,788,374

*Please note that in Fiscal Year 2004, the legislature cut 1% of the annual payment for each project due to a legislative funding decrease. The Fairhaven High School Project had \$11,543 cut from the annual payment in FY 2004. This number also reflects a holdback of \$180,000 related to work that has not yet been completed on the gym.

In Fiscal Year 1998 through 2007, the Town of Fairhaven received \$11,531,794 in grant funds for the Fairhaven High School project. The Fiscal Year 2008 payment totals \$1,154,333. The remaining grant amount will be paid in installments of \$1,011,361 beginning in Fiscal Year 2009 in order to match the Town's bond payment related to this project. The grant amount totals \$21,979,917. This amount is based on the Authority's share (72%) of the final eligible audited construction costs of \$20,332,313 and final eligible audited interest costs of \$10,371,952.

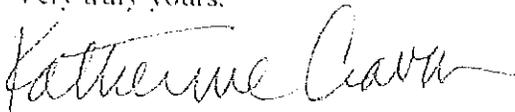
The audit results are final and are not subject to further review or adjustment unless the Town refunds the debt issued to finance this project. If there is a decrease in the amount of interest payable related to this project due to a refunding, the MSBA will recalculate the grant pursuant to Chapter 70B, Section 19. Please notify Joanna Aalto if you have plans to do any such refunding.

Please note that if the Town were to sell, lease, or otherwise remove from service a school building for which it has received grant payments from the Authority, M.G.L. c. 70B, §15 allows for the MSBA to recoup its investment. Also, the Town must provide 6-months prior notice to the MSBA of any sale, lease or removal from service of an assisted school building.

To ensure timely payment of the Fiscal Year 2009 payment, please have a duly authorized officer of the Town of Fairhaven sign the enclosed Release and return it to the MSBA as soon as possible.

We are pleased to provide you with these grant amounts. Please do not hesitate to contact me or Joanna Aalto, Controller/ Director of Audits, if you have any questions at (617) 720-4466.

Very truly yours,



Katherine P. Craven
Executive Director

cc: Senator Mark C. Montigny
Representative William M. Straus
Mr. Jeffrey Osuch, Executive Secretary
Ms. Ann Carreiro, Accountant
Mr. Michael Silva, Chair, Board of Selectmen
Mr. Robert Baldwin, Superintendent of Schools

Attachments



8A

FAIRHAVEN HISTORICAL SOCIETY, INC.
P.O. Box 212
Fairhaven, Massachusetts 02719

To the Fairhaven Board of Selectmen,

The Fairhaven Historical Society would like to request the use of the Town Hall 2nd floor Ballroom an November 8th from 7:00 – 9:30 pm. Chris Richards will be speaking about "John Cooke & early settlers" we hope you can all attend. We will not need any janitorial services. I Max Isaksen will can be you're contact person, and can be reached at 508-989-4300. thank you for you're time.

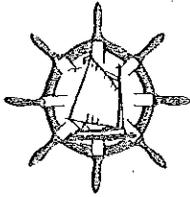
Max Isaksen,
Fairhaven Historical Society

RECEIVED

2007 OCT 18 P 3:27

BOARD OF SELECTMAN,
FAIRHAVEN MASS

APPROVED BY THE BOARD OF SELECTMEN
OCTOBER 29, 2007



CUTTYHUNK HISTORICAL SOCIETY, Inc.
Serving the Elizabeth Islands

RECEIVED
2007 OCT 22 P 1:31
BOARD OF SELECTMEN
FAIRHAVEN MASS

October 13, 2007

Board of Selectmen
Town Hall
Fairhaven, MA 02719

Dear Selectmen,

I am writing on behalf of the Cuttyhunk Historical Society to follow up on a conversation John Medeiros had with you recently.

We would very much like to hold our 2007 fall board meeting in your impressive Town Hall meeting space on Saturday, November 17th from 9:30am-12:30pm. We understand that the user fee will be \$75.00.

It is our understanding that John has made arrangements to have the building opened and closed for meeting.

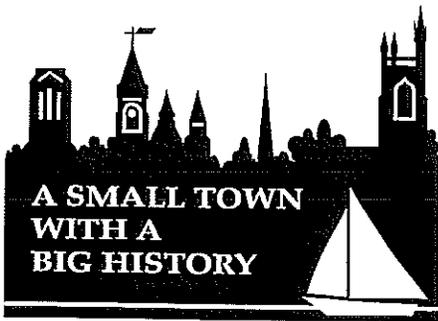
As an historical society, we are very interested in discovering other historical buildings and venues in the Cuttyhunk/New Bedford area. We look forward to discovering your Town Hall. Last fall we met in your town library.

Thank you for your support of our work and please feel free to contact me if you have any questions: 508-545-0803, rleeson@comcast.net.

Sincerely,

Roxy Leeson, Vice President

9.



TOWN OF FAIRHAVEN, MASSACHUSETTS

Office of Tourism & Visitors Center

43 Center St., Fairhaven, MA 02719

Phone/Fax: 508-979-4085 email: FairhavenTours@aol.com

Webpage: <http://hometown.aol.com/fairhaventours/>

October 11, 2007

Fairhaven Board of Selectmen
Ronald Manzone, Chairman

Dear Sirs,

The Fairhaven Tourism Committee has asked that I contact the Board of Selectmen about the appointment of a town committee to begin planning for the town's bicentennial in 2012.

In 1962, when the town celebrated its 150th anniversary, there was a week-long celebration including a wide variety of special events organized by representatives of many Fairhaven civic, school and church groups. Large scale celebrations of this type require planning, organization and funding, both from public and private contributions.

This year Mattapoisett held a similar series of events to celebrate its 150th anniversary. Some of the Mattapoisett organizers, working for about two years, commented that they wished the planning had been started earlier.

Fairhaven's two-hundredth birthday in 2012 may seem distant, it is really not too far away considering what goes into planning for such an important occasion.

The Tourism Committee suggests that the Board of Selectmen appoint a committee made up of residents of the community who represent improvement associations, historical groups, churches, schools, businesses, etc., so preliminary ideas may be discussed. As time goes on, subcommittees can be formed to focus on individual events or projects.

We thank you for giving this suggestion your consideration.

Respectfully,

Christopher J. Richard,
Director of Tourism,
Fairhaven, MA

BOARD OF SELECTMAN
FAIRHAVEN MASS

2007 OCT 11 A 10:45

RECEIVED