

Selectmen's Meeting – July 20, 2009

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

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 July 6, 2009. Mr. Silvia seconded. Vote was unanimous.

Mr. Murphy motioned to approve the minutes of the July 6, 2009 executive session (8:00 p.m.). Mr. Silvia seconded. Vote was unanimous.

Mr. Murphy motioned to approve the minutes of the July 6, 2009 executive session (9:05 p.m.). Mr. Silvia seconded. Vote was unanimous.

#### NEW BEDFORD/FAIRHAVEN MUNICIPAL HARBOR PLAN

A representative from Fort Point Associates, Inc. and Bill Roth, Director of Planning and Economic Development, were in attendance. A summary of the final draft of the New Bedford/Fairhaven Municipal Harbor Plan was presented. (See attached.) The Plan is available in the Millicent Library for public review. Discussion followed. Mr. Murphy motioned to approve the Harbor Plan. Mr. Silvia seconded. Vote was unanimous. Mr. Roth will draft a letter for the Board to sign.

#### SEAPORT INN & MARINA

Chris Corkery from the Seaport Inn and Marina and Carolyn Vickery, Manager, were in attendance. Dredging and future plans for the hotel and the marina were discussed, including plans for a floating restaurant and the recent re-opening of "Crawdaddy's". Mr. Corkery requested executive session to discuss the lease for the Bridge Street abutment.

#### RAY & DONNY'S FAIR REPAIR

Car Repair License Hearing was scheduled for 7:25 p.m. to act on the application submitted by Ray & Donny's Fair Repair, 47 Howland Road. Dr. Bowcock called the hearing to order and read the notice of hearing into the record and the note from Bill Roth, Town Planner. (See attached.) The applicant was in attendance and discussion followed on the hours of operation, parking issues and number of cars allowed on site. The applicant was instructed to submit a more detailed parking plan (showing parking spaces) to the Building Commissioner. Mr. Silvia motioned to approve the application with the condition a more detailed parking plan is submitted to the Building Commissioner. Hours of operation are 8:00 a.m. – 8:00 p.m. Monday to Friday and 8:00 a.m. to 5:00 p.m. on Saturday, closed Sunday, Mr. Murphy seconded the motion. Vote was unanimous.

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### BULL'S EYE ROAST BEEF

Due to Mr. Gillis' failure to appear at the July 6<sup>th</sup> Selectmen's Meeting and the fact he is operating without a Common Victualer License and evidence of Workers' Compensation Insurance, another certified letter was sent requesting he appear before the Board of Selectmen at 7:30 p.m. Mr. Gillis was present and submitted evidence of Workers' Compensation Insurance. The Board reminded Mr. Gillis he must follow the Town's rules and regulations and apply yearly for a Common Victualer License. Mr. Murphy motioned to grant a Common Victualer License to Bulls Eye Roast Beef. Mr. Silvia seconded. Vote was unanimous.

### EXECUTIVE SECRETARY'S REPORT

Mr. Osuch will meet with representatives from NEXTEL on July 21, 2009.

Mr. Osuch will attend the SEMASS meeting on July 22, 2009 at 10:00 a.m. in Plymouth.

A meeting with the Clerical Union is scheduled for 3:00 p.m. on July 23, 2009.

Mattapoissett River Valley Water District Sub-Committee will meet on July 29, 2009 at 8:00 a.m. at the Board of Public Works.

Mr. Murphy motioned to authorize payment to NER Construction, 867 Woburn Street, Wilmington, MA 01887 in the amount of \$18,133.23. Mr. Silvia seconded. Vote was unanimous. (Town Hall Restoration Project)

Mr. Murphy motioned to award the contract for the painting of the second floor windows of Town Hall to Paul Choquette & Co., of Mattapoissett, MA in the amount of \$37,465. Mr. Silvia seconded. Vote was unanimous.

### EMERGENCY MANAGEMENT AGENCY

Dr. Bowcock read the request from Acushnet EMA, to acquire a 1997 Ford Ambulance, declared surplus by the Board of Selectmen on June 22, 2009. Mr. Murphy motioned to offer the ambulance to Acushnet EMA for a nominal fee. Mr. Silvia seconded. Vote was unanimous.

### BOARD OF HEALTH/COMMUNITY NURSES

Mr. Murphy motioned to sign the agreement between the Board of Health and Community Nurse and Hospice Care, Inc for the term July 1, 2009 thru June 30, 2010. Mr. Silvia seconded. Vote was unanimous.

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#### NATURAL RESOURCE DEPARTMENT

Dr. Bowcock read Kevin Villa's letter of resignation, effective July 8, 2009. (See attached.) With regret, the Board accepted Mr. Villa's resignation.

Dr. Bowcock read the letter from the Harbormaster regarding docking at Union Wharf and repairs to the south side bulkhead. (See attached.) Mr. Murphy motioned to change the regulation for docking on the south side of Union Wharf to the following: "Per order of the Board of Selectmen, docking on the south side of Union Wharf is permitted by "Appointment Only" with the Harbormaster, for maximum of four hours at the hourly rate of \$25.00 per hour. Appointments can be made by calling the Office of the Harbormaster. Failure to comply with this regulation may result in non-criminal citation being issued and a fine up to \$100.00. Exceptions are, if approved space is not available on the west and north sides, the south side may be used until a space becomes available, and or if an emergency exists that jeopardizes a vessel or human life. Payments must be made in advance of the docking, paid to the Town of Fairhaven with a memo of Union Wharf South. Payment will be made in the Selectmen's Office, Monday thru Friday 8:30 a.m. – 4:30 p.m." Mr. Silvia seconded. Vote was unanimous. Discussion on repairs to the south side bulkhead was discussed. Estimated cost is \$75,000. The Town Planner reported that at the present time, funds are not available. Hopefully in the spring, funding will be available from the Seaport Council.

The establishment of a Commercial Vessel Pump-Out Facility at Union Wharf was discussed. The State would pay for design and construction. Once the facility is completed, it would become the responsibility of the Town. Because it is a commercial facility, it would be available to any boat. Mr. Osuch will contact David Janik from Coastal Zone Management to report the Board is not in favor of the pumpout facility.

#### DEPARTMENT OF REVENUE

Mr. Osuch explained Chapter 27 §60 and §156 of the Acts of 2009 "Local Option Meals Excise". Communities may now impose an excise of .75% on the sales of restaurant meals. He also explained Chapter 27 §51, §52 and §154 of the Acts of 2009 "Local Option Room Occupancy Excise". Maximum rate communities may now impose is 6%. Town Meeting must approve any increase. The Board agreed to hold a Special Town Meeting in the fall.

#### WHITFIELD-MANJIRO FRIENDSHIP HOUSE

Gerald Rooney, Chairman of the Whitfield-Manjiro Friendship Society, Inc., submitted a letter indicating the Friendship Society Board voted to request the Board of Selectmen serve as honorary members. Selectmen indicated they are happy to serve and ask to be informed of meeting dates and time.

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#### FORT PHOENIX 5 K ROAD RACE/WALK

Kathy Lopes, Race Director Ft. Phoenix 5k Road Race/Walk submitted a request to hold the road race/walk on Sunday, September 13<sup>th</sup> at 10:00 a.m. starting at Fort Phoenix. Mr. Murphy motioned to approve the request. Mr. Silvia seconded. Vote was unanimous.

#### LIBERTY CONCERT

Steven Bouley requests permission to use Cushman Park on Saturday, July 3, 2010 from 12:00 noon to 4:00 p.m. for a band and coral concert. Mr. Murphy motioned to approve the request. Mr. Silvia seconded. Vote was unanimous. Mr. Bouley will be asked to contact the Tourism Director to help promote the event and to consult with the Board of Public Works regarding the use of Cushman Park.

#### NSTAR GAS (APPROVED BY THE BOARD OF PUBLIC WORKS)

Mr. Murphy motioned to approve the petition for relay gas main and services on Center Street from Main Street to Green Street including the intersections. Mr. Silvia seconded. Vote was unanimous.

Mr. Murphy motioned to approve the petition for gas line maintenance at 22 Bonney Street. Mr. Silvia seconded. Vote was unanimous.

#### MILLCENT LIBRARY

Due to the fire damage in the Library, Laura Gardner, Youth Services Librarian, asked to use the Auditorium on Wednesday, August 5<sup>th</sup> from 6:00 p.m. to 7:30 p.m. for a local story teller. Mr. Murphy motioned to approve the request. Mr. Silvia seconded. Vote was unanimous.

#### OTHER MATTERS

Congratulations to Wendy and Jamie Marinelli who were married this past weekend.

North Fairhaven Improvement Association will hold the annual Fun Fair and Car Show at Livesey Park on Sunday, July 26<sup>th</sup>.

The Board offered their condolences to Jon Scieszka, a Board of Public Works employee. His father recently passed away.

Fire Works are scheduled for 9:45 p.m. on Thursday July 23<sup>rd</sup> in the New Bedford/Fairhaven Harbor. Dr. Bowcock will do the display. Hurricane Barrier will close at 8:00 p.m. Gates will not re-open until after high tide.

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EXECUTIVE SESSION

At 8:15 p.m., Mr. Murphy motioned to go into executive session to discuss the lease between the Town and Seaport Inn/Marina for the Bridge Street Abutment, Town Hall personnel issues, an RFP for solar panels at the Landfill and not to reconvene in open session. Mr. Silvia seconded. Vote was unanimous. Roll call vote 3-0.

Jan St. Germain  
Secretary