

Selectmen's Meeting – May 10, 2010

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

Also in attendance was Jeffrey Osuch.

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

Mr. Silvia motioned to approve the minutes of April 12, 2010. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of the April 12, 2010 executive session. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of April 22, 2010. Dr. Bowcock seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the April 22, 2010 executive session after stating who was present. Mr. Silvia seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of April 26, 2010. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of the April 26, 2010 executive session. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of April 28, 2010. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of May 1, 2010. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the minutes of May 3, 2010. Dr. Bowcock seconded. Vote was unanimous.

#### MAHONEY-NEW BOSTON ROAD PROPERTY

Director of Planning and Economic Development was in attendance and briefly discussed the Mahoney-New Boston Road Land Grant application. Mr. Silvia motioned to submit the application, authorize the Chairman to sign any and all documents associated with the application submittal and authorize William Roth as the Town's contact for the application. Dr. Bowcock seconded. Vote was unanimous.

Selectmen's Meeting – May 10, 2010

### LIQUOR LICENSE HEARING – DOUGLAS WINE & SPIRITS

Liquor License Hearing was scheduled for 7:00 p.m. to determine whether Douglas Wine & Spirits, Inc., holder of a license issued under M. G. L., Chapter 138 § 15 to conduct business at the premises located at One People's Way, violated the provisions of said Chapter 138 and any rules/regulations promulgated under the authority of that Chapter; and, if such violation is found to have occurred, whether such license should be modified, suspended, or revoked. The alleged violation was: That on or about March 30, 2010, a Douglas Wine & Spirits employee sold alcoholic beverages to an intoxicated person, in violation of M. G. L. Chapter 138 §69. Mr. Murphy called the hearing to order. John Haronian, Isaac Mazy and Craig Power from Douglas Wine & Spirits were in attendance. Also present were Police Chief Myers and Officer Matthew Botelho. Mr. Murphy read the notice of hearing and the April 1, 2010 letter from the Police Chief into the record. (See attached.) The Police Chief summarized Officer Botelho's Incident Report. (See attached.) Officer Botelho stated Douglas Wine & Spirits contacted the Police Department immediately after the incident, took responsibility for the incident, took action and put an "Action Plan" in place, so this type of incident would not happen again. Representatives from Douglas Wine & Spirits stated they train all employees in alcohol awareness and have a "No Tolerance Policy". The employee was terminated. Discussion continued. Mr. Murphy motioned to place Douglas Wine and Spirits on six month probation and if another incident occurs during the six month period, the Board of Selectmen may take additional action regarding this incident. Dr. Bowcock seconded. Vote was unanimous.

### EXECUTIVE SECRETARY'S REPORT

Meeting with CCI Energy, LLC is scheduled for May 11, 2010 at 1:00 p.m. at Town Hall.

Meeting with representatives from SMEC and Town Counsel is scheduled for 2:00 p.m. on May 11, 2010 at Town Hall.

Mattapoisett River Valley Water Advisory Committee will meet at 3:30 p.m. on May 11, 2010 at the Board of Public Works.

Mattapoisett River Valley Water District Meeting is scheduled for 4:30 p.m. on May 11, 2010 at the Board of Public Works.

WES Construction will meet at the Board of Public Works on Wednesday, May 12, 2010 at 9:30 a.m.

Board of Selectmen will meet at 11:00 a.m. on May 13, 2010 at the Board of Public Works with the owner of the Pasta House to discuss land acquisition.

Council on Aging Volunteer Appreciation Day is scheduled for May 19, 2010 at 12:00 noon. Selectmen will attend.

Selectmen's Meeting – May 10, 2010

Buzzards Bay Action Committee will meet at 12:00 noon on May 20, 2010 in Wareham.

Mr. Silvia motioned to authorize payment to Fall River Electrical Associates, 74 Corneau Street, Fall River, MA in the amount of \$11,313.95. Dr. Bowcock seconded. Vote was unanimous. (Town Hall Electrical Restoration)

Mr. Silvia motioned to award the contract for the Fairhaven Recreation and Senior Centers Renovations to the low bidder, Village Forge, Inc., 51 Industrial Drive, Readville, MA 02137 in the amount of \$41,000. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to authorize Dyer Brown SouthCoast Architects, 65 William Street, New Bedford, MA 02740 to prepare documents to repaint the second and third windows on the North and West elevations. Dr. Bowcock seconded. Vote was unanimous. Fees shall not exceed \$5,000.

Friday, May 14, 2010 is the deadline to submit an application for the position of Principal Clerk, Selectmen's Office.

Donald Spooner will donate 5 "Reflective House Numbers" to be placed on Sconticut Neck Road. The Board thanked Mr. Spooner for his donation. Mr. Osuch will contact the Board of Public Works to ask if they can make the reflective signs.

#### ANIMAL SHELTER GIFT ACCOUNT

Donations to the Animal Shelter Gift Account totaling \$50.00 were accepted.

#### BUILDING DEPARTMENT

Construction Report for April 2010 will be placed on file.

#### NATURAL RESOURCE DEPARTMENT

Mr. Murphy read the letter from the Shellfish Constable requesting the Building Commissioner's vehicle be awarded to Shellfish Department. (See attached.) The Board stated the vehicle is 16 years old and parts are not available. The letter will be placed on file.

The Harbormaster submitted a request to appoint Ronald J. Manzone an Assistant Harbormaster/Shellfish Warden Deputy. Mr. Silvia motioned to appoint Ronald J. Manzone an Assistant Harbormaster/Shellfish Warden Deputy. Dr. Bowcock seconded. Vote was unanimous. (Term to expire May 31, 2011.)

Selectmen's Meeting – May 10, 2010

#### BOARD OF PUBLIC WORKS

Mr. Murphy read the letter from Linda Lima, Sewer Superintendent, regarding insurance recovery expenditure and requesting the Board of Selectmen authorize the Sewer Department to expend these funds to pay vendors for equipment and services, as allowed under M. G. L., Chapter 44 §31. (See attached.) Mr. Silvia motioned to send a letter to Gerald Perry, Director of Accounts, Division of Local Services, requesting approval of the expenditures. Dr. Bowcock seconded. Vote was unanimous.

#### PUBLIC MEETING ON ZONING, STRETCH CODE

E-mail from Bob Espindola on behalf of the Sustainability Committee was discussed. The Sustainability Committee will be advised of Planning Board Public Hearings on Zoning Changes pertaining to the Stretch Energy Code. The Town will continue to work towards becoming a "Green Community".

#### DOUBLE UTILITY POLES

Mr. Murphy read the letter from Albert Benac concerning double utility poles. (See attached.) A letter will be sent to Verizon requesting a projected time line, as to when the double poles will be eliminated.

#### MEMORIAL DAY PARADE

Mr. Murphy read the letter from Kathleen Clement, 2010 Fairhaven Memorial Day Committee Secretary, inviting the Board of Selectmen to participate in the Memorial Day Parade/Ceremonies on Monday, May 31<sup>st</sup> beginning at 8:00 a.m. (See attached.) The Board of Selectmen will participate in the parade and ceremonies.

#### LICENSES

Mr. Silvia motioned to approve the application for a Common Victualer License for Lady J's, Inc., d/b/a Griddles, 140 Huttleston Avenue. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the application for a Private Livery License (Business, Vehicle, Driver) for Iskandar Sarkis, 17 Highland Avenue. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve the application for a One Day All Alcoholic License for the St. Joseph's School Blessing of the Bikes at Ice Chest Bar & Grille on Sunday, May 16<sup>th</sup> from 12:00 - 9:00 p.m., with a rain date of May 23<sup>rd</sup>. Dr. Bowcock seconded. Vote was unanimous.

Selectmen's Meeting – May 10, 2010

#### BICENTENNIAL COMMITTEE

Mr. Murphy read the letter from Jennifer Bishop and Ian Dobson requesting appointment to the Bicentennial Committee. (See attached.) Mr. Silvia motioned to appoint Jennifer Bishop and Ian Dobson to the Bicentennial Committee. Dr. Bowcock seconded. Vote was unanimous. (Terms to expire May 31, 2010)

#### NSTAR

Mr. Silvia motioned to approve the petition for gas line maintenance at 11 Seaview Avenue. Dr. Bowcock seconded. Vote was unanimous. (Approved by the Board of Public Works)

Mr. Silvia motioned to approve the petition to retire old gas service and install new gas service at 5 & 7 Beachwood Street. Dr. Bowcock seconded. Vote was unanimous. (Approved by the Board of Public Works)

#### FAIRHAVEN FIREFIGHTERS MUSTER AND PARADE

Mr. Murphy read the letter from The Fairhaven Firefighters Muster Committee requesting permission to hold a muster and fire apparatus parade in Fairhaven on June 27, 2010. (See attached.) Mr. Silvia motioned to approve the request with an additional "quiet zone" at the Unitarian Memorial Church. Dr. Bowcock seconded. Vote was unanimous.

#### PERSONNEL BOARD

Mr. Murphy read the memo from John Nunes, Director of Finance/Treasurer, regarding Amendments to the Personnel By-Laws, voted by the Personnel Board on May 6, 2010. (See attached.) Mr. Silvia motioned to approve the changes. Dr. Bowcock seconded. Vote was unanimous.

Mr. Murphy read a letter from Gary F. Souza requesting appointment to the Personnel Board. (See attached.) Mr. Silvia motioned to appoint Gary Souza to the Personnel Board. Dr. Bowcock seconded. Vote was unanimous. (Term to expire May 31, 2012.)

#### DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

Mr. Silvia motioned to approve the request from the Director Of Planning & Economic Development to carry over one (1) vacation day. Dr. Bowcock seconded. Vote was unanimous.

Mr. Roth updated the Board on Economic Development in Fairhaven and discussions he had with the Tourism Department. Mr. Roth plans to meet with the UMASS Center for Market Resources to discuss ways to attract businesses, enhance economic development and bring in tourists. Mr. Osuch will contact the Hampton Inn and the Seaport Inn to ask if a representative (s) from these hotels will serve on the Tourism Committee.

Selectmen's Meeting – May 10, 2010

#### TOURISM DEPARTMENT

Mr. Murphy read the letter from Marc Scanlon stated he does not want re-appointment to the Tourism Committee. (See attached.) The Board accepted Mr. Scanlon's resignation with regret.

#### OTHER MATTERS

The Board congratulated Gerry Rooney, President of the Whitfield-Manjiro Friendship Society, for receiving the "Order of the Rising Sun, Gold, and Silver Rays" from the Government of Japan, for his years of dedication to Sister City relation between Fairhaven and Tosashimizu and other programs/exchanges between the United States and Japan.

Coastline Elderly Services and the Council on Aging sponsored a Health Fair at the Recreation Center on May 7, 2010. The Board congratulated both on a successful Fair.

#### EXECUTIVE SESSION

At 7:40 p.m., Mr. Silvia motioned to go into executive session to discuss a Workers' Comp Claim, Alden Road/Bridge Street land exchange, Council on Aging employee issues, CCI Energy, insurance issues with SMEC, request from the Board of Public Works for Authorization for Legal Services, and not to reconvene in open session. Dr. Bowcock seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain  
Secretary

