



# Fairhaven Board of Selectmen

## February 6, 2014 Meeting Minutes

**Present:** Chairman Charles Murphy, Vice Chairman Robert Espindola, Clerk Geoffrey Haworth, Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne Kakley.

Chairman Charles Murphy called the meeting to order in the Town Hall Banquet Room at 7:00 p.m. The meeting was telecast and video recorded by Government Access and audio recorded by Anne Kakley. The February 6, 2014 meeting was postponed from February 3, 2014 due to weather.

### MINUTES

- Mr. Espindola motioned to approve the minutes of the **January 22, 2013** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **January 22, 2013** meeting, **executive** session. Mr. Haworth seconded. Vote was unanimous. (3-0).

### RODRIGUEZ PROCLAMATION

At 7:00 p.m., the Board recognized the mother, father and brother of Lance Cpl. Matthew Rodriguez in the audience. The Chairman read a proclamation for Lance Cpl. Rodriguez, who died in Afghanistan in December 2013. (See Attachment A).

The Board and the family offered words about Lance Cpl. Rodriguez. The family revealed that an effort was underway to create a scholarship and playground in Matthew's memory. The Board asked Ms. Kakley to place information on this organization on the Town website.

### EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Selectmen on the following meetings:

- Friday, **February 7** –
  - 10:00 a.m. – Mattapoissett River Subcommittee meeting at Mattapoissett Water Department
  - 2:00 p.m. – Meeting with Gail and Max Isaksen
- Monday, **February 10** –
  - 9:30 a.m. – CDM/FST meeting/Call MEP
- Tuesday, **February 11** –
  - 9:30 a.m. – COA meeting

- 3:30 p.m. – Mattapoisett River Advisory Committee at BPW
  - 4:30 p.m. – Mattapoisett Water District at BPW
- Wednesday, **February 12** –
  - 10:00 a.m. – Retirement Board class
  - 6:00 p.m. – Selectmen’s Meeting at the Special Town Meeting
  - 7:00 p.m. – Special Town Meeting - Hastings
- Thursday, **February 13** –
  - 2:00 p.m. – IT Meeting
  - 7:00 p.m. – Finance Committee at BPW

### **COLLINS CONSTRUCTION REQUISITION**

The Board reviewed Requisition #1 from Collins Construction in the amount of \$6,423.00 for work on the front doors of the Town Hall.

Mr. Espindola motioned to approve Requisition #1 in the amount of \$6,423.00 for Collins Construction. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **TAYLOR SEAFOOD – PUBLIC HEARING**

At 7:14 p.m., the Chairman opened a public hearing for an aquaculture operation expansion request from Rod Taylor of Taylor Seafood. Mr. Taylor was present, as was Shellfish Constable Tim Cox, and Jerry Moles and Neil Churchill of the Division of Marine Fisheries.

Mr. Taylor ran a PowerPoint that he had presented originally at the December 30, 2013 meeting. He gave a brief overview of the expansion, which would bring his 35 acre operation to 101 acres.

Mr. Espindola presented a photo that had been given to him of Taylor Seafood building area on Goulart Memorial Drive at low tide. He said that the photo raised concerns about pollution from the proposed hatchery that would follow the aquaculture expansion.

Mr. Taylor said that if they were permitted to start the hatchery at the proposed site on Goulart Memorial Drive, they would pump sea water and use ultraviolet to sanitize the water. He said that the requirements of a hatchery include very clean water. He said that he already has a permit in hand from the EPA for the hatchery. He said that the public hearing they were dealing with that night pertained to the aquaculture expansion proposal and not the hatchery.

Mr. Cox said that the Town could stipulate periodic water sampling and testing in that area as a condition of the hatchery license approval. Mr. Espindola asked if the Conservation Commission would eventually have a role in the hatchery building permitting process and Mr. Cox answered yes.

The Chairman opened the hearing to public comment.

Atty. Matthew Thomas of New Bedford was recognized by the Chairman. Atty. Thomas said that he represented Octavia David, who has deeded beach rights in the area of the proposed hatchery on Goulart Memorial Drive. He asked if the public hearing that night was for the hatchery or for the aquaculture expansion. Mr. Taylor answered that the hearing was only for the aquaculture expansion. Atty. Thomas further clarified that the hatchery would require Mr. Taylor coming before the Board of Selectmen again. Mr. Taylor confirmed that to be so. Atty. Thomas asked when the EPA license for the hatchery was granted to Mr. Taylor. Mr. Taylor answered that the license was granted in April 2013.

Frank Coelho was recognized by the Chairman. Mr. Coelho said that he remembered in the past that Mr. Taylor had to clean up broken lanterns from his current aquaculture farm and he said that Mr. Taylor has not been a good neighbor. He alleged that Mr. Taylor was inappropriately disposing of shells and that the Taylor building on Goulart Memorial Drive is falling apart. Mr. Coelho said that the per-acre permitting price for aquaculture is not fair in comparison to the mooring rates.

Robert Hobson was recognized by the Chairman. Mr. Hobson, a lobster fisherman, said that he was not for or against the aquaculture expansion but that there is lobster in the area that would become Mr. Taylor's exclusively. He said that the building that would be the hatchery is a "disgrace".

Mr. Taylor responded by saying that he donates scallops to the Town every year and that the sea bottom is improving due to his shellfish operation.

Mr. Haworth said that although the public hearing before them pertained to the aquaculture expansion proposal, Mr. Taylor was still asking the community for something, and he would be wise to "put some effort forward" first, by fixing up his building on Goulart Memorial Drive. He said that nets and equipment could be tidied at little expense. He added that Mr. Taylor should improve the maintenance of navigational markers at his current operation.

Mr. Taylor answered that if he is permitted the hatchery, he will not have to store nets at the Goulart Memorial Drive building anymore. He added that he had new partners and new investors and would be able to get that building looking better.

Mr. Haworth asked Mr. Taylor about a proposed timeline for all the work. Mr. Taylor answered that with permitting and hearings, he was hoping to break ground in fall 2014.

Mr. Murphy asked if the Board had any rules or regulations to use for guidance when it comes to granting aquaculture licenses. Mr. Cox answered that when Matthew Loo was granted an aquaculture license, the Board placed a moratorium on additional aquaculture licenses beyond those of Taylor and Loo.

Vincent Manfredi was recognized by the Chairman. He asked if the applicant had a pipeway in order to build – he said that he would be drawing water out of Buzzard's Bay. He said that Mr. Taylor has over an acre in Mattapoisett. He said that recreationally shellfishes in the proposed area and that he has seen scallops there that he does not think are Taylor's.

Atty. Thomas asked about the previously imposed moratorium. He stated that it was possible that any license expansion for Mr. Taylor would violate that moratorium. He stated that the Board may need to consult with Town Counsel before granting any license expansion to Mr. Taylor.

Others who spoke to express concern about the expansion application were Kevin Miller, Peter Ricard and Kevin Doonan. See Attachment B for submitted comments.

Mr. Moles of the DMF said that the Town would have plans and/or requirements in place for aquaculture requests. He said that he would meet with a Town representative to discuss this in detail. Mr. Coelho said that he thinks that the Boat Ramp/Shellfish Advisory Committee should review aquaculture applications before the Board of Selectmen.

Mr. Espindola and Mr. Haworth recommended no action until they received more information.

### **FEMA CRS**

At 8:16 p.m., the Board met with Susan Sullivan regarding the FEMA CRS rating system program. Building Commissioner/Conservation Agent Wayne Fostin was also present. See Attachment C.

In the CRS program, a Town-designated coordinator would apply on behalf of the Town for a flood insurance rate discount through FEMA – generally ranging from five to 20 percent – depending on the Town’s preventative measures related to flooding. Certain attributes, such as a hurricane barrier and educational initiatives would be graded on a point-system (500) to arrive at a Town-wide percentage reduction in flood premiums.

Ms. Sullivan said that selling a house on the water was getting to be difficult due to flood insurance costs. She said that the CRS could save money for homeowners on the water, and could make Fairhaven more appealing to prospective buyers if a CRS were in place.

Mr. Murphy asked Ms. Sullivan if there were other towns engaged in the CRS program. Ms. Sullivan said that Marshfield and Plymouth were participating in the program.

Mr. Haworth said that he did not think that the Town would qualify for the CRS program, as it does not have flood insurance on any of its buildings, including buildings in the flood plain (Hoppy’s Landing and some pump stations). Town flood insurance was outlined as a prerequisite on the FEMA coordinator’s manual.

Mr. Fostin said that he would still like to look into the matter. He said that he would contact FEMA for more information. If the Town were cleared to apply for the CRS program, Mr. Fostin said that he would have to have the Chairman of the Board of Selectmen submit a letter to FEMA. He said that all the FEMA sites are blocked from his computer.

Mr. Murphy said that the Town would have the sites unblocked from his computer so he could access the information he needs.

Ms. Sullivan said that if Mr. Fostin needed help, she would be willing to assist.

Realtor Sharon Palmer was recognized by the Chairman. She said that it would help if the Town did participate in the CRS program, as buyers do not want to purchase homes in flood plains right now.

Mr. Fostin will come to a later meeting with more information regarding the FEMA flood CRS program.

### **BUILDING INSPECTOR COMPLAINT – ADAMS ST**

At 8:34 p.m. – the Board met with Debra Bertrand and Cindy DiVino regarding a complaint against the Building Inspector (Wayne Fostin). The complaint stemmed from a dispute between Ms. Bertrand, owner of 54 Adams Street and her neighbor to the north, who has placed a boat and other structures too close to her property line. Letters have been sent to the property owner from the Building Department (see Attachment D) but they have been ignored. Mr. Fostin ordered a fence to be built between the properties by the owner of 58 Adams Street (Buzzard's Bay Properties LLC).

Mr. Fostin said that on the Monday prior to the meeting, he drove by 58 Adams Street and told the person working there that he has to have a ten-foot setback from Ms. Bertrand's property, which he does not have. Mr. Fostin took some photos and told him that he had to remove the structure and that he had to install a fence. Mr. Fostin presented letters to the Board that indicated he had been sending letters to 58 Adams Street regarding the violation, but the owner still wasn't complying.

Ms. Bertrand and Ms. DiVino were further upset when they learned that the owner of 58 Adams Street had visited the Building Department and told Mr. Fostin that an agreement had been struck with Ms. Bertrand. When Ms. Bertrand later told Mr. Fostin that this was not true, she said that he asked her to put in writing that there was no agreement. She said that it was not fair that she was asked to put something in writing but the owner of 58 Adams Street was not. Ms. Bertrand said that the whole process with her neighbor has been protracted and that she is trying to sell her house. She said that the unsightly structure is hurting her home value.

The only other option at this point, Mr. Fostin said, was to use Town Counsel. The Board agreed. Mr. Murphy asked for patience from Ms. Bertrand, as the process could take some time. Mr. Espindola motioned to approve use of Town Counsel, not to exceed \$1,500. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **UNION WHARF SLIP COMPLAINT**

The Board met with Tim Cox and Robert Hobson regarding the use of a slip at the Lobster Basin. At a previous meeting, Eric Moniz had been granted permission by the Board of

Selectmen to use his father's (John Moniz) slip for part of the season. After reviewing the matter, the Board decided to revisit its decision.

Mr. Haworth said that the previous vote to grant permission to Eric Moniz to use his father's slip was made on little information. Now that the Board knew more about the situation, he said that it should reconsider its decision. Mr. Haworth motioned to rescind a previous vote granting permission to Eric Moniz to use the slip. Mr. Espindola seconded. Mr. Haworth amended his vote to not allow anyone to swap slips until the matter was reviewed. Mr. Espindola seconded the amended motion. Vote was unanimous. (3-0).

Mr. Cox will prepare a fee structure and updated rules and regulations related to the Union Wharf slips for a future meeting.

### **HOUSING AUTHORITY APPOINTMENT**

At 9:00 p.m., the Board met with Jay Simmons and Ann Silveira of the Housing Authority to make an appointment to a vacancy on the Housing Authority.

The only applicant was Gregory Tutcik. Mr. Simmons said that Mr. Tutcik was qualified and had attended several meetings of the Housing Authority. The Board of Selectmen and the Housing Authority were both satisfied with the applicant. With only four members of the Housing Authority currently serving, Mr. Simmons declared a quorum. Mr. Murphy motioned to appoint Mr. Tutcik to the Housing Authority. Mr. Simmons seconded. Roll call vote to appoint Mr. Tutcik to the Housing Authority: Charles Murphy, yes. Jay Simmons, yes. Ann Silveira, yes. Bob Espindola, yes. Geoffrey Haworth, yes.

### **ROGERS-OXFORD APPRAISALS AND STM ARTICLE**

At 9:05 p.m., the Board met with Nils Isaksen, Thomas Alden, Karen Vilandry, and Gayla Reilly of the Rogers-Oxford Study Committee to discuss an article on the February 12, 2014 Special Town Meeting.

Mr. Isaksen read the Committee's recommendations to the Board of Selectmen. See Attachment E.

Mr. Isaksen said that Nicole Plante of Even Keel Realty had come out and given an estimated listing price for the Rogers School (\$250,000) and the Oxford School (\$200,000 – without a deed search). Ms. Plante is interested in being the listing agent if the Town lists these properties, said Mr. Isaksen. Ms. Plante made the estimates without gaining entry, but said that she could better tailor the estimates if she went through the buildings.

Mr. Murphy asked if the Committee would be making any recommendations for Article 11 on the February 12, 2014 Special Town Meeting. Mr. Isaksen said that they would be recommending \$4,000 for appraisals and legal fees on the Rogers School only. Mr. Espindola corrected Mr. Isaksen and said that it had been decided by the Committee that the \$4,000 would cover appraisals only. Mr. Isaksen said that they had been told by Giroux Real Estate that \$4,000 could cover the cost of two separate appraisal opinions on Rogers School. Mr. Osuch

said that he did not think the Rogers-Oxford Study Committee should plan on requesting funds from the already-exhausted Legal account, and should have included their legal expense request in the article.

Discussion ensued on the removal of the portables on the Rogers site.

Mr. Espindola motioned to recommend the \$4,000 request from the Rogers-Oxford Study Committee in Article 11 of the February 12, 2014 Special Town Meeting. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **POLICE UNION RECOMMENDATION**

Mr. Espindola motioned to recommend \$53,411.00 for Article 2, part 2 (Police Department) for the February 12, 2014 Special Town Meeting. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **BOAT RAMP/SHELLFISH ADVISORY COMMITTEE APPOINTMENTS**

Mr. Espindola motioned to appoint Tim Cox, Bruce Ingham, David Hebert, and Robert Newett to the newly combined Boat Ramp/Shellfish Advisory Committee. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **ANIMAL SHELTER DONATIONS**

Mr. Espindola motioned to accept \$21 in donations to the Animal Shelter Gift Account. Mr. Haworth seconded. Vote was unanimous. (3-0).

### **ANNUAL TOWN MEETING SLIP PULL**

The Board pulled slips for the Annual Town Meeting. See Attachment F for the randomly selected order.

### **OTHER BUSINESS**

In Other Business:

- Mr. Espindola asked if a deadline would be selected soon for the Special Town Meeting within the Annual Town Meeting. Mr. Osuch answered that a STM deadline is not typically announced until March.
- Mr. Espindola said that there had been a bill in the bill folder for Mr. Haworth to be reimbursed for an overnight stay at the MMA conference in Boston on January 24 and 25. He said that he thought that the Board had approved Mr. Haworth going to the conference, but he did not know that Mr. Haworth would be staying overnight. Discussion ensued. Mr. Murphy said that overnight trips will be approved by the Board from now on.

- Mr. Murphy stressed the importance of residents to get involved in efforts like the Dog Park Committee if they want to see positive change.
- Mr. Murphy congratulated and thanked Tourism Director Christopher Richard and web developer Jeffrey Wotton for producing a new Tourism website.

At 10:04 p.m., Mr. Espindola motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with regards to land acquisition – Mill Road
- To discuss strategy with regards to potential litigation – Tibbett’s Engineering

Mr. Haworth seconded the motion to enter Executive Session for the aforementioned reasons, not to reconvene into open session afterward. Vote was unanimous. (3-0). Roll call vote: Mr. Espindola in favor. Mr. Murphy in favor. Mr. Haworth in favor.

Respectfully,

Anne Kakley

Administrative Assistant  
Board of Selectmen  
(Minutes approved 02/19/2014)



## PROCLAMATION

- Whereas:** Lance Cpl. Matthew R. Rodriguez served in the United States Marine Corps. and was a combat engineer with 1<sup>st</sup> Combat Engineer Battalion, 1<sup>st</sup> Marine Division supporting Operation Enduring Freedom; and
- Whereas:** Lance Cpl. Matthew R. Rodriguez, nicknamed "Smiley", was a well-loved and respected member of the community, always going above and beyond to be of service to his family and friends; and
- Whereas:** Lance Cpl. Matthew R. Rodriguez had always wanted to be a soldier in the United States Marines and gave his life serving his community and his country; and
- Whereas:** Lance Cpl. Matthew R. Rodriguez was honored by not only family, friends, and his hometown of Fairhaven during his funeral procession, but by many neighboring cities and towns along the route to his resting place. Many citizens, servicemen and women past and present, police officers, and fire fighters stopped and paid tribute to this brave young man and honored his sacrifice for our freedom; and
- Whereas:** Lance Cpl. Matthew R. Rodriguez was posthumously awarded the Purple Heart Medal as well as the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, and the NATO Medal - International Security Assistance Force Afghanistan; and
- Whereas:** Lance Cpl. Matthew R. Rodriguez has been the ultimate example of kindness, leadership, bravery, honesty, strength, pride, and courage for the people of the Town of Fairhaven.

Now, therefore, We, Charles K. Murphy, Sr., Robert Espindola, and Geoffrey Haworth, the Board of Selectmen of the Town of Fairhaven, proclaim and declare February 6, 2014:

**LANCE CPL. MATTHEW R. RODRIGUEZ  
APPRECIATION DAY IN THE TOWN OF FAIRHAVEN**

for the leadership and loyalty he has brought to our Fairhaven community and how he selflessly gave his life in the service to the country he loved. We honor and thank this extraordinary young man who has made Fairhaven and the United States of America a better place to live. He will be greatly missed.

Given under our hands and seal this sixth day of February in the year two thousand and fourteen.

\_\_\_\_\_  
Charles K. Murphy, Sr.

\_\_\_\_\_  
Robert Espindola

\_\_\_\_\_  
Geoffrey Haworth

Attachment B

**January 31, 2014**

**Dear Selectmen Charles Murphy, Chairman,  
Bob Espindola, and Geoffrey Haworth, II**

**Enclosed is a picture of Taylor's Seafood taken from  
47 Goulart Memorial Drive on Jan. 4, 2014 at low tide.  
As can be seen in this picture the water level is  
extremely shallow.**

**This is where they plan to draw water for the  
shellfish hatchery. The water will be used then  
discharged back with chemicals, and fecal waste from  
the shellfish.**

**During the summer this beach is used by people from  
Hoppy's Landing for swimming and sun bathing. Please  
consider them and the water quality of Buzzards Bay  
while considering Taylor's proposal.**

**Sincerely,**

*Peter H. Ricard*

**Peter H. Ricard  
47 Goulart Memorial Dr.  
Fairhaven, MA 02719**

B



Kevin Miller FAIRHAVEN, MA.  
508-997-8619

(1)

B

I believe this community should embrace Aquaculture Projects as long as their are major consistant benifits for the town and its

commercial, recreational, senior & student <sup>shellfish</sup> diggers. I think the town

before you lease out anymore of its

waters should seriously consider developing its own scallop <sup>Aquaculture</sup> farm.

A large enough farm would

produce revenue to help lower

property taxes, better educate the

students in town, help pay for fire,

Police & shellfish Restoration along

with other town needs. You could <sup>scallops 4 scholars</sup>

develop a Scholarship fund were

the town each year could place funds

( in an exercise account for each

student <sup>K-12</sup> from town every successful <sup>AGRICULTURE</sup>

season. Hold that money until

graduation day and when that student

opens up their High School Diploma

there is a check for X amount of dollars

to say congratulations on a job

well done Here is a check to help with

your college, trade school or car you'll

need to get back & forth to work. Or

maybe every year or two property owners

get a rebate on their taxes cause the

farm had a good season. Heck you

might even be able to give town

residents discounts on realtors.

( These are the things I think could

be accomplished with some assumption &

insight.

Should The Town NOT Choose To Open  
Their OWN FARM BUT INSTEAD choose TO  
GRANT MR TAYLOR his Request To expand  
his I believe THAT CERTAIN CONDITIONS  
must be met. Over the years Mr Taylor  
has donated quite a few baby scallops  
to the waters of Fairhaven, Unfortunately  
in that time the town has only had  
a few commercial scallop seasons.  
Scallops swim so there is no  
guarantee were you seed them in  
were they will stay. It appears  
many seasons these scallops  
have not someone other than in  
the towns waters. ~~However the~~  
Taylor & his company ~~grow scallops~~

Or in the case of two seasons ago the limit for scallops was increased from a Bushel a week to five bushel a day <sup>opened up commercially</sup> putting a big dent on what had taken a long time to come back. Then you pay the consequences of having more like this season. However Mr Taylor also grows quahogs & oysters which this town is in dire need of along with soft shell clams & edible mussels. These crustations do not swim. Where they are planted is where they will most likely be found when it is time to harvest them. In a town that peddles almost 200 shellfishing licenses annually to not have a full fledged aquaculture program that grows

( baby shellfish in this day & age is just absurd & unethical & shameful.

The lack of real care for the shellfishing beds in this town is just down right disgusting. Transplanting polluted Quahogs & just tossing them into a cage is not a very good

( method of propagation. Now you

as a town board have a unique opportunity in front of you. I believe

20 million quahogs & 10 million oysters &

10 million soft shell clams need to

be grown annually to ~~to~~ restore the

towns shellfishing beds and to main-

tain them. This would allow the

town to have 40-45 commercial shellfisher-

men a year and a host of other recreational



(  
diggers seasonally. Without a  
aquaculture plan its like a farmer  
hoping his field of corn will grow  
without re-seeding it. Its time to  
either fix it or close it down. If  
Mr Taylor was granted his request  
I would like it under the stipulation  
that he grows or helps grow these other  
type of shellfish for the town and at the  
numbers & size (large enough to keep small  
predators especially small crabs from destroying  
large numbers of what was grown) that I request.

(  
Also I would like some guarantee of  
some summer jobs <sup>paying</sup> for High School  
students interested in Aquaculture,  
and that say 80% of Mr Taylor  
work free reside in Fairhaven. Also  
I'd like to know what his employees

are reach & what benefits they have now and can expect if this project were to move forward.

~~Kevin Miller~~

\* Also if Mr Taylor was granted all this acreage I think 4-6 more permits for small aquaculture farms say 2 acres an under should be awarded. Its hard to say yes to someone who wants 101 acres and no to someone who only wants a few.

JUST please Remember Those waters out there have some Real POTENTIAL. Please Be Smart with them

**Re: FEMA update**

sunfishdesigns@gmail.com on behalf of Susan Sullivan

**To:** Jeff Osuch  
**CC:** Anne Kakley ; sharon.power@comcast.net  
**Sent On:** Tuesday, December 03, 2013 7:40:25 AM  
**Archived On:** Tuesday, December 03, 2013 7:41:12 AM  
**Identification Code:** eml:5a661d5f-75bd-4bab-a28e-e04de79a7e98-2147380154  
**Folders:** Inbox

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thanks for the quick reply.

It appears that we shouldn't have a problem (at least not that problem) applying for CRS. As I understood it, if there have never been any claims sent in, then there shouldn't be mandatory coverage. When I get a chance I will double with our state FEMA rep.

thanks again

susan

On Mon, Dec 2, 2013 at 2:49 PM, Jeff Osuch <josuch@fairhaven-ma.gov> wrote:

Hi Ms. Sullivan,

The Town does not have flood insurance on the Town Buildings. The majority of Town buildings; Town Hall, Library, BPW, Police and Fire building, school buildings are not in the flood areas (V Zones) and are not required to have flood insurance.

I checked with the Town's Insurance Agent and to his knowledge the Town has never submitted a claim to FEMA for flooding of a Town Building.

I do not see the Town buying flood insurance on buildings when it is not needed.

Jeffrey Osuch

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**From:** sunfishdesigns@gmail.com [mailto:sunfishdesigns@gmail.com] **On Behalf Of** Susan Sullivan  
**Sent:** Sunday, December 01, 2013 6:41 AM  
**To:** Anne Kakley  
**Subject:** FEMA update

Hi Anne,

Hope you had a nice holiday. I am having surgery Monday afternoon, so I needed to get this to you - not sure how I will be feeling next week.

Anyway, I met with Richard Vacca in Plymouth. He just maintains their 5% discount and did not seem too overburdened with the project. I can discuss details at some other point.

On the other hand, Jerry O'Neil from Marshfield, was quite overwhelmed. However, they are aiming for a 20% discount right off the bat. That is a tremendous amount of work. He was very informative and I learned a lot including our state contact for the FEMA CRS project. **Chris Markesich 617-832-4712**. I also contacted Chris by phone and gained some more info.

**The most important** piece of information I got was to find out whether or not the town buildings actually do have flood insurance. I found an article dated July, 2012 that said the town elected to cancel the insurance. If this is true then there could be a problem right from the get-go. When I talked to the state FEMA rep, he said that if the town EVER collected any FEMA money for any claims on any of the buildings then they would have to get flood insurance in order to qualify for CRS. This is how I understood it. Chris was very helpful and welcomed all calls and questions.

If there is anyway you could find this information out about the town flood insurance, it would be extremely helpful. I was hoping to talk with Brian Bowcock last week, but I just ran out of time due to the holidays. Not sure what condition I will be in after surgery.

Also, they do not give the manual out anymore, you must download it from their website. That link was in the last email I sent. The section for qualifying is 200 if anyone down there wants to take the time to review it.

I am sure we can get the initial 500 points to qualify, but this town insurance thing could stop us cold. I won't waste anymore time if we find that the town does not want to reinsure the property if it needs to.

Anything you can find out would be most helpful. I'll try to contact you when I am feeling better. I'll also be around Monday morning, if you have any questions. 508-993-0998

thanks again - susan

December 27, 2013

RECEIVED

2013 DEC 31 A 11: 27

BOARD OF SELECTMAN  
FAIRHAVEN MASS

Fairhaven Board Of Selectmen  
Town Hall  
40 Center Street  
Fairhaven, MA 02719

Re: Storage area belonging to 58 Adams Street, Fairhaven  
Violation: Zoning by-laws 198.27.C6

Dear Board Members:

Please let this letter serve as a formal complaint against Mr. Wayne Fostin, Building Inspector for the Town of Fairhaven, MA. This complaint is a result of my request to have a solid fence installed at the property adjacent to my home on 54 Adams Street.

Below is a chronological list of the events that took place since May 24, 2013 regarding my request:

**February 2013:** I initially visited Mr Fostin to complain about the storage area at 58 Adams, aka Buzzards Bay Properties, LLC. The storage area was horrendously unkept and downright dangerous to exist in a residential neighborhood. In speaking to Mr. Fostin he promised to visit the business to evaluate the situation. Mr. Fostin also promised that he would communicate to me his finding in a letter.

**March 2013:** After no communication from Mr. Fostin, I returned to Town Hall to inquire the status of my complaint and his findings. Mr. Fostin stated that he forgot to send me a letter but he did indicate to me verbally that there were issues with the use of this storage area and he spoke to the business owners about removing various machinery, loose debris and scallop draggers from the area. He also stated that a fence was required. Mr. Fostin never gave a concrete answer as to when the fence needed to be installed. As a form of confirmation I again asked for written acknowledgment of our conversation. Mr. Fostin agreed, however, I never received this letter.

**May 2013:** I again went to see Mr. Fostin but he was not in the office. I spoke to a woman in the office and she assured me that she would tell Mr. Fostin I was there and checking on the status of the fence installation.

**October 2013:** Once again, I am returning to Town Hall to speak to Mr. Fostin. I needed answers. I had been very patient. I asked for a copy of any correspondence he had used to communicate with my neighbors. Mr. Fostin said he had a copy of a letter he sent to Buzzards Bay Properties, LLC in his truck which he retrieved for me. This letter was dated October 2<sup>nd</sup> (copy attached). Within this letter he references a letter that he sent to Buzzards Bay Properties in May of 2013. I never saw the letter than Mr. Fostin claims he sent in May. The letter of October 2nd to Buzzards Bay Properties, LLC informs them that they are out of compliance in accordance to Zoning by-laws § 198.27.C6 and a fence must be installed and notify the Building Inspector with 48 hours of their intentions.

**October 31, 2013:** After no communication and no fence, I again went to the Town Hall. Mr. Fostin advised us that the wife of one of the owners came to the Fairhaven Town Hall and claimed an agreement had been reached between me and the owners. This conversation between Mr. Fostin and the "wife" was never brought to my attention by Mr. Fostin and was left as if this was the resolution. How dare he believe her statements as final without discussing this with me. At this point it was left as though the matter was resolved. The only reason I found out about this phoney resolution is because I came to the Town Hall again and asked for a status. Mr. Fostin indicated at this point, I had to write a letter to him, denying the conversation between the parties ever took place. I found this extremely unfair that I had to now write a letter to deny this conversation took place, and he simply believed the "wives" verbal response. I feel victimized, ignored and abused by Mr. Fostin. His lack of action and unfairness as a Town Representative is shocking.

The letter that Mr. Fostin instructed me to write was delivered the very next day (see attached letter) and to this date, I have not received a response from Mr. Fostin and certainly no fence has been installed.

I am a life-long resident of Fairhaven and I am frankly appalled by this inaction of our Building Inspector. I am further enraged that I have had to spend this ridiculous amount of time without resolution.

I respectfully request this situation be addressed at the next Board of Selectman's meeting. My intentions are two-fold. I wish to initiate a formal complaint against Mr. Fostin and I demand a solid fence be installed immediately.

Kind Regards,

Debra G. Bertrand  
Attachments (2)

ATTACHMENT 1

D



Wayne Fostin  
Building Commissioner

Town of Fairhaven  
Massachusetts  
OFFICE OF THE  
BUILDING DEPARTMENT

COPY

TOWN HALL  
40 Center Street  
Tel. (508) 979-4019  
FAX: 979-4079

October 2, 2013

Buzzards Bay Properties LLC  
P.O. Box 141  
Fairhaven, Ma 02719

Re: Storage area next to 58 Adams Street, Fairhaven  
Violation: Zoning by-laws §198.27.C6 (see attached)

Dear Owner(s);

On May 24, 2013 the Town of Fairhaven Building Department sent you a letter (enclosed) regarding the storage area and items near the storage area at the above mentioned address. On that visit to the above referenced property I determined that you are in violation of the Town of Fairhaven Zoning By-laws §198.27.C6. As of this date the building department is still receiving complaints regarding the above mentioned property; please be advised that you are still in violation of the Town of Fairhaven Zoning §198-27-C6. You must install a fence between your storage area and the residential property to the south. Please notify the building department of your intended course of action within 24 hours of receipt of this letter.

Your cooperation in this matter will be greatly appreciated. If you have any questions regarding this matter please contact the Town of Fairhaven Building Department at 508-979-4019.

Sincerely,

Wayne Fostin  
Town of Fairhaven  
Building Commissioner

wf/llm

ATTACHMENT 2

D

November 1, 2013

Town of Fairhaven, Massachusetts  
Office of the Building Department  
Town Hall  
40 Center Street  
Fairhaven, MA 02719

Re: Storage area next to 58 Adams Street, Fairhaven  
Violation: Zoning by-laws 198.27.C6

Dear Mr. Fostin:

This letter is in response to our conversation on October 31, 2013, and your letter dated October 2, 2013, to Buzzards Bay Properties, LLC.

As we understand it, after the above-mentioned letter was received by the owners of Buzzards Bay Properties, LLC., the wife of one of the owners (who is unknown to me), came to the Fairhaven Town Hall and claimed an agreement had been reached between myself and the owners. It is my contention that no such conversation transpired. Therefore, no such agreement was ever reached.

As your October 2<sup>nd</sup> letter indicates, the violation is still outstanding and needs to be resolved immediately. Due to the close proximity of this storage area to my home, I am respectfully requesting the fence installed obscure the view from my property. As such, a chain-link fence would not suffice. In addition, there are many children living in this neighborhood, and many of the stored items are potentially dangerous to inquisitive children. Also in my home there is a very active two year-old whose safety is of deep concern to me.

Since stall tactics have possibly been used, a quick resolution would be greatly appreciated.

Kind Regards,



Debra G. Bertrand  
Owner: 54 Adams Street, Fairhaven, MA



D3 D



**Town of Fairhaven**  
Massachusetts  
**OFFICE OF THE**  
**BUILDING DEPARTMENT**

TOWN HALL  
40 Center Street  
Tel. (508) 979-4019  
FAX: 979-4079

**Wayne Fostin**  
Building Commissioner

January 23, 2014

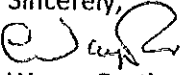
Buzzards Bay Properties, LLC  
P.O. Box 141  
Fairhaven, Ma. 02719

Re: Storage Area next to 58 Adams Street  
Violation Zoning By-Laws §198.27.C6

Dear Buzzards Bay Properties, LLC:

On May 24, 2013, and on October 02, 2013, you received written notice from this office regarding the storage area at the above mentioned address and how it is not in compliance with the Town's Zoning By-Laws. Upon receipt of the October 02, 2013, letter you informed this office (indicated) that you had a long talk with the owner next to the storage area and an agreement had been reached. I am now in receipt of a letter dated November 01, 2013, from the owner of 54 Adams Street stating that she has never spoken with you or anyone from Buzzards Bay Properties, LLC regarding this matter and no agreement had been reached.

Therefore, due to the above stated facts, be advised that you have 48 hours from receipt of this letter to inform this Department as to when a tight fence will be installed as required per the Zoning By-Laws (copy attached), or this Department will be forced to submit this to Town Counsel for resolution of this matter. Your cooperation would be appreciated. Should you have any questions please contact the Town of Fairhaven Building Department 508-979-4019 extension 117.

Sincerely,  
  
Wayne Fostin

Enc



Wayne Fostin  
Building Commissioner

Town of Fairhaven  
Massachusetts  
OFFICE OF THE  
BUILDING DEPARTMENT

TOWN HALL  
40 Center Street  
Tel. (508) 979-4019  
FAX: 979-4079

D  
COPY

February 4, 2014

Buzzards Bay Properties LLC  
P.O. Box 141  
Fairhaven, Ma 02719

Re: 58 Adams Street, Fairhaven Ma 02719  
Violation: Temporary Boat Cover

Dear Owner(s);

The Town of Fairhaven Building Department is sending you this letter due to a complaint that we received regarding the temporary boat cover that you have constructed at the above mentioned address. On a visit to the above referenced property I determined that you are in violation of the Town of Fairhaven Zoning By-laws §198.18.C3 (minimum yard requirements/see attached). The area of the above mentioned property is zoned business, which abuts a residential lot therefore; any structure whether temporary or permanent must be placed ten feet from the property line.

You must remove this structure within 5 days of receipt of this letter to avoid further action by this department.

Your cooperation in this matter will be greatly appreciated. If you have any questions regarding this matter please contact the Town of Fairhaven Building Department at 508-979-4019.

Sincerely,

Wayne Fostin  
Town of Fairhaven  
Building Commissioner

wf/llm

D

Minimum Yard Requirements

	RR	RA & RB	RC	P	B	I	AG	MU	WRP
Building setbacks									
Front (ft.) <sup>1,6</sup>	30	20	50 <sup>4</sup>	50	— <sup>2</sup>	50	50	20 <sup>1,2</sup>	20
Side (ft.)	20	10	25 <sup>4</sup>	25 <sup>5</sup>	— <sup>3</sup>	25 <sup>5</sup>	30	10	10
Rear (ft.) <sup>7</sup>	30	30	50 <sup>4</sup>	50	— <sup>3</sup>	50	50	30	30
Maximum Building height (ft.)	35	35	40	40	40	40	35	40	35
Maximum Lot coverage (%) <sup>10</sup>	25%	50%	50%	50%	70%	65%	25%	70%	50% <sup>8</sup>
Maximum Building coverage (%) <sup>9</sup>	15%	30%	25%	25%	25%	25%	10%	25%	25%

NOTES:

1. No new building need provide yards greater than the average of those existing or abutting lots on the same street. Front deck and/or porch setbacks may conform to the average setbacks of those existing on the same street. Corner or through lots shall observe front yard requirements from both streets.
2. Front yard requirements established by Town Meeting votes recorded on plats on file in Town Clerk's office. Minimum of 20 feet required if none specified.
3. When abutting a residence district, 10 feet. None required elsewhere, provided that access to rear of structure and space for any required off-street loading or parking can be gained by other means.
4. For multifamily dwellings, increase to not less than building height for any yard in which building width parallel to lot line exceeds 30 feet.
5. When abutting a residential use or district, increase to 50 feet; which shall contain no parking, but at least 10 feet of which shall contain densely planted trees (at least two inches in diameter) and shrubs (at least three feet high) unless existing vegetation is retained and provides equal screening for the purpose.
6. A noncovered porch, deck or landing not exceeding 72 square feet, nor extending more than six feet into a required front yard, and attached to a principal building, shall be exempt from this requirement. This exemption applies only to zoning districts RR, RA, and AG.
7. A noncovered porch, deck or landing not exceeding 450 square feet, nor extending more than 15 feet into a required rear yard, and attached to a principal building, shall be exempt from this requirement. This exemption only applies to zoning districts RR, RA, and AG.
8. Building coverage shall be a maximum of 25%, total coverage of lot shall be 50% including building and all accessory uses such as parking etc. At least 50% of the lot shall remain in its natural state. [Added 5-1-1999 ATM by Art. 8]
9. Maximum Building Coverage - See definitions Section 198-33. [Added 5-5-2001 ATM by Art. 13; Amended 2-11-2004 STM by Art. 14]
10. Maximum Lot Coverage - See definitions Section 198-33. [Added 5-5-2001 ATM by Art. 13; Amended 6-8-2002 ATM by Art. 5; Amended 2-11-2004 STM by Art. 14]

§ 198-19 Fences. [Added 3-22-1969 ATM by Art. 56]

- A. Corner lots shall provide visibility unobstructed at intersections. No sign, fence, wall, hedge or other obstruction shall be allowed to obstruct vision between three and one-half (3 ½) feet and eight (8) feet above the street grade within an area formed by intersecting street lines and a straight line joining points on said street lines two (2) feet back from their point of intersection.
- B. No boundary fence, wall or hedge shall exceed six (6) feet in height, and no boundary fence, wall, hedge, or other landscape feature, which obstructs vision shall exceed forty-two (42) inches in height within any required front yard area or within twenty (20) feet of the street, whichever is the lesser requirement. [Amended 5-1-2010 ATM by Art. 31]

## Rogers/Oxford Study Committee

January 30, 2014

The following recommendations have been developed to deliver to the Select Board on February 3, 2014:

1. We request that the town remove the portables from the former Rogers and Oxford School sites as soon as possible. This will eliminate all liability associated with these structures and visually prepares these sites for sale. We request 3 bids on the job and that they have proper liability coverage.
  
2. We recommend to sell only Lot 9 of the former Rogers School site with deed restrictions as follows:
  - a. For the original building, the exterior be retained and restored to its original architectural significance.
  - b. For the addition, that the building conform to the neighborhood if it is not demolished.

**ARTICLE OF THE TOWN WARRANT FOR  
THE ANNUAL TOWN MEETING  
RECOMMENDATIONS OF THE FINANCE COMMITTEE**

**ARTICLE 1 – MEASURER OF WOOD AND BARK**

To see if the Town will vote to instruct the Selectmen to appoint a Measurer of Wood and Bark.

*Request:* Adoption

*Recommend:*

**ARTICLE 2 – TOWN REPORT**

To receive the Annual Report of Town Officers.

*Request:* Adoption

*Recommend:*

**ARTICLE 3 – SETTING SALARIES OF TOWN OFFICERS**

To see if the Town will vote to fix the compensation of the Town’s Elected Officers and that said compensation be effective July 1, 2014.

	Request	Recommend
A. Board of Selectmen (3 members)	A. \$ 15,600.00	A.
B. Town Clerk	B. \$ 52,457.00	B.
C. Moderator	C. \$ 800.00	C.
D. Tree Warden	D. \$ 6,500.00	D.
E. Board of Health	E. \$ 4,000.00	E.

Or take any other action relative thereto.

**ARTICLE 5 – PROPAGATION OF SHELLFISH**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the propagation of shellfish, or take any other action relative thereto.

*Petitioned by:* Board of Selectmen

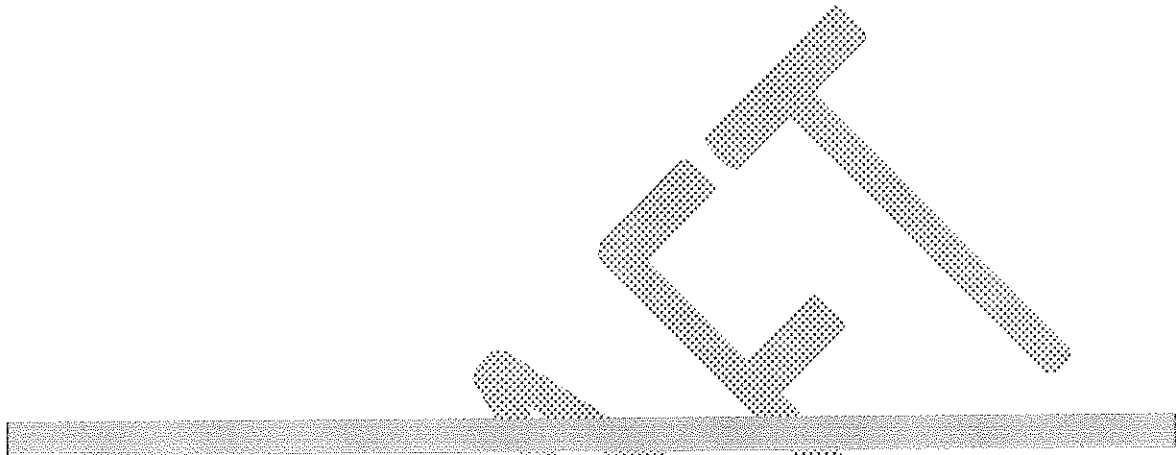
*Request:* \$17,500.00

*Recommend:*

**ARTICLE 6 – COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS**

To see is the town will vote to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee to expend or reserve, from the Community Preservation Fund available funds and FY15 Estimated Receipts as set forth herein, the following amounts for

community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:



And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the existing reserves and recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund Estimated Receipts.

And, whereas Town Meeting may vote to delete any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2015 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$40,000.00) for open space, not less than 10% (\$40,000.00) for historic preservation, and not less than 10% (\$40,000.00) for community housing.

Or take any other action relative thereto.

*Petitioned by:* The Community Preservation Committee

- Request:* A.
- B.
- C.
- D.
- E.
- F.
- G.

- Recommend:* A.
- B.
- C.
- D.
- E.
- F.
- G.

**ARTICLE 7 – SOCIAL DAY CARE CENTER**

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2015 a sum of money not to cumulatively exceed \$125,000.00 from the Grant Account known as “Receipts Reserved for Appropriation for Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

*Petitioned by:* The Council on Aging  
*Request:* Adoption  
*Recommend:* Adoption

**ARTICLE 8 – FIRE DEPARTMENT ROOF**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$161,252.00 to replace the roof at the Fire Department headquarters.

Or take any other action relative thereto.

*Petitioned by:* Fire Chief  
*Request:* \$161,252.00  
*Recommend:*

**ARTICLE 9 – FEMA GRANT FOR LADDER 1**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to apply for a five (5) percent FEMA grant to replace Ladder 1; or take any other action relative thereto.

*Petitioned by:* Fire Chief  
*Request:* \$42,500.00  
*Recommend:*

**ARTICLE 10 – HAZARDOUS MATERIALS REVOLVING FUND**

To see if the Town will re-authorize a “Hazardous Materials Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for the establishment of a Hazardous Materials Clean-up Account including, but not limited to, the purchase of equipment and supplies and the hiring of full time and/or part time personnel.
2. All fees charged to users of the Hazardous Materials Clean-up Account shall be credited to the revolving fund.
3. The Fire Chief is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2015 shall not exceed one hundred thousand (\$100,000.00) dollars.

Or take any other action relative thereto.

*Petitioned by:* Fire Chief  
*Request:* Adoption  
*Recommend:*

**ARTICLE 11 – WORKER’S COMPENSATION ASSESSMENT**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay a MEGA 2011 Worker’s Compensation Assessment due July 1, 2013 for the period of 2003-2006 or to take any other action relative thereto.

*Petitioned by:* The Board of Selectmen  
*Request:* \$19,593.37  
*Recommend:*

**ARTICLE 12 – WASTEWATER TREATMENT CONTRACT AMENDMENT**

To see if the Town will vote to authorize the Board of Public Works to enter into amending the agreement dated January 1, 1992 between the Town of Fairhaven and the Town of Mattapoisett, which provides that the Fairhaven Wastewater Treatment Plant and Outfall receive, treat and dispose of wastewater from Mattapoisett or to take any other action relative thereto.

*Petitioned by:* Board of Public Works  
*Request:* Adoption  
*Recommend:*

**ARTICLE 13 – FEMA GRANT FOR FIREFIGHTER GEAR**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to apply for a five (5) percent FEMA grant to replace the Fire Department’s firefighting gear.

Or take any other action relative thereto.

*Petitioned by:* Fire Chief  
*Request:* \$6,725.00  
*Recommend:*

**ARTICLE 14 – ACCEPTANCE OF STATE STATUTE TO ASSIGN HANDICAP PARKING VIOLATION REVENUE TO THE COMMISSION ON DISABILITY**

To see if the Town will vote to adopt the provisions of M.G.L. Chapter 40, Section 22G, which reads in part:



Chapter 40: Section 22G. Funds received from fines for handicap parking violations; deposits in account; expenditures

Section 22G. Any city or town which has accepted the provisions of section eight J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city or town to the commission on disabilities.

Or take any other action relative thereto.

*Petitioned by:* Commission on Disability  
*Request:* Adoption  
*Recommend:*

**ARTICLE 15 – ESTABLISHING POSITION OF TOWN ADMINISTRATOR**

This article will recommend the establishment of the position of Town Administrator. It will include an executive summary, responsibilities, essential functions and duties, reporting structure, required skills, qualifications and contract terms.

*Petitioned by:* Town Government Study Committee  
*Request:* Adoption  
*Recommend:*

**ARTICLE 16 – SEWER SYSTEM COLLECTION REHABILITATION I&I**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the sewer collection system by investigation and repairs to areas of the sewer collection system contributing high volumes of inflow and infiltration or to take any other action relative thereto.

*Petitioned by:* Board of Public Works  
*Request:* \$425,000.00  
*Recommend:*

**ARTICLE 17 – OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND – GASB 45**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund future financial obligations of the Town for health insurance benefits of retirees, or to take any other action relative thereto.

*Petitioned by:* Board of Selectmen  
*Request:* \$75,000.00  
*Recommend:*

**ARTICLE 18 – ROAD WORK**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to do the following roadwork, or take any other action relative thereto:

- A. **Billy's Way** – Reconstruct and hard surface on Billy's Way from Sconticut Neck Road to end.

*Petitioned by:* Alain Chat and Others  
*Request:* \$55,490.00  
*Recommend:*

- B. **Bridge Street** – Reconstruct, hard-surface and install drainage on Bridge Street from Adams Street to Huttleston Avenue.

*Petitioned by:* Board of Public Works  
*Request:* \$217,083.00  
*Recommend:*

- C. **Summit Drive** – Reconstruct, triple stone seal Summit Drive from Holiday Drive to end.

*Petitioned by:* Board of Public Works  
*Request:* \$49,590.00  
*Recommend:*

- D. **Point Street** – Reconstruct, triple stone seal Point Street from Bonney Street south to end.

*Petitioned by:* Board of Public Works  
*Request:* \$32,683.00  
*Recommend:*

**ARTICLE 19 – SEWER COLLECTION SYSTEM PUMP STATION REHABILITATION**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the Taber Street Sewer Pump Station – Phase 2b; or to take any other action relative thereto.

*Petitioned by:* Board of Public Works  
*Request:* \$575,000.00  
*Recommend:*

**ARTICLE 20 – STATE AID TO HIGHWAYS**

- A. To see if the Town will vote to authorize the Board of Public Works to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts for the construction, reconstruction and improvements of Town roads, or take any other action relative thereto.

B. To see if the Town will vote to appropriate and transfer from available funds the sum of \_\_\_\_\_ for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to Chapter 90, Section 34 of the MGLS and Transportation Departments Chapter 90 Guidelines, or to take any other action relative thereto.

*Petitioned by:* The Board of Public Works

*Request:* A. Adoption  
B.

*Recommend:* A. Adoption  
B.

**ARTICLE 21 – STREET LIGHTS**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the installation and maintenance of the following street light or to take any other action relative thereto:

A. One light on Upton Street, pole #274/1

*Petitioned by:* Anne Silvia and Others

*Request:* \$?

*Recommend:*

**ARTICLE 22 – FIRE DEPARTMENT COPY MACHINE**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$5,100.00 for the Fire Department to purchase a new copy machine.

Or take any other action relative thereto.

*Petitioned by:* Fire Chief

*Request:* \$5,100.00

*Recommend:*

**ARTICLE 23 – SUSTAINABILITY REVOLVING ACCOUNT**

To see if the Town will authorize a “Fairhaven Sustainability Committee Revolving Account” under provisions of Massachusetts General Law Chapter 44 Section 53E1/2 under the following terms:

1. The revolving account may be expended for all Fairhaven Sustainability Committee related costs.
2. All fees charged to users shall be credited to the revolving fund.
3. The Fairhaven Sustainability Committee is authorized to expend from the fund.

- 4. The total amount which may be expended from the fund in Fiscal Year 2015 shall not exceed ten thousand (\$10,000) dollars.

*Petitioned by:* Board of Selectmen  
*Request:* Adoption  
*Recommend:*

**ARTICLE 24 – WIND TURBINE ELECTRICITY PURCHASE FY15**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase electricity generated by Fairhaven Wind. Revenue generated from NSTAR for the wind turbines power purchase will support this appropriation for the Town of Fairhaven or take any other action relative thereto.

*Petitioned by:* Board of Selectmen  
*Request:* \$900,000.00  
*Recommend:*

**ARTICLE 25 – INFORMATION TECHNOLOGY**

This article will recommend the establishment of a set of procedures and requirements for the implementation and management of a Town-wide information technology strategy.

*Petitioned by:* Town Government Study Committee  
*Request:* Adoption  
*Recommend:*

**ARTICLE 26 – CAPITAL PLANNING COMMITTEE**

This article will recommend the establishment of a permanent Capital Planning Committee, formalize its responsibilities and authority as well as its method of appointment.

*Petitioned by:* Town Government Study Committee  
*Request:* Adoption  
*Recommend:*

**ARTICLE 27 – HASTINGS MIDDLE SCHOOL FLOORS**

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of \$135,811.00 for the abatement of tile flooring, as well as the installation of VCT flooring in the hallways of the Hastings Middle School, or to take any other action relative thereto.

*Petitioned by:* School Department  
*Request:* \$135,811.00  
*Recommend:*

**ARTICLE 28 – TOWN HALL REPAIRS**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for Town Hall repairs, including the auditorium, or take any other action relative thereto.

*Petitioned by:* Board of Selectmen  
*Request:* \$7,500.00  
*Recommend:*

**ARTICLE 29 – CULTURAL COUNCIL FUNDING**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Fairhaven Cultural Council, or to take any other action thereto.

*Petitioned by:* Fairhaven Cultural Council  
*Request:* \$2,500.00  
*Recommend:*

**ARTICLE 30 – HISTORICAL COMMISSION**

- A. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Historical Commission to defray expenses incurred pursuant of its duties to promote, protect and preserve the heritage of Fairhaven; and
- B. For the continued repairs, maintenance, improvements and utilities of the Academy Building; and
- C. For the continued repairs, maintenance, improvements and utilities of the Fire Museum; and
- D. For the continued repairs, maintenance, improvements and utilities at Fort Phoenix; and
- E. For the continued repairs, maintenance, and improvements of the Old Stone School House;
- F. For the replacement of the south exposure roof of the Academy Building.

Or take any other action relative thereto.

<i>Petitioned by:</i>	The Historical Commission		
<i>Request:</i>	A.	\$500.00	<i>Recommend:</i> A.
	B.	\$5,500.00	B.
	C.	\$1,000.00	C.
	D.	\$1,500.00	D.
	E.	\$500.00	E.

F. \$8,000.00 F.

**ARTICLE 31 – RESTRUCTURING THE BOARD OF PUBLIC WORKS**

This article will recommend to establish a new status for the Board of Public Works, including its responsibilities and authority and its method of appointment or election.

*Petitioned by:* Town Government Study Committee  
*Request:* Adoption  
*Recommend:*

**ARTICLE 32 – PUBLIC WORKS BUILDING DOOR REPLACEMENT**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to replace six doors at the Public Works Building or to take any other action relative thereto.

*Petitioned by:* Board of Public Works  
*Request:* \$45,644.00  
*Recommend:*

**ARTICLE 33 – HOPPY’S LANDING REVOLVING ACCOUNT**

To see if the Town will authorize a “Hoppy’s Landing Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53-E ½ under the following terms:

1. The revolving account may be expended for the maintenance and improvement of “Hoppy’s Landing” including, but not limited to the maintenance of the floating dock, boat ramp, buildings, property, matching funds for grants, and hiring of part time personnel.
2. All fees charged to users to “Hoppy’s Landing” shall be credited to the revolving fund.
3. The Board of Selectmen is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2015 shall not exceed twenty five thousand (\$25,000.00) dollars.

Or take any other action relative thereto.

*Petitioned by:* Board of Selectmen  
*Request:* Adoption  
*Recommend:* Adoption

**ARTICLE 34 – TINKHAM LANE WELL**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for all fees associated with the repair of the Tinkham Lane Well or to take any other action relative thereto.

*Petitioned by:* Board of Public Works  
*Request:* Adoption  
*Recommend:* Adoption

**ARTICLE 35 – TRANSFER FROM SURPLUS REVENUE**

To see is the Town will vote to transfer a sum of money from Surplus Revenue for the reduction of the tax levy, or take any other action relative thereto.

**ARTICLE 36 – REPORT OF COMMITTEES**

To hear and act upon the reports of any committees, or committee appointed in Town Meeting and to choose any committees or committee the Town may think proper and to raise and appropriate a sum of money for the expense of same, or to take any other action with relation to either of said matters, as the Town may deem necessary and proper.

**ARTICLE 37 – OTHER BUSINESS**

To act upon any other business which may legally come before this meeting.

