

Selectmen's Meeting – July 6, 2009

Dr. Bowcock and Mr. Murphy were present. Mr. Silvia was absent, due to his wife being in the hospital.

Also in attendance was Jeffrey Osuch.

Dr. Bowcock called the meeting to order at 6:30 p.m.

Mr. Murphy motioned to approve the minutes of June 22, 2009. Dr. Bowcock seconded. It was so voted.

BULLS EYE ROAST BEEF

A certified letter was sent to Bulls Eye Roast Beef, Steve Gillis, Manager, requesting he appear before the Board of Selectmen at 6:50 p.m. The business is operating without a Common Victualer License and failed to submit evidence of Workers' Compensation Insurance. Mr. Gillis did not attend. The Board stated Mr. Gillis is not cooperative with Town Officials. He violated the Sign By-Law and has had Building Department violations. Mr. Murphy motioned to deny the Common Victulaer License. Dr. Bowcock seconded. It was so voted. Mr. Gillis will be notified by certified mail.

PASTA HOUSE RESTAURANT

Liquor License Hearing was scheduled for 7:00 p.m. to act on the application submitted by Pasta House Restaurant, 100 Alden Road for an Altered Premise Transaction. Dr. Bowcock called the hearing to order and read the legal notice of the haring into the record. (See attached.) Abutters were notified by certified mail of the date and time of the hearing. Mario Ribeiro, Manager, and Attorney John E. Williams were present. The Police Chief, in a letter to the Board, stated he does "not believe that there is adequate protection on the east side of the patio. (He) believes this situation can be remedied by the erection of at least two cement poles just outside the east patio fence." Mr. Ribeiro reported a planter was installed to conform to the Police Chief's request. The Town Planner recommended "that the Board issue the permit (Liquor License) for one year only on a trial basis." The Board stated Liquor Licenses are renewed on a yearly basis. Brief discussion followed. Mr. Murphy motioned to approve the application. Dr. Bowcock seconded. It was so voted. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

DOWN THE HATCH

A Liquor License Hearing was scheduled for 7:15 p.m. to act on the application submitted by Down the Hatch, 56 Goulart Memorial Drive for an Altered Premise Transaction. Dr. Bowcock called the hearing to order and read the legal notice of the haring into the record. (See attached.) Abutters were notified by certified mail of the date and time of the hearing. None were present. Matthew Hebert, Manager, was present. Mr. Hebert briefly explained the alteration plan. Dr. Bowcock reminded Mr. Hebert that the Building Department, Board of Health and Fire Chief

Selectmen's Meeting – July 6, 2009

approved the "Layout" only, and each has a stipulation that must be completed. (See attached letter.) The Police Chief submitted his concerns for "adequate noise reduction". (See attached.) The Board reminded Mr. Hebert that he must "be very diligent not to disturb neighbors" on West Island and take steps to control the loud music. Mr. Murphy motioned to approve the application. Dr. Bowcock seconded. It was so voted. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

FIRE DEPARTMENT

The Fire Chief was in attendance and reviewed the Fire Department budget for FY 10, including the ambulance service. Ambulance runs are up from last year, but collection of ambulance fees has decreased.

The Board discussed a request to reduce the balance due on an ambulance bill. Dr. Bowcock motioned not to reduce the balance. Mr. Murphy seconded. It was so voted. The individual will be notified by mail of the Board's decision.

FIRE UNION GRIEVANCE

Dr. Bowcock signed the "Agreement Dated July 6, 2009 Between Town of Fairhaven and Fairhaven Firefighters Association Local 1555". (See attached.)

Mr. Murphy motioned to sign the "Bill of Sale" in the amount of \$7,000.00 for the sale of the 1982, 25 foot Boston Whaler and boat trailer to Michael and Christine Kodama of Fruitland, ID. Dr. Bowcock seconded. It was so voted.

POLICE DEPARTMENT

The Police Chief was in attendance and discussed the Police Department FY 10 budget and cuts in the Quinn Bill. The Town will only receive \$15,000.00 instead of \$99,000. Salary decreases are a possibility if State funding is not received.

EXECUTIVE SESSION

At 8:00 p.m., Mr. Murphy motioned to go into executive session to discuss Police Department personnel issues and to reconvene in open session. Dr. Bowcock seconded. It was so voted. Roll call vote 2-0. Open meeting reconvened at 8:22 p.m.

ANIMAL CONTROL DEPARTMENT – DOG HEARING

In accordance with the provisions of Massachusetts General Laws, Chapter 140, Section 157, the Board of Selectmen scheduled a hearing for 8:15 p.m. on a complaint that a Pit Bull named DJ, owned by Tammy Tavares, did attack and kill a cat owned by Christine Mello, on her property at 86 Sycamore Street on June 12, 2009. Dr. Bowcock called the hearing to order and read the

Selectmen's Meeting – July 6, 2009

notice of hearing into the record. (See attached.) Tammy Tavares, Christine Mello, Charles Marinelli and Animal Control Officer Tiffany Tripp were in attendance. The Animal Control Officer stated that on June 12, 2009, a Pit Bull escaped and attacked and killed a cat at 86 Sycamore Street. The dog, owned by Tammy Tavares, 28 Garrison Street, was staying with her brother at 88 Sycamore Street. The dog was outside and escaped from a fenced in yard. The Animal Control Officer investigated the incident and took the dog to the shelter. She instructed the owner that the dog would not be released until it was licensed, vaccinated and the fence fixed. On June 15th, the ACO released the dog. It was now licensed and vaccinated. However, the fence was not fixed. On June 20th, the dog again escaped by crawling under the fence and ended up on Alpine Avenue. The ACO was contacted to pick up the dog at the Alpine Avenue address. The ACO brought the dog back to the Shelter. After these two incidents, Dr. Bowcock told the ACO to hold the dog until after the hearing. Ms. Mello stated the fence belongs to her and not to 88 Sycamore Street. Ms. Tavares stated she is trying to secure the fence, but has gotten into arguments with Ms. Mello and has not been able to complete the repairs. She also stated the fence is not properly installed and there is a lot of "slack". Charles Marinelli stated he saw the Pit Bull with the cat in its mouth. Discussion followed. Mr. Murphy motioned to keep the Pit Bull "DJ" at the Town's Animal Shelter until a secure fence is installed around the property and the dog shall be on a leash or chain when in the yard. Dr. Bowcock seconded. It was so voted.

EXECUTIVE SECRETARY'S REPORT

Mr. Osuch and the Harbormaster will attend a meeting on Union Wharf on July 8, 2009 at 11:00 a.m. to discuss the installation of a 70 foot tower with cameras to view the harbor.

Next Selectmen's Meeting is scheduled for 6:30 p.m. on July 9, 2009 at Town Hall.

Mattapoisett River Valley Water District Advisory Committee meeting is scheduled for 3:30 p.m. on July 14, 2009.

Mattapoisett River Valley Water District Committee meeting is scheduled for 4:30 p.m. on July 14, 2009.

Dr. Bowcock and Mr. Osuch will attend the New School Committee meeting on July 15, 2009 at 6:00 p.m. at the High School.

Retirement Board will meet on July 17, 2009 at 8:30 a.m. at Town Hall.

Cherry Sheet figures were received. The Town must cut approximately \$122,000.00 from the FY 10 budget.

Mr. Murphy motioned that Dr. Bowcock sign the "Certificate of Substantial Completion" for the Town Hall Exterior Masonry Restoration, Phase 2 Project. Dr. Bowcock seconded. It was so voted.

Selectmen's Meeting – July 6, 2009

Mr. Nunes will advise if a Special Town Meeting is required to increase the Town's meals/room tax.

BUILDING DEPARTMENT

Construction Report for June 2009 will be placed on file.

COMMISSION ON DISABILITY

Mr. Murphy motioned to appoint Lisa Plante a full member of the Commission on Disability. Dr. Bowcock seconded. It was so voted. Term to expire May 31, 2012.

PLANNING & ECONOMIC DEVELOPMENT

Mr. Osuch summarized the memo from the Director of Planning and Economic Development regarding Town owned land on Courtland Way, Shannon Meadows Subdivision. (See attached.) Brief discussion followed.

POLICE DEPARTMENT

Dr. Bowcock read the letter from the Taunton Police Department commending former Chief Gary Souza for his assistance with a search and recovery of a drowning victim in the Taunton River. (See attached.)

SPECIAL ONE DAY BEER & WINE LICENSE

Mr. Murphy motioned to approve the application for a One Day Beer and Wine License for the Fairhaven Gridiron Club for a fund raiser on August 15th from 12:00 noon – 5:00 p.m. Dr. Bowcock seconded. It was so voted.

LODGING HOUSE LICENSE

Mr. Murphy motioned to approve the application for a Lodging House License for the Polish Manor House, 1 Main Street. Dr. Bowcock seconded. It was so voted.

Mr. Murphy motioned to approve the application for a Lodging House License for Baggins End Guest House, 2 West Street. Dr. Bowcock seconded. It was so voted.

NSTAR GAS (APPROVED BY BPW)

Mr. Murphy motioned to approve the petition for gas line maintenance at 14 Hawthorne Street. Dr. Bowcock seconded. It was so voted.

Selectmen's Meeting – July 6, 2009

Mr. Murphy motioned to approve the petition for gas line maintenance at 32 Hawthorne Street. Dr. Bowcock seconded. It was so voted.

OTHER MATTERS

Dr. Bowcock expressed the Board's displeasure with the way the gas company handled a gas leak on Center Street, near Town Hall, on June 26th and June 27th. NSTAR opened the road on Friday, June 26th, the day before the Homecoming Day Fair. The crew worked all day, patched the road and left. Because of the smell of gas, they returned several hours later and worked till early Saturday morning and then re-appeared at 6:00 a.m. and worked till 1:00 p.m. Vendors were displaced, music could not be heard because of the noise from the equipment and the equipment blocked the street. NSTAR was back today because they can't find the gas leak. The gas company has been aware of the leak for sometime. The Board feels their decision to repair the leak right before the Homecoming Day Fair was a poor decision. Mr. Murphy motioned to send a letter to NSTAR expressing the Board's displeasure with the choice of days to repair the leak. Dr. Bowcock seconded. It was so voted.

Mr. Murphy stated this was the first year for a "dunk tank" at Homecoming. It was a great fund raiser for the Rotary Club.

The Board congratulated Allen and Flo Day on another successful Father's Day Road Race. This is the 35th year and over 1,200 runners participated.

West Island residents and the West Island Improvement Association were thanked for hosting the Selectmen's Meeting on June 22, 2009.

The Board congratulated all who participated in the annual July 4th Costume Parade. The event was well attended and very patriotic.

EXECUTIVE SESSION

At 9:05 p.m., Mr. Murphy motioned to go into executive session to discuss Town Hall personnel issues and not to reconvene in open session. Dr. Bowcock seconded. It was so voted. Roll call vote 2-0.

Jan St. Germain
Secretary