

SELECTMEN'S MEETING – JULY 12, 2010

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

Also in attendance were Jeffrey Osuch and John Nunes.

At 6:30 pm Mr. Murphy called the meeting to order.

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

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

Mr. Silvia motioned to approve the minutes of July 6, 2010. Dr. Bowcock seconded. Vote was unanimous.

EXECUTIVE SECRETARY'S REPORT

Meeting Schedule:

Tuesday, July 13, 2010 @ 3:30 PM – Mattapoissett River Water Advisory Committee; BPW  
@ 4:30 PM – Mattapoissett Water District; BPW  
@ 6:00 PM – New School Committee; High School Library

Wednesday, July 14, 2010 @ 9:30 AM – WES Job Meeting  
@ 11:00 AM – Army Corp/FEMA; Mayor Lang's Office

Thursday, July 15, 2010 @ 10-11 AM – Jack Eggleston

Wednesday, July 21, 2010 @ 2:00 PM – Bids; Town Hall Window Painting  
@ 6:00 PM – Executive Session; Council on Aging

Thursday, July 22, 2010 @ 12:00 PM – Riverwalk with Acushnet; Mayor Lang's Office  
@ 1:00 PM – Meeting with New Bedford Water/Sewer Agreement

#### ALDEN ROAD/BRIDGE STREET

Mr. Osuch stated that the documents for Guard and The Pasta House will be available to be signed by Wed, July 14, 2010. It was also mentioned that there needs to be a vote for the reconstruction of the lights. The Mass Highway deadline for signed easement/land acquisition documents will be July 28, 2010. Mr. Silvia motioned to approve and sign documents for easements, land acquisition and order of takings as required by the State Highway Dept for Alden Road/Bridge Street Project. Dr. Bowcock seconded. Vote was unanimous.

#### CHANGE ORDER

Mr. Osuch discussed the Fairhaven Recreation & Senior Center renovations change order. Mr. Silvia motioned to sign change order #1 in the amount of \$5,060.52. Dr. Bowcock seconded. Vote was unanimous.

#### FAIRHAVEN PLANNING BOARD

The Selectmen accepted the resignation of Marinus Vander Pol Jr. (See attached) It was discussed to have applications for this position due July 26, 2010 by 4 PM.

#### FAIRHAVEN CONSERVATION COMMISSION

The Fairhaven Conservation Commission would like to appoint Ms. Shirley M. Monte as the new Commission Secretary. Mr. Silvia motioned to approve the appointment. Dr. Bowcock seconded. Vote was unanimous.

#### ANIMAL SHELTER GIFT ACCOUNT

A donation of \$30.00 from Gonet Powers was accepted.

#### BUILDING DEPARTMENT

Construction Report for June 2010 will be placed on file.

#### CONTRACT FOR PUBLIC HEALTH HEARING

Mr. Silvia motioned to sign the contract for Public Health Nursing for FY 2011 in the amount of \$17,000. Dr. Bowcock seconded. Vote was unanimous.

#### NSTAR GAS

Mr. Silvia motioned to approve NSTAR's request for new gas service at both 118 Adams Street and 4 Bellevue Street. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to approve NSTAR's request for gas line maintenance at 13 Rogers Street. Dr. Bowcock seconded. Vote was unanimous.

#### NEW ELEMENTARY SCHOOL

Mr. Silvia motioned to table discussion on the new elementary school until the July 26, 2010 meeting. Dr. Bowcock seconded. Vote was unanimous.

#### OTHER MATTERS

Mr. Silvia wanted to congratulate the Town of Acushnet on their sesquicentennial anniversary (150 years).

Dr. Bowcock stated that The Board of Selectmen attended the July 7<sup>th</sup> dinner in Brookline at the Japanese Counsel General residence honoring Mr. Gerry Rooney by the Japanese government. Mr. Rooney received the Order of the Rising Sun Gold and Silver Rays at a dinner held in his honor for the years of service improving relationships with Japan.

Mr. Murphy read the letter from Cars for Help. This organization accepts old and used cars for a minimum of \$500. The proceeds are to benefit cancer research.

Mr. Murphy stated that the Board of Public Works has replaced 488 street signs with the new blue and white signs. The old green and white street signs can be purchased for \$5 each at the Board of Public Works office.

The Board of Selectmen offered their condolences to the family and friends of Everett Macomber, a former Town Selectman, who passed away on July 4, 2010.

#### APPOINTMENTS

6:55 PM – Deborah Jenkins

Deborah Jenkins was presented the Above and Beyond Award by Chief of Police Michael Myers and Detective Pamela Bourgault.

#### 7:00 PM – LIQUOR LICENSE HEARING

Mr. Nils Johnson, owner of OLI, Inc. d/b/a The Bitter End Lounge and his attorney Mr. Jeffrey Saunders were present. It was noted that the kitchen needs to be up to code per request of the Board of Health before they can serve food. Also the

employees, as well as the manager need to be TIP certified. Mr. Silvia motioned to approve the liquor license pending TIP certification. Dr. Bowcock seconded. Vote was unanimous.

#### 7:05 PM – JOHN NUNES (TAX FORECLOSURE OPTIONS)

Mr. Nunes requested permission to hold an auction on the attached list of unbuildable lots, as well as on 25 Bayview Avenue. (See attached) Discussion ensued. Mr. Silvia motioned to grant permission to hold the auction and to be advertised. Dr. Bowcock seconded. Vote was unanimous.

#### 7:10 PM – POLICE UNION GRIEVANCE HEARING

Officer Walter DeMello, represented by Atty. Diane Byrnes and Chief of Police Michael Myers were all present. Mr. Myers began by explaining the reason for the hearing. On two separate occasions, April 12, 2010 and May 18, 2010, Mr. Myers sent a departmental e-mail stating all officers were to bring their Class A uniform shirt and hat to the general meeting for a department photograph on May 23, 2010. Officer DeMello not only failed to bring his Class A uniform shirt and hat to the meeting but also showed up late to said meeting. Chief Myers stated in fairness to Officer DeMello, he gave him the opportunity to explain himself but Officer DeMello never contacted the Chief to discuss any problems he was having. It was stated that a second date, June 16, 2010 was arranged to have photographs taken for anyone who did not originally have their photos taken. Prior to June 16, 2010, Chief Myers approached Officer DeMello in the police department hallway and inquired as to whether the officer would be at the photograph shoot. The officer stated he would not. Chief Myers then asked the officer if he needed to be ordered to do so and the officer indicated that the Chief would have to order him. Therefore, Chief Myers ordered Officer DeMello to be at the Fairhaven Police Department on June 16, 2010 with his Class A uniform. The officer also failed to show up for this photograph. He was warned that failure to appear would result in disciplinary action. Failure to obey a direct order of a superior officer resulted in a three day suspension. Discussion ensued between the parties. The three Selectmen were given the opportunity to ask questions to either party. Mr. Silvia motioned to uphold the three day suspension. Dr. Bowcock seconded. Vote was unanimous.

Mr. Silvia motioned to adjourn at 7:45 PM. Dr. Bowcock seconded. Vote was unanimous.

*Erika L. Correia*  
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