

Selectmen's Meeting – August 11, 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 July 28, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the July 28, 2008 executive session. Mr. Murphy seconded. Vote was unanimous.

EXECUTIVE SECRETARY'S REPORT

Mattapoisett River Valley Water District Advisory Meeting is scheduled for August 12, 2008 at 3:30 p.m. at the Board of Public Works.

Mattapoisett River Valley Water District Meeting is scheduled for 4:30 p.m. on August 12, 2008 at the Board of Public Works.

Board of Assessors will meet on August 15, 2008 at 9:30 a.m. at the Town Hall.

Deadline for the Part-time Assessor position was today at 4:00 p.m.

Dr. Bowcock and Mr. Murphy each completed the "Criminal Offender Record Information (CORI) – Individual Agreement of Non-Disclosure and Statement of CORI Certification Compliance". Forms will be forwarded the Criminal History Systems Board.

DOG HEARING

In accordance with the provisions of Massachusetts General Laws, Chapter 140, Section 157, the Board of Selectmen scheduled a hearing for 7:00 p.m. on a complaint that a Bull Mastiff, owned by Donn Cordeiro did attack and seriously injure a Poodle "Sweetie" owned by Claudia Martin, on her property/beach at 17 Turner Avenue on June 29, 2008. Mr. Silvia called the hearing to order and read the notice of hearing into the record. (See attached.) Claudia Martin, Animal Control Officer Tiffany Tripp and witnesses to the event were in attendance. Mr. Silvia swore in the witnesses. He then read the letter from Attorney Patrick Walsh representing Donn Cordeiro, owner of the Bull Mastiff, stating Mr. Cordeiro will not be attending the hearing and agrees to keep his dog outside the Town of Fairhaven at all times. (See attached.) Testimony was then taken from Claudia Martin. She stated the events were all in the Police Report. (See attached.) She was walking "Sweetie" on the beach and suddenly the Bull Mastiff charged at "Sweetie" and grabbed her in his mouth and started shaking her. When he finally let go, the dog went

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after her. Ms. Martin stated Mr. Cordeiro told her “to run for her life”. Mr. Corderio tackled his dog and held him down. Ms. Martin described in detail “Sweeties” injuries. She also described treatment at the Emergency Room in Swansea and the long recovery period. Ms. Martin was extremely concerned that if the Mastiff had attacked a child, the child would be dead. She said Mr. Cordeiro runs his dog on the beach with no leash. Barbara Best testified that her husband drove Ms. Martin and “Sweetie” to the animal hospital. Ms. Martin was so upset and concerned for her dog that she left with no identification, money or credit cards. Mrs. Best brought identification, etc. to Claudia Martin. She was not a close friend of Claudia's, but it was extremely difficult to watch her in such pain. The Animal Control Officer testified she was not at the incident, but took Claudia's statement the following day. The ACO also spoke with Mr. Cordeiro the following day. He said the incident happened as Ms. Martin said. However, he did say he thought he and the dog were on a public beach. Linda Rogers also testified that her inside cat wandered outside and was attacked by Mr. Cordeiro's dog. The bone in the cat's leg was completely severed and metal plate/screws were installed. The cat was in the hospital for one week and it took another eight months of recuperation in a dog crate at home. Discussion followed. Mr. Corderio lives in Acushnet and those who testified are very concerned his dog could attack and kill a child. The Board agreed this is a very aggressive Bull Mastiff and the dog needs to be banned from Fairhaven. Acushnet needs to know this is an aggressive dog and needs to be controlled. Dr. Bowcock motioned to find that the attack actually occurred and to ban the Bull Mastiff from Fairhaven and send a notice to the Police Department and to the Town of Acushnet. Mr. Murphy seconded. Vote was unanimous. The hearing was closed at 7:30 p.m.

The Animal Control Officer informed the Board that dogs are being released and trained to hunt rabbits on the Little Bay property. The land is owned by the Town and she asked if there is a by-law or law to prohibit the activity. The Board stated they will contact the Environmental Police and the Division of Marine Wildlife for information on this matter.

BENOIT SQUARE

Mr. Silvia left the room. Dr. Bowcock read the letter from Judith Pasquill requesting a Gift Account be established for Benoit Square and a \$4,178.44 donation be accepted for improvements to Benoit Square. (See attached.) Mr. Murphy motioned to establish a Gift Account and accept the donation. Dr. Bowcock seconded. It was so voted. Ms. Pasquill was thanked for her generous donation. Mr. Silvia returned to the meeting.

BUILDING DEPARTMENT

Construction Report for July 2008 will be placed on file.

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BOARD OF PUBLIC WORKS

Dr. Bowcock motioned to approve the revised job description for Public Works Engineering/GIS Co-op (Asset Management). Mr. Murphy seconded. Vote was unanimous.

WEATHERFLOW INC.

Mr. Silvia read the letter from David Morris of WeatherFlow, Inc. requesting permission to install “a hurricane hardened weather station at the Rocky Point parking lot, West Island.” (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

MASSACHUSETTS TECHNOLOGY COLLABORATIVE

Dr. Bowcock motioned to sign “Amendment 2 to Task order 07-1 Between Town of Fairhaven and the Massachusetts Technology Collaborative”. Mr. Murphy seconded. Vote was unanimous.

STATE PRIMARY AND ELECTION

Mr. Silvia read the list of Poll Workers for the September 16, 2008 State Primary and November 4, 2008 State Election. (See attached.) Dr. Bowcock motioned to approve the list. Mr. Murphy seconded. Vote was unanimous.

COMMUNITY CONNECTIONS, INC.

Mr. Silvia read the letter from Community Connections, Inc. requesting permission to change the date for the walk-a-thon from September 20, 2008 to September 27, 2008, because of a conflict with another non-profit event. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

CAMERON'S KIDS

Mr. Silvia read the letter from Debra Goulart, Founder of Cameron's Kids, requesting permission to hold the fourth annual walk-a-thon on September 13, 2008. (See attached.) Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

HOPPY'S LANDING PARKING PERMIT

Mr. Silvia read the request from Michael Brynes requesting either a refund or free parking permit for next year. Because of the construction, he is unable to use the parking

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facilities at Hoppy's Landing. (See attached.) Dr. Bowcock motioned to grant Mr. Brynes a free permit for next year. Mr. Murphy seconded. Vote was unanimous.

SPECIAL ONE DAY ALL ALCOHOLIC LICENSES

Dr. Bowcock motioned to grant a Special One Day All Alcoholic License to Northeast Maritime Institute for a meeting on September 8, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to grant a Special One Day All Alcoholic License to Fairhaven Varsity Club for a benefit dinner on September 20, 2008. Mr. Murphy seconded. Vote was unanimous.

FAIRHAVEN COMMUNITY POOL COMMITTEE

Mr. Silvia read the report from the Fairhaven Community Pool Study Committee, which summarized their activities over the past year regarding the possibility of building an indoor pool attached to the Recreation Center. Estimated cost for building an indoor pool ranged from \$2.5 to \$3 million and approximately \$225,000. per year to maintain. (See attached.) The Board agreed the Committee has spent a lot of time and effort on this project and if they want to continue to find ways to raise funds, the Board will support their efforts.

Dr. Bowcock motioned to re-appoint Martha Berg, Joe Borelli, Elaine O'Neill, Ken Pottel, Linda Meredith, Al Borges, Dawn Nicholson, Matt Cziska, Nicholas Comeau, Bryan Wood, Brian Foster, Gail Isaksen, James Kalife, Paul Merrill and Marianne Murray to the Fairhaven Community Pool Committee. Mr. Murphy seconded. Vote was unanimous. Terms to expire May 31, 2009.

NSTAR GAS (APPROVED BY THE BOARD OF PUBLIC WORKS)

Dr. Bowcock motioned to approve the petitions to install a new gas service at 40 Briercliffe Road and 51 North Street. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve petitions for gas line maintenance at 69 Sconticut Neck Road, intersection of Sconticut Neck Road and Jerusalem Road and 50' in each direction, 512 Sconticut Neck Road, 29 Grove Street and 8 and 10 Highland Avenue. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the petition to relay gas main for road reconstruction at the intersection of Howland Road and Alden Road and northerly on Howland Road for approximately 75 feet. Mr. Murphy seconded. Vote was unanimous.

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OTHER MATTERS

The Board agreed that once two new members are appointed to the Board of Assessors, meetings should be held in the evening, so the public may attend.

Mr. Silvia read the letter from Peter DeTerra, Chairman of the Board of Appeals, requesting Fran Cox be appointed a full member and a notice be placed on the Cable TV Community Bulletin Board for an Associate member. (See attached.) Dr. Bowcock motioned to appoint Fran Cox a full member. Mr. Murphy seconded. Vote was unanimous. (Term to expire May 31, 2013.) A notice will be placed on the bulletin board for an associate member.

The Board of Public Works submitted a request for authorization for legal services for "evaluation of needs for new policies regarding new non-civil service employees". Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock reported he contacted Fairhaven's State Representatives and they are pursuing with State Officials, the purchase of Fairhaven's street lights from NSTAR.

The Board received an invitation to join members of the Our Lady of Angels Catholic Association for the Annual Festival Procession on Monday, September 1, 2008 beginning at 1:00 p.m. at St. Mary's Church.

The Board approved use of the Town Hall for the "Green Economic Fair" to be held in the Center of Fairhaven. Mr. Sylvia suggested inviting the EPA to do a presentation on the Atlas Tack sight.

David Wilson, Myra and Curtis Lopes' grandson, will attend Maine Maritime Academy in the Fall. The Board wished him well.

The Board thanked the Sisters of the Sacred Hearts for one hundred years of dedicated service to the Town of Fairhaven.

Discussion regarding the dedication of the boat ramp at Hoppy's Landing will be placed on the August 25, 2008 agenda.

EXECUTIVE SESSION

At 7:45 p.m., Dr. Bowcock motioned to go into executive session to discuss the purchase of streets lights from NSTAR Electric, issues pertaining to the VFW Post 2892, e-mail from Town Counsel regarding "light duty" for Police Officers, Dispatchers' Contract, the three member Board of Assessors and Part-time Assessor positions and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

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Jan St. Germain
Secretary