

Selectmen's Meeting – August 25, 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 21, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of August 11, 2008. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the minutes of the August 11, 2008 executive session. Mr. Murphy seconded. Vote was unanimous.

PIZZERIA UNO CHICAGO BAR & GRILL

Pizzeria Uno Chicago Bar & Grill, 214 Huttleston Avenue, submitted an application for a Change of Manager. Proposed new manager is Damon Wilkins. Mr. Wilkins was in attendance. Dr. Bowcock motioned to approve the application. Mr. Murphy seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

HOPPY'S LANDING

Robert Hobson, Jackie Hobson, their daughter Holly and her husband, Attorney Louis Badwey representing Mr. Hobson, and numerous residents were in attendance to discuss the boat ramp at Hoppy's Landing. Mr. Hobson said the deed for Hoppy's Landing states the property shall be known as Hoppy's Landing and objects to the boat ramp at the Landing being named the "Jim Holmes Memorial Boat Ramp". Attorney Badwey stated it is important to Hoppy that the property remains known as Hoppy's Landing. His father's name was also Hoppy. He said there was no publication on the proposal to name the boat ramp and no public input. In addition to the deed stating it shall always be known as Hoppy's Landing, the deed states there shall always be a boat ramp. If these requirements are not followed, Mr. Hobson can sue the Town. Mr. Hobson is concerned that by re-naming the boat ramp, which Attorney Badwey said is the most important thing at the location, it will detract from his name. Attorney Badwey said this meeting is about Mr. Hobson's rights and he is asking the Board to reconsider and not name the boat ramp after anyone. Tim Cox from the Boat Ramp and Waterfront Recreational Property Committee said he came before the Selectmen and asked that the ramp be named after Mr. Holmes, who passed away last year and was very dedicated to the Town. He was a Harbormaster Assistant/Deputy Shellfish Constable, a member of the Planning Board, Board of Appeals and was appointed to several other Boards/Committees over the years.

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Dorothy Holmes, Jim Holmes widow, thanked the Selectmen for naming the boat ramp in her husband's memory. She said Jim was a very caring person, loved the water and always had boats. Mr. Silvia said the Selectmen bring forth the idea that a facility be named after someone. It was done for the Recreation Center and the Wellness Center. Discussion followed. Numerous residents expressed their opposition to the naming of the ramp. It has always been known as Hoppy's Landing and they want it to remain Hoppy's. Dr. Bowcock said he disagrees that naming the boat ramp violates the deed restriction and believes it is more animosity than a violation of the deed. He was involved with the purchase of Hoppy's and worked on the deed restrictions. He said if this matter has to be decided by a higher power, then so be it. Mr. Murphy also doesn't feel naming the boat ramp violates the restrictions. Mr. Hobson sold the property to the Town and the Town owns the Landing. Mr. Murphy questioned if a sign/plaque was placed at the boat ramp, it would be torn down. A brief discussion followed on establishing a more detailed process for dedicating Town property in memory of individuals who have served the Town. Mr. Silvia stated he does not want this issue to become a legal matter and would like to defuse the situation and find a solution that everyone is happy with. Mr. Murphy agreed and stated he didn't think Mr. Holmes would want the Town to spend tax payers' money to settle this issue in court. Mr. Silvia motioned to reconsider the vote to name the boat ramp at Hoppy's Landing the Jim Holmes Memorial Boat Ramp. The motion was not seconded. Mr. Silvia motioned to ask Town Counsel for an opinion on the matter. The motion was not seconded. Mr. Murphy motioned that a well known, unmanned structure in Town be named and dedicated to Jim Holmes and that all Town residents celebrate together, the dedication of this structure. Dr. Bowcock seconded. Vote was unanimous. Mr. Murphy motioned to rescind the name of the boat ramp and the entire structure/property at Hoppy's Landing be known as Hoppy's Landing. Mr. Silvia seconded. It was so voted. Dr. Bowcock was opposed. Mr. Silvia said Hoppy's Landing belongs to all of us and Mr. Holmes had a brief time here. He could have moved mountains if he was given the chance. Mr. Murphy agreed. What transpired at this meeting is not what someone's memory is about. He said he was truly amazed at the behavior shown at this meeting. Dr. Bowcock said the vote to dedicate the boat ramp was made for good reasons and dedicated to a good person.

EXECUTIVE SECRETARY'S REPORT

Pre-construction meeting for Town Hall exterior restoration is scheduled for August 27, 2008 at 10:00 a.m. at the Town Hall.

Mattapoisett River Valley Water Treatment Plant Job Meeting is scheduled for September 3, 2008 at 9:30 a.m. at the site.

Mattapoisett River Valley Water Treatment Plant Advisory Committee Meeting will be held at 3:30 p.m. on September 3, 2008.

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Finance Committee will meet on September 4, 2008 at 7:00 p.m. at the Board of Public Works.

Selectmen's Meeting Schedule for the Fall was approved. Meetings will be held on September 8th, 22nd, October 6th, October 20th, November 3rd, November 17th, December 1st, December 15th and December 29th.

Dr. Bowcock motioned to sign the Community Development Block Grant Contract in the amount of \$965,098.00 for the next round of funding for Cushman Park Area Rehab. Mr. Murphy seconded. Vote was unanimous.

Town Planner submitted a request for legal services for a notice that one of the Housing Rehab applicants has filed for bankruptcy. Since the Town has a lien on the property, the Planner needs to know if it is necessary to file with the bankruptcy Court by September 8, 2008. Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

Our Lady of Angels Catholic Association submitted an application for a Special All Alcoholic License for August 30th, 31st and September 1st for the annual feast. Dr. Bowcock motioned to approve the request. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to sign the contract with NER Construction Management, Inc., 31 West Street, Suite E, Randolph, MA in the amount of \$305,000. for Town Hall Exterior Masonry Restoration, Phase 2. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to sign the Town Hall Exterior Restoration Amendment to Design Contract with Dyer Brown SouthCoast Architects, 65 William Street, New Bedford and design service work shall not exceed \$18,000. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to authorize payment to Contractors Network, Inc., 190 Taunton Avenue, Seekonk, MA in the amount of \$66,975. for Union Wharf Building Emergency Repairs. Mr. Murphy seconded. Vote was unanimous.

Hoppy's Landing Boat Ramp will open on Friday, August 29, 2008.

Dr. Bowcock motioned to sign the "Agreement by and between The Town of Fairhaven, MA and the New England Police Benevolent Association, Local 106 AFL-CIO". (Dispatcher Contract). Mr. Murphy seconded. Vote was unanimous.

The Recreation Director will "initiate a letter writing/solicitation drive" to purchase an AED for the Recreation Center.

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Dr. Bowcock motioned to sign a letter and a "Letter of Agreement and Request for Provisionally Accredited Levee Designation" addressed to Michael J. Goetz of FEMA regarding the New Bedford/Fairhaven Hurricane Protection Barrier. Mr. Murphy seconded. Vote was unanimous. (See attached.) A meeting was held last week with representatives from FEMA, the Army Corp of Engineers and the Town. The section of the hurricane barrier behind Atlas Tack is owned by the Town and must be certified by profession engineers to ensure it will withstand storms/hurricanes. Estimated cost is \$100,000.± . Funds for the inspection must be voted at a Town Meeting. New Bedford and the Army Corps of Engineers must also have their respective portions of the barrier inspected.

Dr. Bowcock motioned to sign the "Site Use Agreement" with WeatherFlow, Inc., 108 Whispering Pines, Suite 245, Scotts Valley, Ca. for the weather station located at Rocky Point, West Island. Mr. Murphy seconded. Vote was unanimous.

DIRECTOR OF FINANCE

Dr. Bowcock motioned to sign the "Commonwealth Sewer Rate Relief Fund Application for FY 2009 Distribution". Mr. Murphy seconded. Vote was unanimous.

DIVISION OF MARINE FISHERIES

Mr. Silvia read the following notice from the Division of Marine Fisheries. "The waters, flats and all tributaries in portions of Buzzards Bay including shellfish growing areas BB:5 through BB:22 in the City of New Bedford and the Towns of Westport, Dartmouth, Fairhaven and Mattapoisett southerly of a line drawn due east from the end of Mattapoisett Neck Road in the Town of Mattapoisett to the Plymouth/Barnstable County Line, easterly of a line drawn due south from the Dartmouth/Westport Town Line at the south end of Horseneck Road to the Bristol/Dukes County Line, and, northwesterly of the of the Bristol/Dukes and Plymouth/Barnstable County Lines. " The above-described areas shall remain closed until notification has been received from the Division that the areas have been returned to an open status."

POLICE DEPARTMENT

Letter of resignation was received from part-time Dispatcher Debra Morrell.

The Police Chief submitted a letter requesting Liza Doonan and Kathy Rocha be appointed part-time Dispatchers. (See attached.)

Dr. Bowcock motioned to accept Debra Morrell's resignation and to appoint Liza Doonan and Kathy Rocka part-time Dispatchers. Mr. Murphy seconded. Vote was unanimous.

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FIRE DEPARTMENT

Dr. Bowcock motioned to sign “Agreement Number 55934 between the Massachusetts Highway Department and the Municipality of Fairhaven” to reimburse the Fire Department to relocate facilities (fire alarm equipment) due to the roadway reconstruction of Howland Road. Mr. Murphy seconded. Vote was unanimous.

SPECIAL ONE DAY ALL ALCOHOLIC LICENSE

Dr. Bowcock motioned to approve the application submitted by Ice Chest Bar & Grill, 136 Huttleston Avenue, to serve alcohol in a tent on October 5, 2008 for a fundraiser for the American Cancer Society. Mr. Murphy seconded. Vote was unanimous.

PERMIT FOR THIRD PARTY USE OF LICENSED PREMISES

Dr. Bowcock motioned to pass over the Permit for Third Party Use of Licensed Premises submitted by the V.F.W. Post 2892 for an event on August 22, 2008. Mr. Murphy seconded. Vote was unanimous.

TOWN CLERK

Mr. Silvia read the list of polling places for the September 16, 2008 State Primary from the Town Clerk's Warrant. (See attached.) Dr. Bowcock motioned to sign the warrant. Mr. Murphy seconded. Vote was unanimous.

The Council on Aging will be contacted to ask if transportation to the polls may be provided for senior citizens.

NSTAR GAS (APPROVED BY THE BOARD OF PUBLIC WORKS)

Dr. Bowcock motioned to approve the petition for the installation of a new gas line at 46 Boston Hill Road at Ridgecrest Avenue. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the petition for gas line maintenance for 24 Bernese Street. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the petition for gas line maintenance for 6 Allen Street. Mr. Murphy seconded. Vote was unanimous.

Dr. Bowcock motioned to approve the petition for gas line maintenance for 19 Hitch Street. Mr. Murphy seconded. Vote was unanimous.

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Dr. Bowcock motioned to approve the petition for gas line maintenance for 33 Union Street. Mr. Murphy seconded. Vote was unanimous.

UNITED NATIONS ASSOCIATION

The United Nations Association of Greater Boston requests a proclamation be issued to mark the 63rd anniversary of the United Nations on October 24, 2008. A proclamation will be issued.

OTHER MATTERS

First day of school is tomorrow, August 26th. Residents were reminded to be cautious driving when children are going/leaving school.

EXECUTIVE SESSION

At 8:23 p.m., Dr. Bowcock motioned to go into executive session to discuss a tax title account, candidates for the Board of Assessors and Principal Assessor positions, an outstanding ambulance bill and not to reconvene in open session. Mr. Murphy seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain
Secretary