



Fairhaven Board of Selectmen

April 14, 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 6:30 p.m.

COA VOLUNTEER APPRECIATION

Mr. Murphy started the meeting by thanking the people who volunteer at the Council on Aging. At a recent appreciation luncheon, it was revealed that those volunteers provided \$159,640 worth of services to the Town (figure was based on the current Massachusetts minimum wage of \$8/hour).

MINUTES

- Mr. Espindola motioned to approve the minutes of the **March 31, 2014** meeting, **open** session with a correction. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **March 31, 2014** meeting, **executive** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 1, 2014** meeting, **open** session. Mr. Haworth seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **April 1, 2014** meeting, **executive** session. Mr. Haworth seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **April 15** –
 - 3:00 p.m. – Mattapoisett/Fairhaven WWTP Article agreement
- Wednesday, **April 16** –
 - 10:00 a.m. – EPA/WTP Walk around
 - 1:45 p.m. – Meeting with School representative Kim LeBlanc re: health insurance
- Thursday, **April 17** –
 - 7:30 to 9:00 a.m. – Forum meeting at the Coalition for Buzzard's Bay office

- 3:00 p.m. – Finance Department meeting
 - 7:00 p.m. – Finance Committee meeting
- **Friday, April 18** –
 - Half-day – Good Friday
- **Monday, April 21** –
 - Holiday – Patriot’s Day
- **Thursday, April 24** –
 - 9:00 a.m. – Buzzard’s Bay Action Committee meeting in Wareham
- **Saturday, April 26** –
 - 10:00 a.m. – Earth Day at the COA/Recreation Center
- **Monday, April 28** –
 - 8:30 a.m. – Retirement Board meeting
- **Wednesday, April 30** –
 - 6:30 p.m. – Precinct Meeting at Hastings Middle School
- **Saturday, May 3** –
 - 9:00 a.m. – Town Meeting at Hastings

Mr. Osuch reminded the public that Town Meeting was quickly approaching. He said that the Board had one more chance to amend figures related to their recommendations for Annual and Special Town Meeting. Mr. Osuch also said that the Board would need to discuss the Fire contract in Executive Session.

SCHOOL COMMITTEE VACANCY

With the passing of seated School Committee member David Gonsalves, Mr. Osuch noted that the Board of Selectmen would need to hold a joint meeting with the School Committee to fill the vacancy until the 2015 Annual Town Election. Mr. Osuch said that the Board had 30 days from the date of vacancy notification from the School Department to fill the position. Discussion ensued on when the Board would be available for a joint meeting with the School Committee. Mr. Haworth said that he could not make a joint meeting with the School Committee on April 23. The Board favored a joint meeting prior to Town Meeting on Saturday, May 3. The Board set 4:00 p.m. on Friday, April 25, as the deadline for letters of interest for the School Committee vacancy.

REORGANIZATION

Mr. Osuch congratulated Mr. Murphy on his re-election. Mr. Osuch asked for a nomination for Chairman. Mr. Murphy said that he was a traditionalist and that he believed that the Board should follow the process of nominating the person whose term is up for re-election in the next year to the Chairman. As such, Mr. Murphy nominated Mr. Espindola to Chairman. Mr. Haworth would not second the motion. Mr. Espindola seconded the motion. There were no other motions for Chairman. Mr. Espindola was elected Chairman with one opposing vote from Mr. Haworth, (2-1).

Mr. Murphy nominated Mr. Haworth Vice Chairman. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Haworth nominated Mr. Murphy Clerk. Mr. Espindola seconded. Vote was unanimous. (3-0).

SELECTMEN APPOINTMENTS

The Board reviewed the previous year's ex officio appointments and decided to keep most of the appointments the same, with Mr. Murphy volunteering to be the representative to the Sister City Committee and Mr. Haworth volunteering for the Harbor Advisory Committee. Mr. Haworth motioned the following representative/ex officio appointments:

- Contract Compliance Officer – Charles Murphy
- Affirmative Action Officer – Charles Murphy
- Fair Housing Coordinator – Charles Murphy
- Millicent Library Board of Trustees – Bob Espindola
- Bristol County Advisory Board – Geoffrey Haworth
- Sister City Committee – Charles Murphy
- Personnel Board – Charles Murphy
- Fire Apparatus Study Committee – Charles Murphy
- Historical Commission – Bob Espindola
- Boat Ramps/Shellfish Committee – Geoffrey Haworth
- Southeastern Regional Transit Authority (SRTA) alternate – Bob Espindola
- Cable Advisory Committee – Bob Espindola
- Harbor Advisory Committee – Geoffrey Haworth
- Local Emergency Planning Committee – Geoffrey Haworth
- SRPEDD Advisory Council alternate – Bob Espindola
- Rogers-Oxford Study Committee – Bob Espindola

Mr. Murphy seconded. Vote was unanimous. (3-0).

ANIMAL SHELTER DONATIONS

Mr. Haworth motioned to accept \$210 in Animal Shelter donations. Mr. Murphy seconded. Vote was unanimous. (3-0).

HOMECOMING DAY

The Board received a letter from Mark Silvia, President of the Fairhaven Improvement Association, asking permission to once again hold the annual Homecoming Day in Fairhaven Center. The Board expressed support for the event, which will fall on Saturday, June 28, 2014.

Mr. Haworth motioned to grant permission to the Fairhaven Improvement Association to hold their 2014 Homecoming Day on June 28. Mr. Murphy seconded. Vote was unanimous. (3-0).

MRVWAC APPOINTMENT

The Board reviewed a request to reappoint Jeffrey Osuch as a Fairhaven representative to the Mattapoisett River Valley Water Advisory Committee. Mr. Osuch's term had expired. Mr. Haworth asked Mr. Osuch if he planned on staying for a full three-year term if he retired as Executive Secretary. Mr. Osuch said he was not sure, but that they could still fill the vacancy if he resigned from the MRVWAC as well.

Mr. Haworth motioned to appoint Mr. Osuch to a three year term on the MRVWAC. Mr. Murphy seconded. Vote was unanimous. (3-0).

BUZZARD'S BAY MINI-GRANT

The Board reviewed a request for a contract extension for the Buzzard's Bay mini-grant. Mr. Haworth motioned to sign the contract extension. Mr. Murphy seconded. Vote was unanimous. (3-0).

STATE POTHOLE MONEY

Mr. Osuch informed the Board that the State legislators have passed a bill to reimburse municipalities for potholes after a particularly bad winter. Fairhaven would receive about \$77,000. The Board of Public Works would decide where the funds would go, but it would have to be reviewed and signed by the Board of Selectmen and returned to the State by April 30. Mr. Haworth motioned to have the Chairman sign the contract. Mr. Murphy seconded. Vote was unanimous. (3-0).

FIRE MUSTER

The Board reviewed a request from Matthew Paulson, Chairman of the Fairhaven Fire Muster Committee. In the letter, Mr. Paulson requested permission to hold the Fifth Annual Fairhaven Fire Muster, at Livesey Park, on Sunday, June 29, 2014. The Board was supportive to the request. Mr. Haworth motioned to approve the Fire Muster for June 29. Mr. Murphy seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

The Board voted to approve three NSTAR gas permits.

- Mr. Haworth motioned to approve an NSTAR gas permit for 1 Turner Ave (previously approved by the BPW). Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve an NSTAR gas permit for 2 Bayview Ave (previously approved by the BPW). Mr. Murphy seconded. Vote was unanimous. (3-0).

- Mr. Haworth motioned to approve an NSTAR gas permit for 21 Hamlet Street (previously approved by the BPW). Mr. Murphy seconded. Vote was unanimous. (3-0).

OLIVER STREET CHICANE

The Board read a letter from Bayside Engineering, outlining several options available to the Town in regards to the Oliver Street chicane. Residents in that neighborhood have petitioned the Town to remove the chicane, citing a nuisance and an alleged safety hazard. See Attachment A.

Mr. Haworth said that he would favor forwarding the letter from Bayside Engineering to the petitioning residents to keep them aware of the options. He noted that the cost could be as high as \$10,000 and asked from where the funds would be derived. Mr. Osuch answered that there is money in the budget for patchwork, but that the chicane was a larger project than a simple patchwork job. Mr. Osuch said that the item would have to be a Town Meeting article. He added that the crossover option (see Attachment A) would give access to the driveways along the chicane without actually removing the chicane, and it would be a less expensive option.

Mr. Haworth said that it is too late for Town Meeting this year, and that the money could come out of pothole funds, but that it was a decision for the BPW to make, not the Selectmen.

Mr. Murphy favored forwarding the correspondence from Bayside Engineering to the neighbors as well.

Mr. Haworth motioned to send the report to the original petitioner, Tome Carreiro, with a request to forward the information to other petitioners. Mr. Espindola asked that the mailing be sent certified. Mr. Murphy seconded. Vote was unanimous. (3-0).

TAX TITLE – MONONDACH AVE

At 7:15 p.m., the Board met with Tracy McCree, Tammy Pinault and Pamela Pinault, former trustees to 0 Monondach (vacant lot) and 19 Monondach Ave, to discuss their request to pay back taxes and have the Town-owned tax title properties returned to their ownership. Treasurer Wendy Graves was also present.

Mr. Haworth asked what happened and why the taxes had fallen into arrears to this point. Pamela Pinault answered that she had a serious illness and had signed an agreement to make payments. She was going to put the property on the market and sell it to pay the owed taxes. She said that she never received notification from the Town that the property was in tax title.

Ms. Graves said that the tax title process for these properties began before she started working for the Town of Fairhaven and she could not tell how the notification process was done. However, she said that there were tenants at one of the parcels, and that they were possibly not forwarding mail to Ms. Pinault.

Mr. Osuch said that the process is not short, and that as of that date, \$19,510.16 is owed on 19 Monondach Ave and \$2,529.89 is owed on 0 Monondach Ave. Those totals include back taxes, legal fees, court costs, additional interest and liability insurance.

Ms. Pinault said that she had the resources now to pay off the amounts owed. Mr. Haworth asked if she had the resources and plan to stay on top of the quarterly taxes and she said that she did.

The Board said that payment would have to be received by the next day in the amounts of \$19,510.16 and \$2,529.89. Mr. Osuch said that they would require a cashier's check. Ms. Pinault said that she would be in the Town Hall the following morning with that cashier's check if the Board were favorable to returning the properties to her.

Mr. Haworth motioned to return 0 and 19 Monondach Ave to Ms. Pinault, upon full payment of the aforementioned figures. Mr. Murphy seconded. Vote was unanimous. (3-0).

REGIONAL MUTUAL AID CONTRACT

The Police Chief was not present for a scheduled appointment regarding his request for the Board to sign a regional mutual aid contract. The Board decided to forward the contract onto Town Counsel for his review. Mr. Haworth motioned to send the contract to Town Counsel. Mr. Murphy seconded. Vote was unanimous. (3-0).

TOWN MEETING RECOMMENDATIONS

Mr. Osuch asked the Board for any last minute changes in figure recommendations for the Town Meeting. The Board had no figure recommendation changes to make.

Mr. Osuch said that the Board would have recommendations to make relative to four articles submitted by the Town Government Study Committee prior to Town Meeting (TGSC). Mr. Espindola asked if the Board was going to have another meeting with the TGSC prior to Town Meeting. Mr. Osuch said that there was only one more general business meeting of the Board of Selectmen prior to Town Meeting. Mr. Haworth said that, before making any recommendations, he wanted to get more information from the TGSC on why they did not make residency a requirement for a Town Administrator in their legislation.

Mr. Haworth motioned to send a memo to the TGSC asking for an explanation on why they omitted a residency requirement for the Town Administrator in their legislation. Mr. Murphy seconded. Vote was unanimous. (3-0).

CHARITY STEVENS 61A

At 7:30 p.m., the Board met with Debbie Saladino and her husband Joseph Rezendes, regarding a 61A land offer currently before the Town of Fairhaven for 31 Charity Stevens Lane. The offer of first refusal was received by the Town on March 14 and was sent by the owners' representing law firm, Hurwitz and Hurwitz (see Attachment B).

Ms. Saladino and Mr. Rezendes reside on Charity Stevens Lane, where the owners of 31 Charity Stevens Lane have plans to sell a larger parcel of land for subdivision. Mr. Rezendes said that they already have issues with water run-off and flooding, and that the proposed construction would make that run-off issue worse.

Mr. Osuch said that the only issue before the Board of Selectmen was a right-of-first-refusal for the 61A land in question. If there is a subdivision hearing, all concerns regarding water run-off should be addressed then.

Mr. Haworth said that the Board of Selectmen was only concerned with whether or not it would be advantageous for the Town to purchase the land in question. Mr. Espindola agreed, stating that he would not be in favor of purchasing the land, as it had little value to the Town.

Mr. Murphy said that he did not think the Town would be interested in the land either. He said that any plans to develop the land may go before the Planning Board and possibly the Conservation Commission (ConCom), and Ms. Saladino and Mr. Rezendes would be able to speak again at those meetings.

Mr. Haworth said that the area was likely in a watershed, and that abutters would be notified via certified mail if there were a scheduled hearing before the ConCom.

Ms. Saladino said that she was concerned that 31 Charity Stevens Lane had enough frontage to qualify for development of three to four houses without the need for a public hearing.

Mr. Espindola advised Ms. Saladino and Mr. Rezendes to call Town Planner Bill Roth for more information and confirmation on whether or not the proposed work would require a public hearing. Mr. Espindola added that if the Board was in agreement that it was not interested in purchasing 31 Charity Stevens Lane, it should take a vote. Mr. Haworth motioned not to go forward with the acquisition of the property. Mr. Murphy seconded. Vote was unanimous. (3-0).

YOGA IN THE PARK

The Board reviewed two letters requesting use of Cushman Park on Tuesday mornings in the summer, from 8:00 to 9:00 a.m, for free yoga classes. The letters were from two separate, unaffiliated yoga studio owners: Susan Grace and Juliet Loranger.

Mr. Haworth said that the issue should be reviewed and approved by the Board of Public Works, as it involves use of a Town park. Mr. Haworth motioned to forward the matter onto the BPW. Mr. Murphy seconded. Vote was unanimous. (3-0).

DOWN THE HATCH – SUNDAY ENTERTAINMENT LICENSE

At 7:45 p.m., the Board met with Guy Rossi, manager of Down the Hatch, 56 Goulart Memorial Drive, to review an application for a Sunday Entertainment license from May 18, 2014 to May

10, 2015. The requested hours for entertainment would be 1:00 to 8:00 p.m. Kitchen manager Christine Herreman was also present.

The Board noted that there were fewer complaints regarding noise coming from Down the Hatch over the past summer. Ms. Herreman said that she tries to monitor the noise levels.

Mr. Haworth motioned to approve the Sunday Entertainment license for Down the Hatch for May 18, 2014 to May 10, 2015 from 1:00 p.m. to 8:00 p.m. Mr. Murphy seconded. Vote was unanimous. (3-0).

CAPITAL PLANNING ARTICLE

Mr. Espindola said that the Board had voted to recommend a Capital Planning article for the Annual Town Meeting, but there have since been revisions to that article after it was reviewed by Town Counsel. Mr. Espindola went over the changes made (see Attachment C).

Mr. Haworth said that he thought it was a good article and worth supporting. Mr. Murphy agreed.

Mr. Osuch added that the article published in the warrant is different than the amended article, and therefore the changes would have to be made on Town Meeting floor in the motions. He advised the Board to distribute these changes prior to Town Meeting, particularly at the Precinct meeting on April 30.

Mr. Haworth motioned to accept and support the Capital Planning article as amended in Attachment C. Mr. Murphy seconded. Vote was unanimous. (3-0). Ms. Kakley said that she would post the amended article on the Town website for Town Meeting members to review, and send to the TGSC.

USE OF TOWN COUNSEL POLICY

Per request from Mr. Espindola, the Board reviewed its Use of Town Counsel policy. Currently, boards and committees must request the use of Town Counsel through the Board of Selectmen, and by vote, the Selectmen vote a cap that cannot be exceeded. Mr. Espindola requested that the cap be recognized and honored by those using Town Counsel, as the Legal expenditures are trending to go over appropriation for FY14. Mr. Espindola provided a pie chart outlining the Town's use of Town Counsel by departments. See Attachment D.

LITTLE BAY OYSTER REEF

At 8:00 p.m., the Board met with Jon Kachmar of the Nature Conservancy regarding plans to develop an artificial oyster reef in Little Bay. Shellfish Warden Timothy Cox, Harbormaster David Darmofal, and Ted Lorentzen were present. Sara Quintal, Restorative Ecologist for the Coalition for Buzzard's Bay, joined the meeting at 8:04 p.m.

Mr. Kachmar said that the Nature Conservancy has been working for a couple years trying to find a place to invest in an oyster reef, and that Little Bay is an ideal spot for the project.

Mr. Cox said that the artificial reef would encourage the population of oysters and clarify the water. Mr. Cox gave a brief presentation on the project and its location. Mr. Kachmar said that the project would cost an estimated \$100,000, with \$50,000 being a State grant and the other \$50,000 being invested from the Nature Conservancy. He said it would be a “Town project with Town permits” and the project would be slated for summer 2015.

Mr. Darmofal said that the reef would be one acre in size, and would cover the bottom six inches of a section of Little Bay. All that would be on the surface of the water would be four marker buoys, 150 feet away from the beach. He said that the reef would generate public use in the future, by generating spat.

Mr. Cox said that the project would not affect recreational water use, such as kayaking, and that power boats do not generally enter that area.

Mr. Espindola asked where the Nature Conservancy gets funding. Mr. Kachmar answered that it receives private donations and works with grants.

Mr. Lorentzen, Chairman of the Boat Ramp/Shellfish Committee, said that his committee had the public come in to learn about the project and ask questions of Mr. Kachmar. The project is supported by his committee, Mr. Lorentzen said. The project will have to be opened to the public at least once every three years, he added. Mr. Cox said that they would regulate how the area was opened to the public.

The Board was supportive of the oyster restoration project. Mr. Kachmar said that they would like a letter of support from the Board of Selectmen to go forward.

Michael Costa, a property owner near Little Bay, was recognized by the Chairman. He said that he generally supported the project, but that he would like to get notification when the reef is opened to the public, as he has had trouble in the past with people parking on his property to go quahogging. Mr. Costa confirmed with Mr. Cox that the area closing would just be the one acre. Mr. Costa asked Mr. Kachmar how long it takes for an oyster to reach maturity. Mr. Kachmar answered that maturity varies, but in this area, it takes about three years.

Joyce Pottel was recognized by the Chairman. She asked how high the reef would go into the water. Mr. Kachmar said that it would be 3 or 4 inches of cultch on the ocean floor.

Mr. Espindola asked when the Nature Conservancy would need a letter of support. Mr. Cox said that the project is already being reviewed and that they need the letter of support as soon as possible. Mr. Haworth motioned to draft a letter of support for the oyster restoration reef project. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Espindola asked Mr. Kachmar and Mr. Cox to provide a sample support letter to Ms. Kakley to put on Town letterhead.

VACATION CARRYOVER – POLICE

The Board read a memo from Police Chief Michael Myers requesting the Board carry over 14 vacation days for Michael Bouvier and 9 vacation days for Michael Sullivan. Chief Myers said that the vacation days were not used due to illness or injury.

Mr. Haworth called it an extenuating circumstance. He motioned to approve both vacation carryovers – 14 days for Officer Bouvier and 9 days for Officer Sullivan. Mr. Murphy seconded. Vote was unanimous. (3-0).

FRIENDSHIP FESTIVAL

Mr. Espindola read an invitation to the public for the annual Whitfield-Manjiro Japanese Cherry Blossom Friendship Festival, scheduled for Sunday, April 27, 2014.

SPECIAL TOWN MEETING WARRANT

Mr. Haworth motioned to approve and post the Special Town Meeting in the six precincts. Mr. Murphy seconded. Vote was unanimous. (3-0). The Board signed the Special Town Meeting warrants.

OTHER BUSINESS

Under Other Business:

- Mr. Murphy noted that the Board received a letter of praise for Officer Gwozdz for his professionalism after an accident. He thanked Officer Gwozdz.
- Mr. Murphy said that there would be a Kickoff fundraiser for the Rodriguez foundation on Saturday, May 3, from 7:00 p.m. to midnight at the VFM on Appleton Street in New Bedford. The Board was also invited to the dedication of the Lance Cpl. Matthew Rodriguez playground at the New Bedford airport on May 2, 2014 at 2:00 p.m. The Board asked Ms. Kakley to RSVP in the affirmative for the Board to attend this event.
- Mr. Espindola said that the COA received a visit from Ann Hartstein of the State's Executive Office of Elder Affairs. Ms. Hartstein spoke about funding for local COAs coming from the State level in upcoming fiscal years.
- Mr. Espindola said that there will be a ride from Fort Phoenix, sponsored by the Fairhaven Bikeway Committee, on May 10.

At 8:36 p.m., Mr. Haworth motioned to enter Executive Session, pursuant to MGL 30A § 21:

- To discuss strategy with respect to negotiations with Fire Union
- To discuss strategy with respect to Non-Union personnel – Treasurer

- To discuss strategy with respect to land acquisition – Mill Road 61A

Mr. Murphy seconded the motion to enter Executive Session for the aforementioned reason, 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 4/28/2014)

Jeff Osuch

From: Vincent Furtado
Sent: Tuesday, April 01, 2014 2:19 PM
To: Jeff Osuch
Subject: Oliver St final draft
Attachments: Oliver St final draft.pdf

Hi Jeff

Attached is (what could be) the final draft regarding the chicane in Oliver Street. In communicating with Bayside Engineering, their review and opinion was developed based on the materials that I had forwarded to them, a site visit and a phone conversation with Tom Carreiro (#34 Oliver Street).

Ken Cram informed me that Mr. Carreiro informed him that vehicles speed out of the chicane (heading towards Alden Road) and impact his neighbor at #32 Oliver Street. He also indicated that there is a safety concern for the owners of #32 Oliver Street as they back out of their driveway and have limited sight distance. As such, Bayside doesn't recommend a complete removal of the chicane, as that may cause the speeds to be even greater.

Lastly, I asked Bayside to look at potential costs. While a detailed construction cost estimate was not performed (to allow for the \$2000 budget constraint), their best estimate is +/- \$10,000 (not to exceed).

Please let me know what you need me to do now, if anything.

Vinnie



March 17, 2014

Mr. Vincent Furtado, Public Works Director
5 Arsene Street
Fairhaven, MA 02719

**RE: OLIVER STREET
FAIRHAVEN, MA**

Dear Mr. Furtado:

Bayside Engineering, Inc. (Bayside) has been requested by the Town of Fairhaven to review a petition for the removal of an existing chicane on Oliver Street in Fairhaven, MA. Bayside is pleased to submit this letter relative to the disposition of the existing chicane.

Chicanes are traffic calming used to slow cars, usually on residential streets. Most traffic calming chicanes are created by building curb extensions that alternate from one side of the street to the other, as shown in this photo. In the case of Oliver Street, it was created in the middle of the road, forming in essence, an island.



Bayside performed a site visit and inspected the existing chicane, ascertained its purpose and has made a recommendation as to future conditions relative to:

1. Remove chicane and patch,
2. Remove chicane and do a complete overlay,
3. Remove chicane and replace with a concrete rumble strip,
4. Remove chicane and replace with a speed table,
5. Leave as is, or
6. Other recommendations.

Existing Conditions

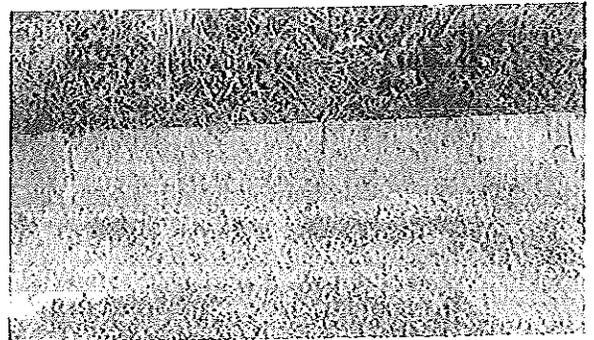
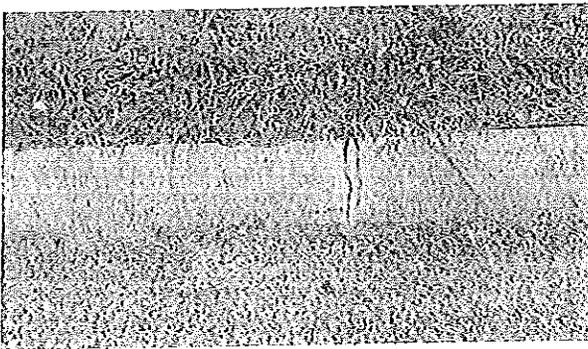
On Tuesday, January 21, 2014, Bayside visited Oliver Street to observe existing roadway operations and the existing chicane. Oliver Street is a local residential street providing access to the subdivision known as Shannon Meadows. Oliver Street is approximately 26 feet wide and provides one travel lane per direction. East of Minas Street, there is no posted speed limit on Oliver Street. Bituminous concrete sidewalks exist along both sides of the road. These sidewalks are separated from the travelled way by a grass strip. Just east of #31 and #32 Oliver Street, there is a crosswalk across Oliver Street.

In the vicinity of #34 and #37 Oliver Street, the road makes an eastbound to northbound turn of approximately 90 degrees. Within this area, the travel lanes are 11 feet wide and the chicane is approximately 6.5 feet wide and 110 feet long. The chicane, shown in the photo, is used to channelize traffic flow. The most significant impact of the chicane is on the driveways to #34 and #37 Oliver Street as they in effect are restricted to right-turns in and right-turns out only. At the time of the site visit, very low traffic volumes were observed.



The existing chicane itself was also observed. Sloped granite curbing forms the outside edge of the chicane and the internal portion of the chicane consist of several small caliper trees and grass.

An observation of the existing curbing indicates that overall it is in good shape, but internal landscaping of the chicane has not been maintained. Also, examination of the curbing shows scrapes and rust stains, most likely brought on by snow plow blades scraping the granite curbing, as shown in the following photos.



Recommendations

As initially presented, several options for the chicane were to be considered. These include:

1. Remove chicane and patch,
2. Remove chicane and do a complete overlay,
3. Remove chicane and replace with a concrete rumble strip,
4. Remove chicane and replace with a speed table,
5. Leave as is, or
6. Other recommendations.

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Bayside has given consideration to each option, as well as to the purpose of the chicane. The original purpose of the chicane was to serve as a traffic calming measure as Oliver Street makes a 90 degree turn eastbound to northbound. Crash reports were provided from the Fairhaven Police Department for the area and based on a review of these reports, none of the crashes involved the chicane on Oliver Street.

Of the several options for the disposition of the chicane, the first two are virtually the same, except that a complete overlay of the roadway for the length of the chicane, should the chicane be removed entirely, requires more work and materials and therefore would be a little more costly. A patch would cover the chicane area only.

The third option replaces the chicane with a concrete rumble strip. This would serve the same purpose as the existing chicane and would provide a tactile sensation to motorists passing over it that would indicate a need to be cautious. The rumble strip would also allow for the owners of #34 and #37 Oliver Street to be able to access their homes without having to do U-turn maneuvers.

The fourth option would create a speed table in place of the chicane. Currently, to the east approximately 700 feet, at Mina Street, there is an existing speed table (local signage describes as a Speed Hump). This intersection is under all-way STOP-sign control with crosswalks across all approaches to the intersection. Based on field observations, vehicles on Oliver Street generally travel at approximately 30 miles per hour. A speed table to replace the existing Oliver Street chicane does not appear warranted and is not recommended.

Bayside also considered leaving the existing chicane in place. Again, as there is no crash history associated with the chicane, and motorists were observed to travel at reasonable speeds, the chicane could be removed.

Several other options were also considered. One was to replace the existing chicane with a single-lane working chicane. This chicane would narrow Oliver Street to a single lane, such that traffic in one direction has to yield to traffic in the opposing direction. This option was discounted as it can often be confusing and opposing motorists do not know who has the right-of-way.

Another option considered, the cross-over option, was to remove a portion of the chicane and replace it with cement concrete pavement or with bituminous pavement. This option would allow full access to the driveways to #34 and #37 Oliver Street. With the cement concrete pavement, the integrity of the existing chicane is maintained. If no cement concrete pavement is provided in the cross-over area, an alternative would be to paint a solid yellow edge line (SYEL) around the entire chicane. Additional signage (similar to what is on either end of the existing chicane) would be required on both ends of the new cross-over opening.

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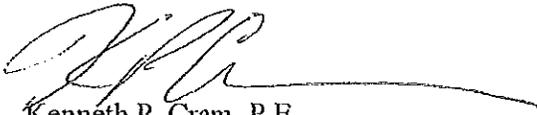
From an engineering standpoint, the options described cover the litany of options that could be done to the existing chicane. No other feasible options remain for the disposition of the chicane.

As previously stated, a review of the crash reports does not indicate a safety concern and speed does not appear to be a factor. Therefore, it is recommended that either the chicane be removed and replaced with a six (6) foot wide rumble strip or the cross-over option be implemented. The cross-over option would be less expensive as less material would be required. With the removal option, signage should also be installed alerting drivers to the rumble strip. This will provided motorists with both a visual and tactile sensation, alerting them to proceed with caution.

If you have any questions regarding these recommendations, feel free to give me a call.

Sincerely,

BAYSIDE ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'K. P. Cram', with a long horizontal line extending to the right.

Kenneth P. Cram, P.E.
Director, Traffic Engineering

Hurwitz & Hurwitz
WIDE RANGE OF LEGAL SERVICES SINCE 1938

888 PURCHASE STREET
SUITE 321-325
NEW BEDFORD, MASSACHUSETTS 02740
(508) 997-9439

RECEIVED

2014 MAR 14 A 10:12
BARRETT A. HURWITZ
ATTORNEY AND COUNSELLOR AT LAW

HAROLD HURWITZ (1916-1997)
BOARD OF SELECTMEN
FAIRHAVEN MASS

March 13, 2014

HAND-DELIVERED

Town of Fairhaven
Board of Selectmen
c/o Town Clerk
40 Center Street
Fairhaven, MA 02719

RECEIVED
TOWN CLERK
2014 MAR 14 A 9:39
FAIRHAVEN,
MASS.

Re: 31 Charity Stevens Lane, Fairhaven, MA

Dear Board of Selectmen:

Please be advised that this office represents the five landowners of 31 Charity Stevens Lane, Fairhaven, MA, which is a parcel of land containing approximately 12 acres, more or less, and which is shown on the copy of the Plan marked as Exhibit "A" attached to this letter, shown as Lot 15, and having approximately 675 feet of frontage, more or less, on Charity Stevens Lane. The names, addresses and telephone numbers of the five landowners are enclosed on Exhibit "B" attached hereto.

My clients are proposing to sell the buildings and land to one Ronald Oliveira of 5 Archer's Way in Acushnet, MA, in accordance with the duly executed Purchase and Sale Agreement dated March 6, 2014 and marked as Exhibit "C," a copy of which I attach to this letter and certify that it is a true copy.

The land in question has been subject to M.G.L.A. c. 61A as land in agricultural or horticultural use, and I request that you consider this letter and its attachments as the notice required to be given to you under M.G.L.A. c. 61A § 14 as a notice of intent to sell. The buyer intends to subdivide the land into a total of four house lots, thereby changing the use of the land.

I have had this notice hand-delivered to your office, and I have also had a copy hand-delivered to the Planning Board, the Board of Assessors, and the Conservation Commission.

In addition, I have sent a copy of this notice, by certified mail, to the State Forester, addressed to the Commissioner of the Department of Conservation and Recreation.

Town of Fairhaven
Board of Selectmen
c/o Town Clerk

-2-

March 13, 2014

In accordance with the law, you now have 120 days to either purchase the property or to provide us with notice of your intention not to purchase the same.

In fact, if it is your intention not to purchase the same, we would very much appreciate early notice of that fact.

If you need anything further from my office, please let me know. Otherwise, if you do not intend to purchase the same, I would appreciate receiving notice that you do not intend to purchase and will not be exercising your right of first refusal.

Thank you for your attention.

Yours truly,

HURWITZ AND HURWITZ


Barrett A. Hurwitz

BAH:casl
Enclosures

cc: Planning Board
Board of Assessors
Conservation Commission
State Forester

Town of Fairhaven, MA

PO Box 435, Fairhaven, MA 02719
ph: (508) 979-4023

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Capital Improvement Program

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~~2.3 GENERAL BY LAW~~ Chapter _____ - CAPITAL PLANNING:

Section 2 -1, Capital Improvement Program

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There shall be established a Capital Improvement Program for land purchases, construction and renovation of buildings, major equipment and machinery purchases, road and drainage reconstruction, and the construction and reconstruction of special facilities such as local school projects, sewer and water mains, and water treatment and sewage disposal facilities.

§ -2, Capital Planning Committee

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The Selectmen shall appoint a Capital Planning Committee consisting of seven voting members, and three or more non-voting ex officio members, to assist and advise the Town Administrator in preparing a five-year Capital Improvement Plan. ~~Members~~The voting members shall serve terms of three years. Initially two voting members shall serve for one year, two for two years, and three for three years, and they may be re-appointed. The committee shall be comprised as follows:

A. Voting Members:

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- 1) Three citizens at large;
- 2) A person who is a member of the Fairhaven local School Committee or an appointee thereof;
- 3) A person who represents the business, financial, or banking community;
- 4) A person with experience in the management of construction activities;
- 5) A person knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;

B. Non voting ex officio members:

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- 61) The Finance Director/Town Accountant and Treasurer/Collector shall serve as ex-officio

non-voting members;

72) Town Administrator shall serve as an ex-officio non-voting member, and;

3) Such other non-voting ex officio members as the selectmen deem appropriate from time-to-time.

S -3. Duties of the Committee

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The committee shall And charge the Committee with:

a) ~~The committee shall study~~ Study proposed capital projects, improvements, and equipment purchases that have a useful life of at least five years and cost over \$20,000 per item;

b) Work with town departments and officers to compile an inventory of the town's facilities, equipment, machinery and other capital assets;

~~e) By October 15th of each year, each department, board, committee and commission shall provide to the Committee information concerning all anticipated capital outlays requiring Town Meeting appropriation for the ensuing five year period.~~

~~dc) The Committee shall e~~ Consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town of Fairhaven;

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~~ed) The Committee shall p~~ Prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program Plan, including capital improvements for the next five years. The report shall be submitted to the Board of Selectmen on or before December 31st of each year for consideration and approval;

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~~fe) after presentation of the plan by the Selectmen at a public hearing, the Committee shall present~~ Present the Capital Improvement Plan to the Annual Town Meeting for its approval of fiscal year expenditures;

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~~gd) The Committee shall m~~ Monitor the execution of projects authorized;

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~~hg) The Committee shall e~~ Explain and defend to all the town meetings dealing with capital expenditures any deviations which the Committee proposes from the capital Capital Improvement Pplan

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S -4. Report of Anticipated Capital Outlays to the Committee

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By October 15th of each year, each department, board, committee and commission shall provide to

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the Committee information concerning all anticipated capital outlays requiring Town Meeting appropriation for the ensuing five year period.

§ -5. Public Hearing on the Capital Improvement Plan

After the annual presentation of the Capital Improvement Plan by the Committee to the Selectmen, the Board of Selectmen shall, within _____ days of the receipt of the plan, hold a public hearing to present the plan for public comment.

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Section 3S -6. Appropriation for Capital Improvements

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No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement ~~is~~ has been considered in the Committee's report ~~Capital Improvement Plan~~², or the Committee ~~shall first have~~ has submitted a report to the Board of Selectmen explaining the ~~Omission~~ omission of the proposed capital improvement from its Plan.

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Section 4.S -7. Expenditures in Preparation for Capital Improvements

Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Notwithstanding the provisions of this section, the town may appropriate and expend funds for the purchase of land regardless of when improvements to, or use of, the land by the town is anticipated.

Fiscal Year 2014 Legal Budget Spending Through March

