

Selectmen's Meeting – June 2, 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 May 19, 2008. Mr. Murphy seconded. Vote was unanimous.

DIRECTOR OF FINANCE/TREASURER

Dr. Bowcock motioned to approve and sign documents for \$225,000.00 short term notes at 2.10% for the East Fairhaven School Project. Mr. Murphy seconded. Vote was unanimous. (Notes are due 7/16/08.)

POLICE DEPARTMENT

Dr. Bowcock motioned to appoint Michael Ouimette a full time permanent Police Officer. Mr. Murphy seconded. Vote was unanimous.

VFW POST 2892 HEARING

Liquor License Hearing was scheduled for 7:00 p.m. “to determine whether VFW Post 2892, a holder of a license issued under G. L. c 138 § 12, to conduct business at the premises located at 109 Middle Street, Fairhaven has violated the provisions of said Chapter 138, and any rules and regulations promulgated under the authority of that chapter; and if such violation or violations is or are found to have occurred, whether such license should be modified, suspended, or revoked.” Mr. Silvia read the notice of hearing into the record. (See attached.) Police Chief, Fire Chief, Officer Philip Lacerda, Officer Timothy Souza, Officer Peter Joseph, Sergeant Michael Bouvier, Officer Marc Darmofal, Sergeant Kevin Kobza, Officer Stephen Gwozdz, VFW Manager Steven Murray and VFW Commander Donald Arsenault were in attendance. The Police Chief stated that on the evening of April 4, 2008, a tragic event took place outside the VFW that left one dead and two others injured from stab wounds. This is not the first time an incident has occurred at the VFW. The Police Department has responded numerous times and has received “less than great cooperation” from the management. Trying to keep the establishment solvent, the VFW is holding outside events and not informing the Police Department. Since the April 4th incident, Mr. Murray and Mr. Arsenault have met with the Police Chief and promised to stop hip hop events, live bands, etc. Since April 4th, there have been no additional incidents. The Fire Chief reported that on April 26, 2006, Mr. Murray signed a “General Affidavit” (See attached.), which exempted the VFW from having to install a sprinkler system. However, if the VFW holds events open to the public, a sprinkler system must be installed. The Fire Chief sent a letter to the VFW on November 1, 2007, reminding them of this fact. (See attached.) The Fire Chief has also

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met with Mr. Murray and Mr. Arsenault. They have promised to follow the regulations listed in the affidavit. If holding outside events, the FVW must keep the bar area separate from the function room. The dividing door must remain closed. Mr. Arsenault said a fire alarm system was installed and eventually, the VFW plans to install a sprinkler system. Testimony was then taken from the Officers and Sergeants, who responded to the VFW from the period June 18, 2006 to April 4, 2008. After each officer testified, a member(s) of the VFW were allowed to ask questions or make a statement. Officer Souza testified he responded to the triple stabbing. (April 4, 2008.) The fight started at the VFW and spread to Bridge Street. (See attached incident report.) Officer Lacerda reported he arrived at the scene and tried to interview people. Security said people were inside and no one was talking. There were lots of beer bottles in the parking lot. Officer Lacerda reported no one would cooperate and Mr. Murray said that this wasn't the VFW's problem because it didn't happen on their property. (See attached incident report.) Mr. Murray disagreed with Officer Lacerda's testimony and stated he did call the Police, so why wouldn't he let them go in to question people? He said 12-13 guys were involved. Officer Peter Joseph testified to a March 7, 2008 incident. The bartender at the VFW called Police and someone inside yelled while she was making the call, not to call. Within a minute, the Police Dispatcher received another call. When the band finished playing, Steven Murray thanked the band singer for spitting, which started an argument between Mr. Murray, Steven Lamarre and a female friend of the singer. After the first call to the Police, Mr. Murray was going to handle the matter. But, when he was surrounded by a group, he yelled to call Police. (See attached incident report.) Sergeant Bouvier also testified to the events of that night. Mr. Murray said he'd handle it himself. But, the situation was out of control. Mr. Murray said why call the Police. They won't do anything. Officer Darmofal testified to the events of a situation of September 14, 2007. A Battle of the Bands was held at the VFW. On regular patrol, Officer Darmofal found two minors in the driveway at Melody's Pet Grooming. When questioning them, they were at the VFW and were drinking prior to the event, but not at the VFW. Earlier in the evening, they paid admission for the event and were given bracelets to wear. Mr. Murray told the Officer the two had come to the VFW and were not let in. They were asked to leave and not come back. Mr. Murray does not know how they got the bracelets. (See attached incident report.) Officer Kobza testified to an incident on July 15, 2007. (See attached incident report.) A large group of 40 – 50 youths were in the VFW parking lot. Officer Kobza told the manager they would have to either go back inside or disperse. The Manager said they were on private property. Some of the youths attending the VFW event, took their skateboards across the street and were harassing the hotel manager. The General Manager of the Seaport Inn said guests have complained about the noise and get scared. Officer Gwozdz testified to an incident on July 6, 2007. Someone was lighting fireworks in the VFW Parking lot. (See attached incident report.) Discussion followed. The Fire Chief stated that if the VFW had followed the 17 points in the affidavit, none of this would have happened. Dr. Bowcock stated that Mr. Murray has tried hard to keep the VFW operating and financially profitable. But, the VFW needs help and direction. They have to listen to the Police and Fire Chiefs. A lack of cooperation will never be tolerated. Mr. Murphy said this meeting should have been held a long time ago. Security

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is an issue and the 17 points of the affidavit are mandated. Mr. Silvia also stated public safety is the issue. The VFW must listen to the Police and Fire Chiefs. The Board of Selectmen will make sure the affidavit is followed. Dr. Bowcock motioned to place the VFW on six (6) months probation, beginning tonight. Mr. Murphy seconded. Vote was unanimous. If the VFW fails the probationary period, the Board is in favor of revoking the liquor license.

BOAT RAMPS & WATERFRONT RECREATIONAL PROPERTY COMMITTEE

Ted Lorentzen from the Boat Ramps and Waterfront Recreational Property Committee discussed the Committee's suggestion to put out a bid for grass cutting and weed whacking at Hoppy's Landing. Funds from the Hoppy's Landing Revolving Account would be used to pay for the work. A proposal will be prepared. The Committee also requested the Board of Public Works' street sweeper clean the Pease Park and Seaview Avenue boat ramps. The request will be forwarded to the Board of Public Works.

FARMER'S MARKET

Fairhaven Farmer's Market will be held at the High School on Sundays from 1-4 p.m. beginning June 22nd and ending October 19th.

EXECUTIVE SECRETARY'S REPORT

Street lights acquisition will be discussed on June 3, 2008 at 1:00 p.m. with George Woodbury.

Mr. Osuch submitted a listing of electric rates effective July 1, 2008.

Interviews for the intern position in the Department of Planning and Economic Development are scheduled for June 3, 2008 beginning at 10:00 a.m.

On June 4, 2008 at 10:00 a.m., East Fairhaven School punch list and landscape issues will be reviewed with the contractor.

Stop Loss bids are due by 3:00 p.m. on June 5, 2008.

Southcoast Consortium will meet on June 6, 2008 at 10:00 a.m. at New Bedford City Hall.

Retirement "get together" for Rainy Oliveira will be held on June 6, 2008 from 1-3 p.m. at the Housing Authority.

Council on Aging meeting is scheduled for June 9, 2008 at 9:30 a.m.

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Mattapoisett River Valley Water Treatment Plant Job Meeting is scheduled for 1:00 p.m. on June 10, 2008 and the Mattapoisett River Valley Water Treatment Plant Meeting for 4:30 p.m.

Finance Committee will meet on June 12, 2008 at the Board of Public Works.

BOARD OF PUBLIC WORKS

The Board of Public Works submitted a request for legal research on the legal status of Meadowbrook Road Bridge. Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

CONSERVATION COMMISSION

Mr. Silvia read a letter of resignation from Dolores Consoletti, Secretary for the Commission. (See attached.) The Board thanked Ms. Consoletti for her service.

Chairman of the Commission submitted a request that the Conservation Agent receive a 3% salary increase effective 7/1/07. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

NATURAL RESOURCE DEPARTMENT

Quotes for the 2008 Shellfish Relay were submitted by the Shellfish Constable. Bruce Ingham was the low bidder. Mr. Ingham will start the relay as soon as all permits are obtained from the Division of Marine Fisheries.

Dr. Bowcock motioned to appoint Ian Dobson and David Crowley Assistant Harbormasters/Deputy Shellfish Wardens. Mr. Murphy seconded. Vote was unanimous. (Term to expire May 31, 2009.)

Letters from the Harbormaster and Shellfish Warden regarding Taylor Seafood will be placed on the June 30, 2008 agenda.

HARBORSIDE INN

Mr. Silvia read the letter from the Fire Chief requesting the Innholders License for Harborside Inn be revoked for non-payment of inspection fees. (See attached.) Dr. Bowcock motioned to place a lien on the property for all outstanding safety fee inspections and to instruct the Fire Chief to continue inspections, as required by law. Mr. Murphy seconded. Vote was unanimous.

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OUR LADY'S HAVEN

Mr. Silvia read the letter from Manuel Benevides, Administrator of Our Lady's Haven, requesting permission to hold the 2nd Annual Family Fun Day on Saturday, June 28th. (See attached.) The Board granted permission. Board of Health will be notified.

COMMUNITY CONNECTIONS, INC.

Mr. Silvia read the letter from Community Connections, Inc. requesting permission to hold a walk-a-thon to benefit their programs on Saturday, September 20, 2008. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

NSTAR GAS

Dr. Bowcock motioned to approve the petition to install a gas service at 3 Long Road. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Dr. Bowcock motioned to approve the petition for gas line maintenance at 455R Main Street on the Haste Street side. Mr. Murphy seconded. Vote was unanimous. (Approved by the Board of Public Works.)

Dr. Bowcock motioned to table the petition for gas line maintenance at 28 Brook Drive. Mr. Murphy seconded. Vote was unanimous. (Disapproved by the Board of Public Works.)

NEW ENERGY OPPORTUNITIES, INC.

Dr. Bowcock motioned to sign the contract by and between the Town of Fairhaven and New Energy Opportunities, Inc., 10 Speen Street, Framingham, MA. Mr. Murphy seconded. Vote was unanimous.

OTHER MATTERS

High School Graduation Ceremony was held yesterday. The Board congratulated the Class of 2008 and extended best wishes for their future.

Mattapoisett River Valley Water District Treatment Plant was dedicated on May 30th. The Board thanked Jeffrey Osuch for his leadership and assistance with this project. Also thanked were Robert Bosworth, Fred Raphael and Ed Fortin. The plant will service the Towns of Fairhaven, Marion, Mattapoisett and Rochester.

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EXECUTIVE SESSION

At 8:40 p.m., Dr. Bowcock motioned to go into executive session to discuss the CCI Energy Contract and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain
Secretary