



Fairhaven Board of Selectmen

September 15, 2014 Meeting Minutes

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

Chairman Robert Espindola called the meeting to order in the Town Hall Banquet Room at 6:32 p.m. The meeting was video-recorded and telecast by the Government Access channel and audio-recorded by Anne Kakley.

MINUTES

- Mr. Haworth motioned to approve the minutes of the **September 2, 2014** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **September 2, 2014** meeting, **executive** session. Mr. Murphy seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

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

- Tuesday, **September 16** –
 - 8:00 a.m. – Meeting with Wayne Electric at Oxford School
 - 9:30 a.m. – Tibbett's case with MassDOT in Taunton
- Wednesday, **September 17** –
 - 11:30 a.m. – Meeting with Jack Docan – attorney
 - 6:30 p.m. – Commission on Disability
- Thursday, **September 18** –
 - 7:30 to 9:00 a.m. – Forum group at the Buzzard's Bay Coalition office
- Monday, **September 22** –
 - 8:30 a.m. – Retirement Board
- Thursday, **September 25** –
 - 9:00 a.m. – Buzzard's Bay Action Committee meeting in Wareham
 - 7:00 p.m. – Finance Committee meeting

COLLINS CONSTRUCTION

The Board reviewed a final requisition for Collins Construction in the amount of \$2,166.16 for Town Hall restoration and light work. Mr. Haworth motioned to approve the requisition for Collins Construction in that amount. Mr. Murphy seconded. Vote was unanimous. (3-0).

CAPITAL PLANNING COMMITTEE

Mr. Haworth announced that there would be the first meeting of the Capital Planning Committee on Tuesday, September 23. Ms. Kakley will post the meeting and send out notification to the seated members of the Capital Planning Committee.

ENGINEERING/SURVEYING COSTS – ROGERS AND OXFORD

The Board reviewed a memo from Bill Roth regarding costs associated with preparing surveys for the Rogers and Oxford Schools. See Attachment A for suggested costs and options. Mr. Roth was also present at the meeting and advised the Board that the surveys could be the buyer's responsibility. Further, he said that the Oxford School street discontinuance would be inexpensive and valuable to have in place, and advised the Board not to wait on that.

ROGERS/OXFORD AUCTION ITEMS

Mr. Osuch said that prisoners from the local Sheriff's department had consolidated items into the gymnasium of the Rogers School and the Selectmen's Office had inventoried the items therein for the purposes of a future auction.

ROGERS-OXFORD RFP

Mr. Osuch said that the Board would have to have some discussions and make some decisions before an RFP could be issued. Mr. Espindola said that there was no funding to advertise. Mr. Osuch answered that they could still work on the decisions while they also work on appropriations for advertising.

TOWN HALL DISPLAY ITEMS

Mr. Osuch said that the P.O.W. chair and/or the Bicentennial Time Capsule would have to be moved upstairs to make room for Christmas decorations. He added that he did not think that the time capsule should be stored in the Town Hall lobby for another 48 years.

Mr. Murphy said that he wanted to keep the P.O.W. chair where it was but he was agreeable to moving the time capsule. Mr. Haworth motioned to move the time capsule to a location upstairs in the Town Hall. Mr. Murphy seconded. Vote was unanimous. (3-0).

NSTAR GAS PERMITS

The Board reviewed NSTAR gas permits for 15 Prince Street and 22 Hathaway Street (previously approved by the BPW). Mr. Haworth motioned to approve the permits. Mr. Murphy seconded. Vote was unanimous. (3-0).

CGI CONTRACT LETTER

The Board revisited the topic of a contract with CGI for a video that would be embedded in the sidebar of the Town's website, and would feature the various points of interest for the Town of Fairhaven. The Board had previously approved the contract but had not approved the requested endorsement letter. Ms. Kakley updated the letter to indicate that the Board supported the venture, but did not endorse it specifically. See Attachment B.

Mr. Haworth motioned to approve and submit the letter to CGI. Mr. Murphy seconded. Vote was unanimous. (3-0).

SEWER RELIEF FUND

The Board reviewed an application for FY15 State Sewer Relief Fund, submitted to the Selectmen's Office from Treasurer Wendy Graves. Mr. Haworth motioned to approve and sign the application. Mr. Murphy seconded. Vote was unanimous. (3-0).

UPCOMING MEETING SCHEDULE

The Board voted to approve the following schedule for upcoming meetings:

- Tuesday, October 7
- Monday, October 20
- Monday, November 3
- Monday, November 17
- Monday, December 1
- Monday, December 15
- Monday, December 29

Mr. Haworth motioned to set the above schedule. Mr. Murphy seconded. Vote was unanimous. (3-0).

SPECIAL TOWN MEETING

Acknowledging that there were several issues that would require Town Meeting votes, the Board decided to set a date for a Special Town Meeting. Mr. Haworth motioned to set the Special Town Meeting for Tuesday, December 9, 2014, assuming the Hastings Middle School auditorium was available for that evening at 7:00 p.m. Mr. Murphy seconded. Vote was unanimous. (3-0).

REQUEST FOR AUDITORIUM USE

The Board reviewed a letter from Ashley Bendiksen requesting use of the Town Hall Auditorium for a production of "You're a Good Man, Charlie Brown", to take place on November 20, 21, 22. Additionally, as the group applying for the use of the auditorium said they were a registered non-

profit, they requested a waiver of the rental fee. Proceeds from the show will benefit Alzheimer's research.

Mr. Haworth motioned to approve the request for use of the Town Hall and a waiver of the rental fee. The hourly custodial fee will still apply. Mr. Murphy seconded. Vote was unanimous. (3-0).

61A RIGHT OF FIRST REFUSAL – 211 MILL RD PUBLIC HEARING

At 7:00 p.m., Chairman Espindola called a public hearing to order for a 61A "Right of First Refusal" for 211 Mill Road. The 31 acre parcel is zoned Rural Residential.

Also present were Police Sergeants Michael Botelho and Kevin Kobza, Police Chief Michael Myers, Fire Chief Timothy Francis and John Rogers, Chairman of the Fire Department Building Committee.

Mr. Osuch explained that the process started several months ago when the owner of 211 Mill Road, Philip Denormandie, informed the Town that he wanted to lease the property for a solar farm. Because the land was under 61A, the Town had the right of first refusal. Mr. Denormandie retracted the 61A twice offering only part of the parcel in each filing. In the final 61A, he included all 31 acres of the parcel. The Town has completed an appraisal of the land, and that appraised value is \$1.4 million. Mr. Osuch said that there would be need in the future for a Police and Fire complex to replace the aging complex currently on Washington Street. He said that the value of land in the Mill Road area is going up and that the land would be valuable to the Town.

Chief Myers said that the Town's current Fire and Police complex is 50 years old and that most studies indicate similar complexes are outdated by 20 to 50 years. Chief Myers said that the Town should take the opportunity to purchase the land for a future complex. He said that the current station, according to his studies, is about 42% smaller than it should be. It does not have a holding facility, which means prisoners have to be handcuffed to a plastic bench before being transported to the Sheriff's office. Chief Myers said that the Sheriff's office has had some budgetary issues that has left the Fairhaven Police Department concerned that they would not be able to use them for prisoner holding. The detective division is in the basement of the Police Station and occasionally floods. There are issues with mold and mildew as a result, posing a risk to evidence in storage. Chief Myers said that the sewer has even backed up before. The offices are overcrowded and records retention is challenging. There is very limited parking, and Chief Myers said that they often have to inconvenience the neighbors by parking on Sunset Lane.

Chief Francis said that the apparatus used by the Fire Department is much larger than it was 50 years ago when the station was built and that the department is forced to store some expensive equipment in trailers outside which is not ideal protection from the elements. The Fire Department bucket truck has to stay outside because it does not fit in the bay. Chief Francis indicated that they might even be violating code because ambulances and trucks are not supposed to endure temperatures below 50 degrees, but they do because of the current arrangement. The

building's boiler is 50 years old. The Department of Environmental Protection does not allow the Fire Department to conduct practices at their location because of its proximity to residences.

Mr. Haworth said that he had been through the current Fire/Police complex and agreed that the facility was outdated. He added that the ambulances are on the opposite side of the building from the EMTs, which adds a minute or two to response time in emergencies.

Mr. Murphy said that he has seen all the equipment piled up in the training room and agreed that the facility was out-of-date. He asked Chief Myers and Chief Francis if changing the location of the two stations would affect response time for West Island residents. Chief Myers said that it would not impact their response time negatively; in fact, he said that with its proximity to Route 240, they might even be able to respond to West Island quicker than they do now. Chief Francis added that a new "Opticom System" would override traffic lights and allow emergency responders to improve response time.

Mr. Murphy asked how the old station at 146 Washington Street could be used in the future. Chief Francis said that the Town could place smaller departments there. Mr. Espindola said that he thought the newly formed Capital Planning Committee should weigh in on that matter.

John Roderiques was recognized by the Chairman. He asked where the \$1.4 million for the purchase of 211 Mill Road would come from. Mr. Osuch said that the funds would come from borrowing or the Stabilization Fund – either way, the allocation would require a two-thirds vote from Town Meeting.

Mr. Roderiques said that, as a resident, he was aware of the problem that the Police and Fire Departments faced. However, he said that the Fire Department has been in need of a ladder truck for a while now, and taking money out of Stabilization would impact the Town's ability to afford a ladder truck. Mr. Roderiques also questioned the methods by which the Board negotiated the Notice of Intent to purchase. Mr. Osuch said that the Board had been presented several different offers from Mr. Denormandie, with different acreage each time, and that Mr. Denormandie had retracted the offer twice only to resubmit a third proposal offering up all 31 acres of the property.

Nils Isaksen was recognized by the Chairman. He said that he agreed with Mr. Roderiques, and added that the Town currently has two schools that they were told they could not use. He thought that the Fire and Police departments would have to come up with an RFP like the Rogers-Oxford Committee has done.

Town Planner Bill Roth was asked by the Chairman to comment. Mr. Roth said that the Planning Board has not yet looked at rezoning that area of Mill Road. He said that the Planning Board may address overall Town zoning to allow for more flexible zones, such as light industrial, etc.

John DeVillars of Blue Wave Capital was recognized by the Chairman. He said that his company has an intention to lease the land at 211 Mill Road for the installation of a solar array. He said that their intended use could be compatible with the Town's intention to build at that

location. He said that the Town could opt into electricity savings to offset energy costs, and that Blue Wave Capital may participate in a new “Community Solar” program offered in Massachusetts, which would make their energy available for purchase from community members who would like solar but could not install it at their homes.

Mr. Espindola closed the public comment portion of the hearing at 7:40 p.m.

Mr. Osuch recommended that the Board take a vote that night, as the timeline for a Notice of Intent and Purchase and Sale would have to be received by Mr. Denormandie and filed in the Registry of Deeds by October 1. He said that the purchase would have to be approved at Town Meeting and then there would be additional discussion relating to the construction of a Fire/Police complex at Capital Planning Committee meetings and at the Finance Committee meetings.

Mr. Haworth said that he supported at least presenting the opportunity and allowing the Town Meeting to accept or reject the purchase.

Mr. Murphy agreed, saying that it was an opportunity for the Town.

Mr. Haworth motioned for the Board of Selectmen to exercise their right of purchase for 211 Mill Road, record a Notice of Intent in the Registry of Deeds and sign a Purchase and Sale agreement. Mr. Murphy seconded. Vote was unanimous. (3-0).

AMERICAN LEGION CHANGE OF MANAGER

At 7:47 p.m., Mr. Espindola opened a public hearing for the American Legion’s Change of Manager.

Patrick Flinn was present on behalf of the American Legion. Mr. Flinn is the American Legion’s current financial officer. He said that the license is currently under the name of a manager who is now deceased. Mr. Flinn has worked at the American Legion for seven years. All necessary Town departments have signed off on the Change of Manager.

Mr. Espindola opened the hearing to public comment. There was none.

Mr. Osuch asked Mr. Flinn if he was TIPS certified. Mr. Flinn answered that he is STOP certified, which is similar. All American Legion bartenders are also STOP certified. Mr. Osuch said that the Selectmen’s Office would need a copy of their certification, and whenever a new employee is hired, they would have to update their submitted proof of certification.

Mr. Haworth motioned to approve the change of manager for the American Legion. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Espindola closed the hearing at 7:51 p.m.

DOG HEARING – SAMANTHA ARMSTRONG

At 7:51 p.m., the Chairman opened a dog hearing for a dog belonging to Samantha Armstrong, 70 Seaview Avenue. Animal Control Officer Terence Cripps was present. Also present: Samantha Armstrong, James Tavares and Kathleen Sturtevant.

See Attachment C for the ACO's report of the August 25, 2014 incident.

Mr. Cripps said that Kathy Sturtevant came into his office to tell him that she was walking her dog on Seaview Avenue when a large dog ran from 70 Seaview Avenue to attack her dog, a Labrador mix named "Opie". As a result, Ms. Sturtevant was pulled by the leash and knocked to the ground. She suffered abrasions to her elbow and pain to her back as a result of the fall. Her dog, Opie, suffered puncture wounds to his neck and other abrasions, and had to be seen by the veterinarian.

Mr. Cripps explained that the owner of the aggressive dog, Ms. Armstrong, indicated that the dog's name was "Birdie". Ms. Sturtevant claimed that Ms. Armstrong yelled the name "Cali" during the attack.

Mr. Cripps said that Cali had no record of licensing or vaccination. Ms. Armstrong claimed that the dog had been vaccinated at Buttonwood Animal Hospital, but Mr. Cripps noted that this business has been closed for years.

Additionally, with the name "Cali", Mr. Cripps discovered that this same dog was deemed a "dangerous dog" in New Bedford after she attacked Joseph Braga, leaving a 7 cm wound and causing the man to require 40 stitches. Mr. Cripps told the Board that his recommendation for the dog was going to be euthanasia.

Ms. Armstrong and Mr. Tavares were present to address the charges that Ms. Armstrong's dog, Cali, did attack Ms. Sturtevant's dog and cause injury to the that dog (Opie) and Ms. Sturtevant in that August 25, 2014 incident. Mr. Tavares identified himself as Ms. Armstrong's boyfriend and roommate.

Ms. Armstrong said that they had been Fairhaven residents for fewer than two months when the August 25 incident occurred. When Ms. Armstrong found Cali five years ago, she had been neglected and had never been trained. She said that she has worked on her behavior ever since and that she thought the dog could be rehabilitated. She called her dog "happy and loving" and said that the incident was not the result of her negligence or the dog's viciousness. She called it a "one-time incident". Additionally, she claimed that Ms. Sturtevant did not have her own dog on a leash, and claimed that Cali had been left more injured from the dog fight than Opie.

Speaking to the earlier incident in New Bedford when Cali bit and seriously injured Joseph Braga, she claimed that Cali attacked that man because he had been trying to break into her car to take her wallet.

Mr. Tavares said that they were at the meeting to take responsibility, but that their dog had been on a rope attached to a spike outside their house, but she broke free from her lead. He claimed that the rope had been provided by his landlord, who said that it would be sufficient for their dog.

Kathleen Sturtevant said that she did not have a problem with dogs in general and has run up and down Sconticut Neck, and its side-streets, for 14-15 years without incident. She said that when she ran down Seaview Avenue, Cali was not attached to a lead at all. She said that Opie was on a leash and that the reason why she was knocked down in the attack was because the leash was wrapped around her hand. She said that she felt that her dog Opie was mainly trying to protect her from injury.

Mr. Haworth said that it was a difficult decision to make, but that he had read the reports from the New Bedford Police Department and that Ms. Armstrong's story's was not consistent with what the Police reported. They did not report that the man was injured by the dog by reaching into her car, but that the dog had been chained to a gas pipe on the sidewalk. Additionally, there were reports from the City of New Bedford of barking nuisances, and reports of intimidation of a witness. Mr. Haworth said that he had a responsibility to the welfare of the people of Fairhaven.

Mr. Murphy agreed, saying that he loved animals but that he had been attacked by a dog before. He said that the Town's ACO was making a recommendation for euthanasia, and that was a very serious consideration.

Mr. Espindola agreed, saying that he would uphold the ACO's recommendation.

Mr. Espindola opened the hearing to public comment.

Rita Pinto was recognized by the Chairman. She identified herself as a next-door neighbor to Ms. Armstrong. She said that she had to euthanize her own dog because it attacked her. She said that she had heard the August 25 dog attack involving Ms. Sturtevant's dog, and that it had sounded like a coyote attack.

Steven Riley was recognized by the Chairman. He said that he had walked through that area regularly but now he does not because of the August 25 incident.

Donna Braga was recognized by the Chairman. Ms. Braga identified herself as the widow of Joseph Braga, who had been attacked by Cali in New Bedford. Ms. Braga said that Ms. Armstrong was lying about the prior dog attack that injured her husband, and that the attack took place on the sidewalk and the dog was unprovoked prior to biting Mr. Braga.

Nancy Greene was recognized by the Chairman. Ms. Green identified herself as a good friend to Ms. Sturtevant. She said that she often accompanies Ms. Sturtevant on runs but that she will not go down Seaview Avenue anymore because of the August 25 incident. She said that the incident had "traumatized" Ms. Sturtevant.

Mr. Haworth motioned to follow the recommendation of the Animal Control Officer and declare dangerous and humanely euthanize Ms. Armstrong's dog "Cali", also known as "Birdie". Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Espindola closed the hearing at 8:21 p.m. Mr. Cripps stated that Ms. Armstrong could either have the dog euthanized and verify it with him, or bring the dog to the Fairhaven Animal Shelter for the euthanasia to be performed there.

Mr. Osuch said that they could also file an appeal with the District Court.

LETTER TO MASS DOT RE: BIKE PATH

Mr. Espindola asked the Board to consider sending a letter to the MassDOT to support the Bike Path's extension to Mattapoisett Town Center.

The Board supported sending the letter to Patricia Leavenworth of MassDOT. See Attachment D. Mr. Haworth motioned to send the letter. Mr. Murphy seconded. Vote was unanimous. (3-0).

OVERC – HANDS ACROSS THE RIVER

The Board acknowledged correspondence from Karen Vilandry of Hands Across the River Coalition requesting the formation of a "Oxford Village Environmental Review Committee" (OVERC) to oversee the EPA's CAD cell dredging and report back to the Town on the EPA project's environmental impact. Ms. Vilandry was present.

Mr. Espindola read a letter from Town Counsel regarding the EPA's dredging project in New Bedford Harbor. See Attachment E.

Ms. Vilandry introduced herself as a resident and the Vice President of Hands Across the River Coalition. She submitted a letter to the Board from ACE (Alternatives for Community and Environment), in which ACE supported HARC's efforts related to the CAD cell dredging. See Attachment F.

Ms. Vilandry said that she thought it was important for the Town to form the OVERC to oversee the dredging that will continue on October 15.

Mr. Haworth said that bringing the EPA in for the September 29 meeting would allow time for residents to make arrangements to be present for that meeting to ask questions. He said that the questions raised by HARC, related to health and economic impacts of the dredging, could not be answered by the Board of Selectmen.

Mr. Murphy said that when the project first started, the EPA was very clear about the chain of command, with the federal power superseding the local authority.

Ms. Vilandry said that the dredging has negatively impacted home values and tourism in Fairhaven, particularly in the Oxford Village area. She expressed concern that residents were not suitably educated to the danger of the water in the area. Mr. Espindola said that when the EPA is present on September 29, they could discuss with them the possibility of installing signs in that area. Ms. Vilandry said that Bill Roth had indicated that the Town could install their own signs. Mr. Espindola asked Ms. Vilandry to submit to the Board a list of questions for the EPA to be prepared to answer.

Patrick McLaughlin was recognized by the Chairman. He asked about the time of the meeting on September 29 and wanted reassurance that the meeting time would not be pushed later.

Deirdre Healy was recognized by the Chairman. She asked if she could submit written questions and/or comments to the Board prior to the September 29 meeting. Mr. Espindola confirmed that they could.

Diana Harrison was recognized by the Chairman. She said that she lived 200 yards from the dredging and that the experience of trying to sell her home has been “awful”. She said that the dredging is keeping houses from selling in that area.

CIGARETTE RECEPTACLES

Al Benac was recognized by the Chairman. He acknowledged that he was not on the agenda but that he wanted to speak to the Board about the cigarette receptacles that were recently placed around the Town Hall building. He said that he did not think it was wise to have them so close to the building, and he did not approve of one of the receptacles being chained to a marble pillar out front. Mr. Osuch said that the receptacles had been placed where receptacles had been previously. The Board said that they would see if they could move the receptacles a bit further from the building.

CAPITAL PLANNING COMMITTEE

Mr. Haworth informed the public that the first meeting of the Capital Planning Committee will be on Tuesday, September 23, 2014 in the Town Hall Banquet Room.

OTHER BUSINESS

In Other Business:

- Mr. Murphy offered his condolences to Wayne and Frank Fostin on the passing of their father John Fostin.
- Mr. Murphy thanked Beth David for her article on the Katie Brienzo Memorial Walk.
- Mr. Murphy said that the Town’s annual auction would be held on Saturday, September 20 at 9:00 a.m. at the BPW building.
- Mr. Espindola discussed following up on some of the recommendations for the Rogers-Oxford RFP with Mr. Osuch.

- Mr. Espindola said that Wood School students enjoyed the year's first Bike Bus that previous Friday. He noted that their principal has been very supportive of the venture.

At 9:23 p.m., Mr. Haworth motioned to enter Executive Session, pursuant to M.G.L. Ch 30A § 21:

- To discuss strategy related to real estate – Veranda Ave
- To discuss a request for ambulance waiver
- To discuss strategy related to contract negotiations – Coastal Compassion agreement

Mr. Murphy 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. Haworth in favor. Mr. Murphy in favor.

Respectfully,

Anne Kakley

Administrative Assistant
Board of Selectmen
(Minutes approved 9/29/2014)

From: Bill Roth
Sent: Friday, September 12, 2014 10:26 AM
To: Bob Espindola; Geoffrey A. Haworth (selectmanhaworth@gmail.com); MOLIFE@aol.com
Cc: Jeff Osuch; Anne Kakley
Subject: Oxford/Rogers Survey Cost

I contacted an engineering/survey company about preparing the surveys for the two properties. The estimated cost are as follows:

Rogers School: \$3,500

This was to consolidate lot 9 with discontinued Union Street and add 35 feet from the park.

Oxford School either option: \$3,500

Option #1

This was to consolidate lot 192 with discontinued Dean and Livesey Streets and create an easement around the NFIA building.

Option #2

This was to consolidate lot 192 with discontinued Dean and Livesey Streets and reduce the lots size around the NFIA building.

Please note that I thought the cost was a little high but in talking with the Engineer/Surveyor they informed me that there were no former surveyors on record and it was their opinion that there would be a lot of extra research work and time to tie down the property bounds. I also asked them for a conservative estimate.

Oxford School Street Discontinuance: \$400

This is the estimated cost to have me file a Street Discontinuance application with the Planning Board. This cost represents the certified 300-foot abutter notice and newspaper legal add. There is no application fee since it is a Town project. I do not have the funds within my budget for this because my advertizing and postage budget for the entire year is \$400, Therefore, if the \$400 dollars can be found, I can proceed immediately with getting the Street Discontinuance application.

*William D. Roth, Jr. AICP
Planning & Economic Development Director
Town of Fairhaven, | 40 Center Street, Fairhaven, MA 02719
(Office) (508) 979-4082 Ext. 122 | (Fax) (508) 979-4087*



Robert Espindola, Chairman
Geoffrey Haworth
Charles K. Murphy

Town of Fairhaven
Massachusetts
Office of the Selectmen

40 Center Street
Fairhaven, MA 02719

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selectmen@Fairhaven-MA.gov

To Whom it May Concern:

The Town of Fairhaven had previously participated in an Internet technology service aimed at promoting the public and the private assets of our wonderful community. We have recently decided to renew the services for, and will continue to participate in, another three-year promotional campaign conducted by CGI Communications, Inc. (www.cgicomcommunications.com).

CGI Communications will produce a series of on-line videos to showcase the assets and attributes that the Town of Fairhaven has to offer to its residents, its visitors, and its business community. These videos will be accessible for viewing via the Town's website www.fairhaven-ma.gov.

As you know, the Town of Fairhaven is dedicated to making our community a great place to live, work, shop and conduct business. This project will highlight the advantages of living and doing business here.

A representative of CGI Communications will be contacting you with an offer for your participation. We hope you will consider supporting this program, which we feel is valuable to our community.

Sincerely,

Robert Espindola
Chairman



RECEIVED Town of Fairhaven
Massachusetts

2014 SEP -2 Animal Control Department

BOARD OF SELECTMEN
FAIRHAVEN MASS 49 Center Street, Fairhaven, MA 02719
Telephone (508) 979-4028

SAMUEL C. BARRETT
Memorial Animal Shelter
Bridge Street

On Monday August 25 2014 1215 hours I was contacted by Kathleen Sturtevant of 22 Briercliff Rd. She stated that while running with her dog (Ople) on Seaview Ave a dog from 70 Seaview ran off of the property and attacked her dog. I looked at her dog (Who just returned from the vet) and noticed several bite wounds around the neck area. During the attack Mrs. Sturtevant was knocked to the ground causing a few scrapes on her elbows. She stated that the owner of the dog (Samantha Armstrong) came out and pulled the dog back into the house. She also Stated that Mrs. Armstrong told her that this had never happened before and that she would pay for the vet bills. She also stated that the incident happened around 1100hours.

I then went to 70 Seaview Ave to speak with the dog's owner. The dog was inside of the house but no one answered the door. I left a notice on the door for her to contact me. I went back several times before I found her home. I notified her that her dog was to be put on a 10 day quarantine. She stated that her dog's name was "Birdy" and that he was licensed in New Bedford and was vaccinated at Buttonwood veterinarian services last year. I asked her for the rabies certificate and she said it was still in a box in the house and she was still unpacking from the recent move. I then researched the information that she gave me. I found that she had never licensed a dog in New Bedford and the Vet she claimed to use has been out of business for nearly 3 years. I issued her a citation for failure to vaccinate and restrain her dog (\$25 for each offense). I also discovered that she had a dog in the past named "Call" that was involved in a few incidents in the past. On one of the incidents he attacked a man causing a wound that required 40 stitches. This dog was deemed "Dangerous" by NB animal control. I was contacted by Mrs. Sturtevant a short while later and she asked why the name "Birdy" was on her quarantine form for her dog. I told her that was the other dog involved in the incident. She then told me that Mrs. Armstrong was calling the dog "Call" the entire time of the incident. I notified the Board of selectmen of the incident as well of my findings.

Animal Control Officer

Terence W Cripps



Robert Espindola, Chairman
Geoffrey Haworth
Charles K. Murphy

Town of Fairhaven
Massachusetts
Office of the Selectmen

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
Fax: (508) 979-4079
selectmen@Fairhaven-MA.gov

September 11, 2014

Patricia A. Leavenworth, P.E., Chief Engineer
MassDOT – Highway Division
10 Park Plaza, Boston, MA 02116-3973
Attn: Roadway/ Project Management

Dear Ms. Leavenworth:

The Town of Fairhaven supports the Town of Mattapoisett in their proposal to extend the SouthCoast Bikeway to Mattapoisett's town center and create a car-free connection between our business and residential districts. In 2009, the very popular Fairhaven Phoenix Bike Path was extended by one mile to Mattapoisett Neck Road. The current proposal will extend the bike path to Mattapoisett Center in an exceptionally beautiful segment that will become a regional asset.

Fairhaven is a town that encompasses challenging geographic terrain, similar to Mattapoisett. We work together on water and sewer issues; we understand how conditions on existing road networks limit bicycle use. We know our year-round and summer residents value safe bicycling venues. We support continued development South Coast Bikeway vision because of the long term health and economic benefits to our residents and visitors, who, given the opportunity, will use bikes for transportation if they feel safe doing so, given that travel distances are practical.

Biking is popular for its low cost health, recreational and environmental benefits. Without better bike infrastructure between towns much of the economic potential of the SouthCoast will remain undeveloped. The proposed extension of the South Coast Bikeway (one of the "priority 100" miles of greenways in Mass DOT's transportation plan) benefits not only Fairhaven and Mattapoisett, it is a regional asset for economic development. Our residents use the existing 3.5 mile, car-free Phoenix Bikepath in Fairhaven for walking and bike riding – as well as skateboarding and jogging – and would like the car-free resource to be extended beyond its current terminus.

Most importantly, completing the proposed extension will unite our communities in a way that will help the entire region's tourism economy.

Thank you for your time and consideration. If you have any questions, please contact this office.

Sincerely,

Robert Espindola
Chairman

CC: Town of Mattapoisett

Attachment E

THOMAS P. CROTTY & ASSOCIATES, PLLC

LAW OFFICES
388 COUNTY STREET, THIRD FLOOR
NEW BEDFORD, MASSACHUSETTS 02740-4992

RECEIVED
2011 SEP 16 AM 11 48

BOARD OF SELECTMAN
FAIRHAVEN MASS

TELEPHONE 508.990.9101
FACSIMILE 508.990.9108
E-MAIL: info@tcrottylaw.com
www.tcrottylaw.com

THOMAS P. CROTTY
SHELLEY D. COELHO
MATTHEW W. SCHUYLER

September 15, 2014

Jeffrey Osuch, Executive Secretary
Board of Selectmen
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

RE: EPA/CAD cell project

Gentlemen:

You have asked for my review of the questions posed in a September 11, 2014 e-mail by Hands Across the River regarding the Environmental Protection Agency's on-going CAD cell project in New Bedford harbor.

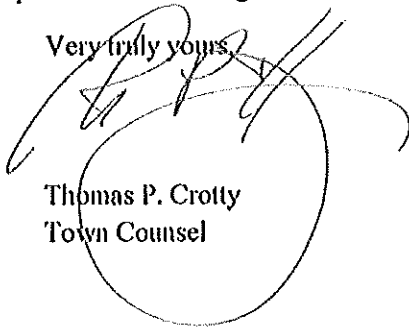
In summary the questions relate to public notice and input into the project, as well as monitoring the project for public health concerns. Those are all part of the EPA process for projects such as this.

Although I have not been involved in this particular project, it is my understanding that the EPA did give public notice of the project and did have a public comment process before the project went forward. At this point the public notice and input period is closed.

Federal law will not prohibit the Town from monitoring the project as Hands Across the River suggests, but the Town has no authority to control the project. The project is being conducted by the federal government, and federal authority will generally supersede state authority. Specifically, a state or local government cannot rely on state law to interfere with the operation of a federal agency. Any state or local agency trying to intervene to stop or limit the project would have to be able to prove that the federal agency is violating federal law.

Please let me know if you have any other questions in this regard.

Very truly yours,



Thomas P. Crotty
Town Counsel

TPC/mch

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Building Power for Environmental Justice

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

September 15, 2014

Dear Honorable Members of the Board of Selectmen:

Alternatives for Community & Environment, Inc. (ACE) supports Hands Across the River Coalition's (HARC) efforts to eliminate the public health and economic impacts of cleaning up the New Bedford Harbor so that Fairhaven and New Bedford residents and workers in close proximity to the Harbor are protected from exposure to contaminants and dredged sediments. ACE endorses HARC's proposal to create an Oxford Village Environmental Review Commission because more information is needed to understand the impact to human health as a result of the Superfund clean-up of New Bedford Harbor.

ACE recommends that the Oxford Village Environmental Review Commission be comprised of individuals knowledgeable in public health and the environment in addition to interested residents that can help determine the scope of the information needed. Please feel free to contact me at (617) 442-3343 ext. 236 if you require additional information.

Sincerely,



Staci Rubin, Esq.
Senior Attorney, Environmental Justice Legal Services Program Director