

Selectmen's Meeting – December 15, 2008

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 December 1, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the December 1, 2008 executive session. Mr. Murphy seconded. Vote was unanimous.

PROPOSED AGRICULTURAL COMMISSION & RIGHT TO FARM BY-LAWS

William Roth, Director of Planning and Economic Development, was in attendance. He drafted two proposed by laws, an Agricultural Commission and Right to Farm By-law. This meeting was scheduled to take public comment and both were submitted to Town departments for comment. Comments were received from the Building Commissioner/Conservation Commission and Marinus VanderPol, a member of the Planning Board. Mr. Roth explained the Town will receive additional points for the proposed by-laws from the Commonwealth Capital Program. Mr. Roth then summarized the memorandum submitted to the Board on December 11, 2008. The memorandum also answered questions submitted by the Building Commissioner and Mr. VanderPol. (See attached.) Discussion followed including membership on the Agricultural Commission. For the next hearing, Mr. Roth will report how many farms in Fairhaven are over five acres, provide a copy of the Massachusetts General Law on an Agricultural Commission/Right to Farm By-Law and will ask the Health Agent for her comments/recommendations. Any public comments may be e-mailed to the Director of Planning and Economic Development. The Board stated they support the proposed by-laws. Next hearing will be advertised in the Neighborhood News.

ERIC MONIZ UNION WHARF SMALL BOAT BASIN RENEWAL

The Harbormaster and Eric Moniz were present. The Harbormaster explained Mr. Moniz's involvement with the F/V Challenge, owned by Wayne Frye. On December 1st, the Challenge was docked at Union Wharf, without authorization/permission from the Harbormaster or any other Town Official. The vessel was moved here from New Bedford with the assistance of Eric Moniz and docked in Mr. Moniz's slip. The Harbormaster declared the vessel "not to be sea worthy and a danger to the environment and navigation waters of Fairhaven." The Harbormaster ordered the vessel removed from Union Wharf and Fairhaven waters by December 13th. If the vessel is not removed, legal proceedings will begin. The Harbormaster stated New Bedford is trying to eliminate derelict boats. Because Mr. Frye had a court date and the Judge was going to sentence

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him to 30 days for not moving the boat, he moved it to Fairhaven with the assistance of Mr. Moniz. Mr. Moniz stated he did assist in moving the vessel. The Board reminded Mr. Moniz that he put himself in jeopardy and could lose his permit to dock at Union Wharf. Discussion followed. Dr. Bowcock motioned to approve renewal of Eric Moniz's slip at Union Wharf. Mr. Murphy seconded. Vote was unanimous.

EXECUTIVE SECRETARY'S REPORT

Mr. Osuch will attend the SEMASS Meeting in Plymouth on December 16, 2008 at 10:00 a.m.

Buzzards Bay Advisory Committee will meet at 12:00 noon on December 18, 2008.

The Town Hall will close at 12:00 noon on December 24th and December 29th and be closed all day, December 25th, 26th and January 1st and 2nd. In accordance with the Clerical Union Contract, December 26th and January 2nd are non-work days for Clerical Union personnel. In order to have this time off, Non-union employees stated in writing, they will use either a Personal Day/Vacation Day.

Dr. Bowcock motioned to approve payment to NER Construction, 31 West Street, Suite E, Randolph, MA in the amount of \$2,794.22 for Change Order #5 and \$1,704.78 for Change Order #6 for the Town Hall Restoration Project. Mr. Murphy seconded. Vote was unanimous. Mr. Silvia signed the documents.

Fire Union Arbitration is scheduled for either March 26 and/or March 30, 2009.

Last week, Mr. Osuch attended a meeting in Seekonk sponsored by SRPEDD. He gave a summary of the meeting and topics discussed, including regionalization.

Finance Committee will meet on December 18, 2008 at 7:00 p.m. at the Board of Public Works.

BUILDING DEPARTMENT

Construction Report for November 2008 will be placed on file.

BOAT RAMPS & WATERFRONT RECREATIONAL PROPERTY COMMITTEE

Mr. Silvia read the letter from Tim Cox, Chairman of the Boat Ramps & Waterfront Recreational Property Committee regarding the re-building of the Pease Park Boat Ramp and a proposed long -range contract with the State to maintain the boat ramp, piles, float, etc. at Hoppy's Landing. (See attached.) Mr. Cox submitted and discussed the proposed plan for Pease Park Boat Ramp. The Board agreed Hoppy's Landing boat ramp, piles, etc. should be maintained by the State. They maintain the other boat ramps in Town.

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FIRE DEPARTMENT

Mr. Silvia read the letter from the Fire Chief requesting the Board of Selectmen declare “out of service Engine 4” surplus property. (See attached.) Dr. Bowcock motioned to declare Engine 4 surplus. Mr. Murphy seconded. Vote was unanimous.

Mr. Silvia read the letter from the Protection Society/Call Firefighters Association expressing an interest in acquiring Engine 4. (See attached.) No action was taken. Time will be allowed to see if anyone else is interested in the Engine.

HARBORMASTER UNION WHARF 2009 SLIP PERMITS

The Harbormaster was in attendance and summarized his “Season’s End Summary”. (See attached.)

The Harbormaster submitted a request for the Board of Selectmen to approve permits allowing fishermen to use assigned slips at Union Wharf for 2009. All necessary information was provided and the \$1,000.00 fee paid. Dr. Bowcock motioned to approve permits for: Robert Hobson, John Moniz, David Crowley, Randy A. Moniz, Tim Powers, Arthur Decosta, Aaron Cebula, Bruce Ingham, George Silvia III and Thomas Tomkiewicz. Mr. Murphy seconded. Vote was unanimous.

2008 ANNUAL TOWN REPORT

Dr. Bowcock motioned to award the contract for the 2008 Annual Town Report to the low bidder, Mallard Printing, 657 Quarry Street, Fall River, MA. Mr. Murphy seconded. Vote was unanimous.

COMCAST

Dr. Bowcock motioned to approve the request from Comcast Cable Communications, Inc. to cut the road to provide service to 12 Union Wharf. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

2009 LICENSE RENEWALS

Dr. Bowcock motioned to approve the following Common Victualer Licenses: Chris' Variety, Just Ray's, Naughty Dawgs, Great Wall Rest, Margaret's, Dunkin Donuts (32 Howland Rd.), Dunkin Donuts (27 Alden Rd.), Honey Dew Donuts and Yia, Yia's Pizza Cafe. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the following Car dealer Licenses: Stylin Cycles, Alden Buick Pontiac GMC, Manny & Bob's Pre-Owned Cars, Al's Auto Sales, Artistic

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Auto Body, Howard's Auto Sales, GTS Auto Sales. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the following Repair Garage Licenses: Stylin Cycles, Alden Buick Pontiac GMC, Manny & Bob's (196 Huttleston Ave.), Artistic Auto Body, Jet Wash Car Wash, Automotive Diagnostic Service, Manny's Service Station (82 Bridge St.), Brian's Garage, Jerry's Auto & Cycle Service, Inc., Roland's Tire Service, Inc., Midas Auto Service Experts, Rick's Services. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the following Entertainment License: K-Mart (1 Doll Crane Machine). Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the following Private Livery Licenses: Elite Transportation, Inc., Transportation Company, E. Fortes. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the following Liquor Licenses: Riccardi's Restaurant, Little Bay Liquors, Douglas Wine & Spirits, Wah May Restaurant, American Legion, Pizza Hut, Gene's Famous Seafood, Uno Chicago Bar & Grill, Mike's Restaurant, Premium Liquors, The Ebb Tide, Paul's Sports Corner, Cardoza's Wine & Spirits, Connolly's Liquor Mart, The Pasta House Restaurant, Town Crier, Sivalai Thai Cuisine, Bayside Lounge, Dorothy Cox's Candies, Antil's Super Convenience Store, Moriarty Liquors, Down The Hatch (with current premise description), 99 Restaurant & Pub, Courtyard Restaurant, V.F.W., Minerva's Pizza House, The Ice Chest Bar & Grill, Capeway Lounge, Vila Verde Restaurant, Acushnet River Safe Boating Club, Paula P's Corner Store. Mr. Murphy seconded. Vote was unanimous.

OTHER MATTERS

The Board offered their condolences to the family and friends of Manny Silvia and George Coelho, who recently passed away. Both were very active in Town affairs.

The Board thanked and commended all who were involved in the "Old Time Holiday" weekend, held this past weekend. The event was well attended.

A "Hall of Fame" display will be set up in the Town Hall foyer. Dr. Bowcock also suggested it be on display at the Recreation Center.

Ron Medina, a member of the Cable Advisory Committee, was instructed to submit a letter listing his ideas for Government Access.

The Board wished everyone a happy and safe holiday season.

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EXECUTIVE SESSION

At 8:00 p.m., Dr. Bowcock motioned to go into executive session to discuss a personnel issue in the Tax Collector's Office, contract issues and pending litigation with respect to the wind project and not to reconvene in open session. Ms. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain
Secretary