



# Fairhaven

# Neighborhood News

**A FREE!** publication of all things Fairhaven  
*Including event listings from Cape Cod to RI*



*The little paper  
with a big voice!*

Volume 6, Issue 14 • April 14, 2011

**Teeming with information you need.**  
**(And some you don't need, but will be glad you have anyway.)**

## Three new police officers sworn in



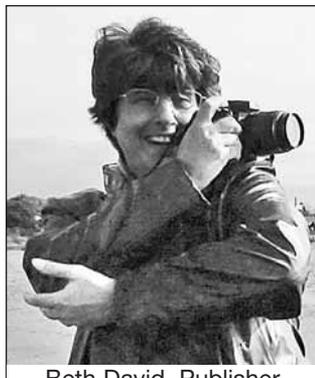
Fairhaven's three new police officers pose with some old-timers, er....we mean veteran police officers, and the selectboard chair on the steps of Town Hall after the swearing in ceremony on Monday, April 11. Front row, L-R: new officers Bachir Kouta, Kevin Swain and Daniel Dorgan; Det. Pam Bourgault, Sgt. Kevin Kobza. Back row, L-R: Fairhaven Police Chief Michael Myers, Det. Sgt. Michael Botelho, Selectboard Chair Charles Murphy. See page 16 for story. Photo by Beth David. See it in color at [www.NeighbNews.com](http://www.NeighbNews.com).

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# From The Editor

WEST ISLAND —  
A day late and many dollars short.



Beth David, Publisher

We have three new police officers in Fairhaven. They seem very excited to be embarking on their new careers. Police work is no piece of cake these days. The people out there breaking the law are getting more violent every day. It's nice to see these young men (we could use more women.....) choosing a path that is so important to the community. See page 16 for a little on who the new guys are, and why they chose the path.

We say, good luck to all three of you. May you never forget that many of the people you encounter will be regular folks who goofed; and may you stay safe in your encounters with the rest.

On the same page as our cover story, you'll find a short piece about copper downspouts being stolen off the town hall and the Millicent Library. Debra Charpentier is right when she calls it a "sin" to deface such beautiful, historic buildings. I don't know how much copper is going for these days, but the damage to the buildings is incalculable. Those spouts are old, very old. They were made to match the buildings. The buildings were gifts from Henry Huttleston Rogers who spared no expense when building them. It would bring him to tears to see the lack of respect people have for property — public and private — and for each other these days.

That lack of respect for property is nothing, though, compared to the lack of respect for life itself that criminals seem to have these days.

Our new police officers were reminded of how dangerous their new job is by an officer who spoke at their graduation. He had been shot five times on the job.

Police shootings are way up. MSNBC.msn.com quoted a spokesperson for the International Union of Police Associations, calling it "a war on cops."

I don't pretend to know what the answer is, but obviously, we, as a society, have been doing something wrong. Our precious buildings have stood the test of time, 100+ years, and now they are being vandalized for a few dollars worth of copper. Our police officers have to wear bullet proof vests because they might get shot when they stop someone for going a little fast on the road.

We're doing something wrong, folks. We're doing something wrong.

Until next week then,

# Fairhaven Neighborhood News

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Editor: Beth David

News Correspondents/Photographers:  
Anne Fenton, Mali Lim, Joyce Rowley,  
Heidi Winnett

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NeighbNews@comcast.net

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508-979-5593 • Fax: 508-991-5580

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## CORRECTIONS

In our article on the 3/28/11 Board of Public Works meeting we attributed a statement to the wrong person. It was BPW Chair Geoffrey Haworth who said he was concerned about the safety of BPW workers and the public due to Charles Hurley's operation of equip-

ment. Mr. Haworth said: "My biggest concern is safety, at the end of the day...It concerns me a little to have you out there operating on a daily basis, for the safety of yourself and the people you work with, and for town residents." Also, we neglected to put the location

of the trailer fire in last week's issue. It was on Little Bay Road. We apologize for the confusion.

In our story on the election, we spelled the name of our new Fairhaven Housing Authority member wrong. It is Kenneth Nelson.

## Scouts work towards communications badge



Beth David, publisher/editor of the Fairhaven Neighborhood News spoke to Boy Scouts in Troop 52, St. Mary's Fairhaven, about how a newspaper is published. The boys are working towards earning a communications badge. ABOVE: Ms. David and some of the boys from Troop 52 pose with copies of the *Neighb News* on Wednesday, April 6, after Ms. David spoke and answered questions about how a newspaper is produced. *Neighb News* photo. See it in color at [www.NeighbNews.com](http://www.NeighbNews.com)

## Rogers students walk for a cause



Students from the Rogers Elementary School walked to raise money for the victims of the earthquake and tsunami disaster in Japan. Students walked for a total of 30 minutes out and back to the school along the bike path. They were escorted by teachers and staff of the school. Some children ran and jogged. ABOVE: Students cross Sconticut Neck Road with the help of the Fairhaven police and fire departments on Friday, April 8. Children walked to raise money for victims of the earthquake and tsunami in Japan. According to principal Wendy Williams, students raised a whopping \$1,602.50. Every penny will go to the Japan Relief Fund through the American Red Cross. "We are very proud of our Rogers students for their efforts in being true PeaceBuilders who help others!" wrote Ms. Williams in an email. *Photo by Heidi Winnett. See it in color at www.NeighbNews.com*

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# Appeals approves all comers

By Anne Fenton

## Neighb News Correspondent

The Fairhaven Board of Appeals approved all variance requests at its meeting on April 5, including four requests to tear down and rebuild houses. One hearing dealt with a mixup that resulted in a house being torn down without a permit, although it was slated to be knocked down.

The mixup involved Michael Ristuccia, who petitioned for a variance to demolish an existing building and replace it with a house on the same footprint at 156 Cottonwood Street. The project is short 6' of the required 30' rear setback and short 10' of the required 20' side setback in a Rural Residential (RR) District.

Chairperson Peter DeTerra brought the board up to speed by saying the house had already been torn down without demolition or building permits.

Mr. DeTerra asked why there were no permits. Mr. Ristuccia explained that he bought houses at 154 and 156 Cottonwood Street and applied for a permit for the 154 lot. He paid for the permit but thought that the plan for the 156 Cottonwood Street house was attached to the permit so he mistakenly began work on the 156 property.

Mr. Ristuccia wanted to keep the same foundation and the house would be partially taken apart and replaced at the 156 property. After he started the project he realized that the original framing and foundation techniques "were poor and the work was shoddy."

When Mr. Ristuccia met with Building Inspector Wayne Fostin to discuss these issues Mr. Fostin said that only the 154 property was permitted. Mr. Ristuccia said that he

"grossly misunderstood" what Mr. Fostin told him and thought the work on 156 could continue.

Mr. DeTerra commented that the board takes those issues very seriously and was concerned because Mr. Ristuccia was giggling and joking while describing the project.

Mr. Ristuccia responded that he also takes it seriously, he "wasn't intentionally doing the wrong thing," and that he has a nervous laugh.

Mr. Ristuccia referred to his and his family's record of responsible building in Fairhaven and said he was just "trying to do a good thing here ... this property has been vacant for at least 15 years," and "the neighbors are all excited that something is happening with it and it is going to be nice."

Mr. Fostin assured the board that Mr. Ristuccia is properly permitted and working only on the 154 property now.

Mr. Fostin answered "yes" when a board member asked if the proposed house on the 156 lot met all the codes. Mr. Ristuccia has paid for the permits for the 156 Cottonwood project.

The motion to grant the variance was unanimously approved.

In a follow-up phone call, Mr. Fostin said that the permits will be issued for 156 Cottonwood after clearance at the land registry.

In another matter, Rick Charon, PE, of Charon Associates, presented a petition on behalf of Lawrence D. Gillis, to demolish a house and garage at 45 Alder Street and build a modular home.

The project is short 10' on the north and 6' on the south of the required 20' side setbacks and short 9' of the required 30' front setback and 4% over the maximum allowed lot coverage of 15% within an RR District.

Mr. Charon also represented Nancy P. Antin's proposal to demolish a house at 91 Balsam Street and replace it with a modular home. The project is short 10' on the north and south sides of the required 20' setbacks, short 10' of the required 30' front setback, and 2% over the maximum lot coverage of 15% within a RR District

Both properties are in Velocity Zones so the new homes will be built on concrete platforms. Both petitions were unanimously approved. Vice Chairperson Joseph Borelli and Alberto Silva were absent.

Michael Holbrook petitioned for a variance to replace a deck that would be 2' short of the required 10' south side setback at 9 Phoenix Street. By talking with his neighbors, Mr. Holbrook said that they have gone through a process to create barriers and spaces that "will work well for everyone."

Kenneth & Carol Ludwig, from 3 Green Street, spoke against the proposal saying that the deck will block their view and will be too close to their house.

The footprint of the home with the new deck would be 5% over the 30% maximum lot coverage within a Single Residence (RA) District. A motion was made to scale back the deck by 2' reducing the maximum lot coverage overage to approximately 3%. The Ludwigs agreed and the motion was unanimously approved.

Alan Ewing, of Ewing Engineering, represented Donald and Hildy Nolan's petitions to remove an attached 6' shed and expand their 36 Reservation Road house by 6'. They also would like to extend the deck.

APPEALS: cont'd on page 22



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# AROUND TOWN HAPPENINGS

## Raising the Dead

Fairhaven's Millicent Library archivist, Deborah Charpentier, will give a talk entitled "Raising the Dead; the Millicent Library Cemetery Project" at the **Fairhaven Town Hall, 40 Center St., on Friday, April 15 at 7 P.M.** Her talk will focus on the history of the Woodside and Nascketucket cemeteries, and will include stories of Fairhaven's long-passed citizens.

Her talk will also embrace technology, addressing how the use of ground penetrating radar will aid in the completion of the seven-year project sponsored by the library. Mrs. Charpentier is well known for her informative, enthusiastic, and down-to-earth presentations.

Light refreshments will be served. Donations are requested. The Town Hall is wheelchair accessible. For further information contact Barbara Acksen at the Fairhaven Historical Society, 508 993-0317.

## Spring Breakfast

St. Mary's Parish, Main Street, Fairhaven, will hold a Spring Buffet Breakfast on Sunday, May 1, 2011. Share in the delight of a May Day buffet of plain and blueberry pancakes, scrambled eggs, baked ham, sausages, homemade potatoes, fruit cup, juice and coffee while you visit with family, friends and neighbors. **Tickets on sale NOW through April 17th** after weekend Masses and at the Rectory Office during business hours.

Adults are \$6.00, Children 5-10 are \$3.00 and children under 5 are FREE with a complimentary ticket. For more information you may contact the Rectory Office at 508-992-7300 or [StMarysfairhaven@comcast.net](mailto:StMarysfairhaven@comcast.net) or visit [www.sccc.org/stmaryhvn](http://www.sccc.org/stmaryhvn) The church hall is not accessibility.

## Fish & Chips

Fish & Chips dinner from Our Lady's Haven kitchen, 71 Center St., Fairhaven, on **Fridays: 4/15. From 11:30 a.m.-1 p.m., TAKE-OUT ONLY, \$6/plate.** Tickets must be purchased in advance, 508-999-4561. Accessible. Benefits OLH residents.

### Also at OLH: Plant Sale

Do you have a green thumb? Our Lady's Haven is sponsoring a Plant

Sale on Sat. June, 4, to benefit OLH residents. We are currently seeking donations of seeds, cuttings, plants, planting material and garden-related raffle items.

Please contact Kate Hancock, HR Director, 508-999-4561, Ext. 3327.

## Card Party

The Fairhaven Mothers' Club will hold its **annual card party on 4/19 from 10 a.m.-3 p.m. in the Oxford Terrace Community Room, 275 Main St., Fairhaven.** Accessible. Donation: \$5. Proceeds to benefit the scholarship fund. Light refreshments. For more information, call 508-997-1317.

## Baseball Camp

The Fairhaven High School Baseball Team will host a skills clinic for girls and boys ages 6-13 on **Saturday: April 16 from 9-11:30AM at Hastings Middle School** (rain date 5/7).

**The cost is \$40 before April 6th or \$50 on the spot;** proceeds to benefit Fairhaven High School Baseball and the Class of 2012.

If possible, youth should take their equipment and protective gear. To register, or for further information, contact Rudy Bulgar at 508-979-4051 x5414, [rbulgar@fairhavenps.org](mailto:rbulgar@fairhavenps.org) or Tracy Higgins at x1105, [thiggins@fairhavenps.org](mailto:thiggins@fairhavenps.org).

## Cataldo Scholarship

The North Fairhaven Improvement Association's Joseph Cataldo Jr. Scholarship applications are now available at the Guidance Offices of Fairhaven High School, Greater New Bedford Regional Voc-Tech High School, Bishop Stang High School, and Bristol County Agricultural High School.

The Joseph Cataldo Jr. Scholarships are open to qualified high school seniors who are Fairhaven residents enrolled in a full time degree program. **The deadline for filing applications is April 23, 2011.**

Applications may also be requested by mail: NFIA Scholarship Committee, PO Box 877, Fairhaven, MA 02719.

## Scholarship

The **Sippican Choral Society** has announced that a scholarship will be awarded to a graduating student from

either Old Rochester Regional High School, Wareham High School, or Fairhaven High School who has demonstrated exceptional contributions to **choral music** in school and/or in the community. The student must intend to pursue music activities after high school.

The mission of the Sippican Choral Society Undergraduate Music Scholarship is to give financial assistance to one or two qualified graduating high school senior(s) for the continued advancement of their choral learning.

The student(s) must have demonstrated not only a particular choral talent, but also display the enthusiasm, desire and energy that will be required to continue in their music education and intend to pursue a major or minor concentration in choral conducting, voice studies, or a closely related field of study. The selected student(s) will be awarded a minimum of \$500 upon their acceptance into an undergraduate program and their graduation from high school. The total amount of the scholarship funds available may vary from year to year, but it is expected to approximate \$1,000.00 annually.

Interested students should see their music directors or guidance for an application. **The applications should be submitted no later than Friday April 15th, 2011.**

## Militia for Kids

Kids Day at the Academy with the Fairhaven Village Militia on **Friday, April 22, at Fairhaven Academy, on the west lawn of Fairhaven High School, 12 Huttleston Ave., Fairhaven, from 10:00 a.m. to 2:00 p.m.**

Kids will have a chance to make some colonial period crafts, play old-time games and learn about life during the 1770s from members of the Fairhaven Village Militia dressed in historical garb. Weather permitting the "troops" can take part in a mock drill outdoors. Sponsored by the Fairhaven Village Militia. Free. The building is not wheelchair accessible. For more information, call Lori Richard at 508-996-0823.

## Easter Egg Hunt

On **Saturday, April 23, at Livesey Park, Glenhaven Ave., Fairhaven. 9:00 a.m. SHARP.** Children search for

## STILL AROUND TOWN

candy eggs and specially numbered wooden eggs that are redeemed for prizes. There will also be prize drawings and a visit from the Easter Bunny.

Sponsored by the North Fairhaven Improvement Association. Free.

### Music fun class

At the Millicent Library, 45 Center St., Fairhaven. Accessible. Tuesday, April 19th. 2:30 OR 3:30. **Musik 'n Fun with Aoife Clancy.** You may sign up for one session only. Each session lasts 35 minutes.

Aoife Clancy will be holding two

classes at the Millicent Library. The first session at 2:30 is for parents and toddlers, and the 3:30 session will be for 2-4 year olds. You may sign up for one session only. Each session lasts 35 minutes. This class is limited to 15, so please sign up with Ms. Jane!

Through her unique style of teaching and her background as a Music Together instructor, Aoife will incorporate songs from her Celtic roots and other genres, playing guitar and Bodhran (Irish Drum). Aoife is the daughter of Bobby Clancy, one of the legendary Clancy Brothers, and has performed with Cherish the

Ladies and as a soloist with the Boston Pops.

### Spiritual Explorers

Tuesday, April 19, Unitarian Memorial Church parish house, 102 Green Street, Fairhaven, 7:00 p.m. Accessible.

All are welcome to explore the concepts of various spiritual traditions, both ancient and modern, to expand awareness and understanding. Meets first and third Tuesdays. Free. For more information, call Ann Fox at 508-992-7081 or email RevAnnFox@aol.com.

## HAPPENINGS OVERTOWN

### Easter Egg Hunt

The New Bedford Recreation Department and Mayor Scott W. Lang will host the City's Annual Easter Egg Hunt on **Saturday, April 16 (rain date 4/17), at 9:30 a.m. at Fort Taber Park in the South End.** Children ages 10 and under are welcome to participate. There will be lots of candy and prizes to find. The Easter Bunny is expected to make an appearance so attendees are encouraged to take their cameras.

### Culture\*Park

Culsture\*Park Redux party!! Celebrating 10 years of original works in theatre and dance. **Sat., April 23, from 7-10:30 p.m. at the New Bedford Whaling Museum, 18 Johnny Cake Hill, New Bedford. Accessible.**

Culture\*Park hopes you can join them for an evening of celebration punctuated with moments from 10 years of Culture\*Park programming.

Complimentary appetizers and cash bar. Ticket includes admission to Cabo Dance Project, Kaminho Longi at 4 p.m. in the Museum Theater. **Tickets: \$25 general admission/\$20 artistic associates.** For more information or to make a reservation, call 774-202-0588. [www.culturepark.org](http://www.culturepark.org)

### At the Whaling Park

The following events are at the New Bedford Whaling National Historical Park, 33 William Street in downtown New Bedford. All programs are open to the public, free and accessible. Visit [www.nps.gov/nebe](http://www.nps.gov/nebe) or call 508-996-4095.

### Dock-U-Mentary

In April 2010, Standard-Times reporter Don Cuddy went to Georges Bank aboard the New Bedford dragger Sea Escape to experience for himself the life of a fisherman. The Dock-U-Mentaries Film Series continues on **Friday, April 15th with Finest Kind**, a 51 minute documentary film that resulted from this experience. Dock-U-Mentaries is a co-production of New Bedford Whaling National Historical Park and the Working Waterfront Festival. Films about the working waterfront will be screened on the third Friday of each month beginning at 7:00 PM

### Exploration Series

Saturday, April 16, from 10:00-11:30 AM. Tove Bendiksen, park ranger and member of a fishing family, will be the featured speaker. Bendiksen will offer a talk on New Bedford's working waterfront, and share her insights on its successes and challenges.

The Exploration Series is an opportunity for the public to delve into New Bedford's fascinating history and its people.

### Hometown Tourist

While tourists often visit New Bedford's historic area downtown, few locals take the time to explore their own backyard. For this reason, New Bedford Whaling National Historical Park has dubbed the week of April 18-23 "Hometown Tourist Week," offering free children's activities, crafts, walking tours and more. Stop by the visitor center to pick up a full schedule or visit the park website.

### Whaling Museum

The following FREE events are at the New Bedford Whaling Museum, 18 Johnny Cake Hill, New Bedford. Accessible. Call 508-997-0046 or visit [www.whalingmuseum.org](http://www.whalingmuseum.org)

### The Great Sperm Whale

On April 20 at 6:30 p.m. Richard Ellis will discuss his latest book on the most important species in the history of whaling; the subject of America's greatest novel; an animal that can dive to a mile below the surface, hold its breath for an hour, and make the loudest sounds ever heard in nature to debilitate its prey. And of course, the very reason this museum exists.

This lecture will be the official launching of *The Great Sperm Whale* to the general public. Mr. Ellis will be available to sign his book, which will be on sale in the Museum Store.

### Vacation Week

A week of fun is planned for spring vacation week at the New Bedford Whaling Museum, April 18-22.

Monday, April 18 is Right Whale Day, focusing on a unique but highly endangered species, the northern right whale. Hands-on activities.

Tues. -Fri., 4/19-22, will feature a children's film festival in the Cook Memorial Theater from 11:00 a.m. to 2:00 p.m. Films will include Moby-Dick (animated and in Spanish).

Spring vacation week activities are free for children to 14 years. Children must be accompanied by an adult. Sponsored by Bristol County Savings Bank.

Cont'd next page

# STILL OVERTOWN

## Summer Job Apps

Job applications for the City of New Bedford's Seasonal Training & Employment Program (STEP) for the summer of 2011 are available at New Bedford City Hall in the Personnel Department (Room 212) or online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov).

The application forms, a complete list of open positions, as well as job descriptions and their requirements are available on the City's website. Positions are available with the Summer Day Program, Summer Food Service Program/Parks & Playgrounds and Beach Operations. Interested applicants are asked to submit their applications to the

Personnel Department. **The application deadline has been extended to June 3, 2011** and the City of New Bedford does have a residency requirement. For more information please visit [www.newbedford-ma.gov](http://www.newbedford-ma.gov) and click "Jobs Available" and then Summer Employment Application or call 508-979-1444.

## Design Contest

The Working Waterfront Festival is pleased to announce our annual design contest. Artists 16 years and older are invited to submit a creative design for the 2011 Festival. Designs will be used for the Festival t-shirt, poster and program guide. Designs

should convey festival's emphasis on the commercial fishing industry, the working port and the 2011 theme. The winning entry will receive a \$100 cash prize. Entries must be emailed by or postmarked no later than Monday, May 9th.

Interested artists/designers are encouraged to visit the festival web site to learn more about the event and to download an application: [www.workingwaterfrontfestival.org](http://www.workingwaterfrontfestival.org). Applications may also be received by contacting the festival office at 508-993-8894 or [info@workingwaterfrontfestival.org](mailto:info@workingwaterfrontfestival.org).

The theme of the 2011 event, slated for September 24th & 25th, is Then and Now: Tradition and Innovation.

# HAPPENINGS/OTHER LATITUDES

## Sustainability discovery

The UMassD office of sustainability has announced green campus awards and will hold a day of discovery on April 20 at Woodland Commons and Campus Forest, UMass Dartmouth.

On Wednesday April 20th we are introducing our "Living Classroom" as well as the many energy projects that will be transforming our campus over the next few years.

A Day of Discovery in Our Living Classroom: Campus and Community Lessons, will include forest walk, workshops, and refreshments.

Contact the UMD Office of Sustainability, 508-910-6484 or [sjennings@umassd.edu](mailto:sjennings@umassd.edu) for more information.

## Azores Talk

The University of Massachusetts Dartmouth Center for Portuguese Studies and Culture, the Ferreira-Mendes Portuguese-American Archives, and the Department of Political Science announce a colloquium, "The Azores, A Gateway to Europe." The event—free and open to the public—will take place on Thursday, April 21, 1:00-3:30 p.m. in LARTS Conference Room 374, parking lot 1. Light refreshments will be served. Accessible.

This colloquium will explore the political, economic, and social issues facing the Autonomous Region of Azores, a Portuguese archipelago

located in the North Atlantic. The presenters—two professors in the area of political science, international relations and political philosophy at the University of the Azores and the president of the Azorean Regional Forum of the European Youth Parliament—will focus on the role the Azores has played from the second world war until today as a midpoint between the United States and Europe. The presenters will also examine the role of universal education and the contributions the University of the Azores has had in the social and economic development of the archipelago. Moreover, the economy of the Azores and the potential for growth will be discussed. Finally, the presenters will focus on the status of the Azores as an ultra-peripheral region of the European Union, particularly in light of the current global economic crisis.

The colloquium is co-sponsored by the Regional Directorship for the Communities and the Regional Directorship for Youth.

For further information, contact 508-999-8255 or e-mail [fsousa@umassd.edu](mailto:fsousa@umassd.edu).

## Fishing Workshop

Workshop on Reconciling Spatial Scales and Stock Structures for Fisheries Science and Management" Monday and Tuesday June 27-28, Sheraton Harborside Hotel, Portsmouth, NH

For more information and to

register: [www.tinyurl.com/spatial-scales-workshop](http://www.tinyurl.com/spatial-scales-workshop)

Fishermen and scientists are continually learning that stock boundaries of marine species aren't always what we once thought. Fishery managers often face dilemmas when ecological and management boundaries don't coincide. This public workshop will explore how fisheries management can better use data on stock structure and ecological processes in achieving sustainable fishery resources. Costs and benefits of using increasingly detailed data in management will be discussed. There will be invited speakers, open discussion forums, a poster session, and break-out sessions for talks and panel discussions.

All fisheries stakeholders are encouraged to attend and propose an idea for a talk, poster, or discussion...fishermen especially.

Cost: \$50 2-day Registration (includes breakfast, lunch, parking, summary report)\*

\$25 Poster session/local seafood dinner cruise aboard M/V Thomas Leighton (evening of June 27)

Important Deadlines

May 2: Oral presentation abstracts

June 1: Poster presentation abstracts

June 15: Registration deadline\*\*

\*Commercial fishermen may request a waiver of the registration fee. \*\* After June 15, registration fee increases to \$75.



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## Recipe of the Week

### Striper, Bluefish or Weakfish Cakes

6 to 8 medium sized potatoes  
 4 tablespoons butter or margarine  
 4 cups seasoned bread crumbs  
 1 egg  
 1 small onion, finely chopped  
 1/2 teaspoon dill  
 1/4 teaspoon garlic  
 1/4 teaspoon cayenne pepper  
 2 tablespoons olive oil  
 paprika  
 1/2 pound pre-cooked fish (striped bass, weakfish or bluefish)

Pre heat oven to 350. Peel potatoes and cut them into evenly sized pieces. Boil until fully cooked, drain, add 2 tablespoons of butter and mash until smooth. Allow potatoes to cool.

In a large mixing bowl, combine 3 cups bread crumbs, 1 egg, onion, seasonings and olive oil. Mix thoroughly.

Crumble in pre-cooked fish. Using hands, knead together until mixture is smooth and fish have flaked into small slivers.

Add potatoes and knead entire

mixture until blended. Mixture should be moist but not wet.

Add more bread crumbs if the mixture is too wet, or an additional egg or slight amount of clam juice if too dry.

On a plate, spread out remaining bread crumbs. Scoop up a palm full of the fish/potato mixture and form into a patty, 1/2 inch thick by 2 inch diameter. Press patty into bread crumbs to coat. Flip and press bread crumbs into opposite side. Repeat to make 12 patties. Spray baking sheet with Pam and arrange patties on the sheet.

Bake 10-12 minutes. After 6 minutes, flip the patties. After flipping, sprinkle each with paprika and place a small pat of butter or margarine on the top of each one. Serve with lemon wedges and tartar or cocktail sauce.

They also make a great lunch when covered with a slice of cheese and served on a bun.

*By Margie Joseph*

## Easter poem

*His Garment*

by Dolly Drabble

They couldn't part His garment  
 twas made to cover all —  
 From the greatest to the smallest  
 Christ's blood will cover all.  
 Twas not for one. He died in pain  
 but for all. Our Jesus, flesh  
 was slain.  
 Our Father wills all to repent; for  
 not in vain was Jesus sent.  
 He paid the price for you and me  
 Jesus died to set us free.  
 Free from lust, free from sin as  
 God's spirit settles in  
 No they couldn't part His  
 garment, this royal robe of  
 love — He wants us all to  
 wear it, to the glory of God  
 above.

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# Fairhaven FinCom recommends \$102,747 in cuts

By Joyce Rowley

## NeighNews Correspondent

At a special meeting on April 5, the Fairhaven Finance Committee voted to recommend trimming another \$102,747 from an already lean budget.

They worked their way through half of Article 4, the operation and maintenance budget. This followed close on the heels of a \$170,000 recommended cut to contributory retirement last meeting. The target budget shortfall is \$1.7 million.

Cuts this time included an \$80,423 cut to the Quinn bill set-aside for the State's contribution to police salaries. An additional \$2,892 came out of the police department budget from utilities and other expenses.

The building department was cut \$10,550 — \$10,000 of that from salary and wages. That does not affect the

building inspector's salary, which is based on the number of inspections, said FinCom Chairperson John Roderiques. Inspections have been down the past year.

One thousand dollars to \$2,500 in utilities cuts were proposed in several departments based on historic utility usage. Town Hall's utility budget was not exempt from the ax and took a \$1,000 hit. Executive Secretary Jeffrey Osuch said that he was able to buy utilities in calendar year 2012 at a lower rate than in 2011.

The other consistent cut was to expense accounts for dues and gatherings. Using a formula of cutting 20% after the first \$1,000, the Town can save \$1,472. However, FinCom Member Kim Hyland spoke against the recommended \$240 cut from the Assessor.

"This was the one department that came in with a smaller budget," Mr. Hyland said, noting they had a \$4,000 reduction over FY11.

"How did she have [that much] in it to cut?" asked Mr. Roderiques.

"Too bad she was so honest," Mr. Hyland replied.

If it was any consolation, FinCom even cut its own budget; \$100 was shaved off the \$450 charges and expense account.

The special meeting began with an informational session on revenue accounts and Town Meeting procedure. Drawing on Mr. Roderiques 18 years experience, the newer members got a rundown on everything from overlay and circuit breaker accounts to the Town Meeting moderator's role on calling a question.

•••

# Fairhaven FinCom Slices Another \$491,274 From Town Budget

By Joyce Rowley

## NeighNews Correspondent

As the date for printing the Town budget looms nearer, the Fairhaven Finance Committee waded its way through all but one or two line items in Article 4, Town operating budget. At its April 7 regular meeting, fingers flew over calculators as the Committee pared down the budget by another \$491,274.

Big-ticket items FinCom recommended for reduction or elimination included: A dump truck for the Water Division, \$128,897; Elementary & High School Budget, \$90,000; A Bobcat for the Highway Division, \$53,437; An extra person for the Highway Division, \$34,500; BPW utilities (total for all divisions), \$26,000; sludge disposal under the Sewer Division, \$20,000; Tax Collector purchase of services, \$6,600; BPW capital outlay for desks \$3,700; Park division supplies for seeding, \$2,000

The reductions had been discussed previously, and at least one FinCom member pushed for votes earlier in the process.

"Like my sister says, I've slept since then," Theresa Szala joked.

Her real concern was that a vote by FinCom would fix the budget figure so she didn't have to double check each number as new budget print-outs were distributed. FinCom members' four-inch binders full of documentation were testimony to that.

Chairperson John Roderiques said that he had been waiting for the final figures from the state legislature before taking votes. Otherwise the budget would have to be recalculated, and re-voted. But the legislature had not made its cuts to Governor Deval Patrick's budget as yet, and the Tow Meeting warrant must be at the printer by April 15, to be available for Town Meeting.

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All other town operating budgets are at zero increase, then schools should be flat also. They're requesting a 2.3% increase. No other department is getting a 2.3% increase [Jeffrey Osuch]

---

Some recommended reductions were hedged bets. If the department needed more for utilities, they were told they could go back before the board. Reductions in BPW utility accounts were based on historic usage.

"The whole point of an operating budget is to appropriate money to operate," said Chairperson John Roderiques.

In particular, FinCom recommended funding the Massachusetts Employment Security at \$50,000 less

than requested. Similarly the Stabilization Fund, used to provide funding for major purchases like new firetrucks, was voted in at \$25,000 instead of \$100,000 as requested. The stabilization fund currently holds \$2,439,040 as of February 28, 2011. The reduction for these two items was \$125,000.

Most votes were unanimous, but different opinions surfaced when the School budget was reviewed. Mr. Roderiques's initial proposal was a \$60,000 reduction, which was a portion of the 1% raise in the teachers' contract. The rationale he offered was that the two days gained was not worth the \$135,000 it cost the Town.

Mr. Osuch presented a recommendation that will also be carried to the Selectboard, which has not voted on the item.

"All other town operating budgets are at zero increase, then schools should be flat also. They're requesting a 2.3% increase. No other department is getting a 2.3% increase," said Mr. Osuch.

Two competing motions, one for a \$60,000 reduction and one for a \$175,000 reduction were made. Ms. Szala recalled congratulating the School District for reducing their budget when they appeared at FinCom. But, she noted, they are still \$544,000 over last year's budget despite the \$250,000 in cuts to

**FINCOM: cont'd next page**

## FINCOM: cont'd from page 12

transportation, heat, and utilities.

"How do you address the \$544,000 plus \$250,000 increase [over last year]," she asked Mr. Roderiques.

He said he was basing his recommendation on the salary component of the budget, \$13.824 million, which comprises three-quarters of the budget; 1% was equal to \$138,000, and he took approximately half of that.

Mr. Roderiques also said he was concerned that FinCom members might be basing their opposition on the contracts and the administration increases. He said that he could not see balancing the budget on the backs of the schools, and could not agree to a \$175,000 cut.

Ms. Szala objected to that characterization.

"I don't have an agenda. It has nothing to do with salaries. It shouldn't even be phrased like that. Maybe we could do more roadwork," she said of the extra money.

Edward "Ted" Silva suggested that they split the difference at \$117,000 so that the Committee would go to Town Meeting on the same page. Mr. Roderiques said he could agree to

\$90,000.

Member Scott Fernandez said that every other utility budget was being cut. Mr. Roderiques said that \$30,000 could come from utilities.

Mr. Roderiques said that the numbers for operating expenses had been pretty consistent. This year's they come in at \$3.69 million.

He said according to the Mass. Department of Elementary and Secondary Education (DESE), the budget was at 3% over net school spending. Mr. Osuch objected to using that figure as it did not include SFSF, or State funding such as Title 1. With that included, he said, the net budget was more like 9% over foundation.

"You can't wait till it's 0%," Mr. Roderiques told Mr. Osuch.

Since there were multiple motions, the motions were voted in order of highest to lowest. The \$90,000 reduction succeeded with nine in favor and three opposed. Ms. Szala, Kathleen Carter, and (Mr.) Kim Hyland were opposed. Mr. Roderiques later suggested a minority report for the vote since there was merit to both arguments.

In one of the last Annual Town Meeting articles to be voted, Dogwood Street improvements, FinCom recommended to approve the first block only at a cost of \$68,730. The vote passed 11-0-1; Mr. Hyland abstaining.

Grace Nadeau,

Director of the Senior Center, represented the Council on Aging as FinCom took \$922 from salaries, \$700 for a computer in capital outlay, and \$59 in Purchase of Services.

Mr. John Roderiques said that the computer request did not have adequate back-up documentation.

"Just in case' is not a good reason for a computer," Mr. Roderiques said. "If you need a computer, you can go to [Finance Director/Treasurer] Mr. Nunes. He has \$5,000 for computers."

As for the salary reduction, the alternate van driver was allocated four weeks, but the part-time regular van driver only has one-week vacation so it was reduced accordingly.

The Planning Board was far less acquiescent about losing any part of its salary account for their recording secretary. Mr. Roderiques had said that if things pick up in permitting, they could return to request additional funding.

"I find it objectionable that I would have to come in and beg for money to take testimony at public hearings," said Chairperson Wayne Hayward.

"If it increases, for one year you'll have to come in and ask for more," said Mr. Roderiques. "We're not trying to make you work without a secretary."

But, given the economic downturn and reduction in new subdivision applications, FinCom voted unanimously to reduce the salary account by \$699 to \$2,700.

The Police and Fire Departments appear in front of the FinCom on April 14 to discuss the \$20,000 Opticom system for emergency vehicles. On April 21, 2011, FinCom will review and recommend on the Schematic School Design for the Special Town Meeting.

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## 9th Annual Flashlight Egg Hunt

New time! Starts at 7:30 p.m. Join us for the 9th annual Flashlight Egg Hunt! Children will search for their eggs on the Recreation Center grounds, take pictures with the Easter Bunny and receive a special treat. Don't forget your flashlight! NO LATE REGISTRATIONS WILL BE ACCEPTED. NO WALK-INS NIGHT OF THE EVENT. **Fri., 4/15, 7:30pm; \$5 per child. Ages 10 and under. Deadline to register is 4/12**

## Kool Kids April Vacation

This 4 day program is a great opportunity to make new friends while participating in group activities such as soccer, floor hockey, cooperative games, and more. Kids need to bring lunch the first 3 days, pizza lunch on will be served on Thursday. Sneakers and active clothing must be worn. For more information, call Fairhaven Recreation at 508-993-9269. Monday, April 18th-21st from 8 a.m.-3 p.m.. Grades K-5, \$100 member/ \$125 non-member

## Lacrosse Basics

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# Fairhaven Senior Center

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[http://fairhavenma.virtualltownhall.net/Pages/FairhavenMA\\_COA/index](http://fairhavenma.virtualltownhall.net/Pages/FairhavenMA_COA/index)

## APRIL 18: SENIOR CENTER CLOSED FOR PATRIOTS DAY

### MALL TRIP:

April 20: Silver City Galleria,  
Kohls and Target

### ENTERTAINMENT:

April 19, Performance by  
Christine's Dance Studio, 12:30  
April 20: Silver Fox at 12:30  
Every Thurs. dancing w/the  
COA Band at 1 p.m.

### MALL TRIPS: MAY 2011

5/4: Hyannis Mall, XMass Tree Shop,  
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5/11: Swansea Mall & Seekonk Plaza  
5/18: Providence Place Mall and  
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# Three new officers sworn in to Fairhaven police force

By Beth David  
Editor

Fairhaven nabbed the valedictorian from the police academy's April 8 graduating class. Newly appointed Officer Daniel Dorgan was among three new Fairhaven officers sworn in on the steps of town hall on Monday, 4/11. Officer Bachir Kouta and Officer Kevin Swain also took the oath to "faithfully and impartially discharge and perform all the duties incumbent" upon them as police officers in Fairhaven and the Commonwealth of Massachusetts.

The three officers finished a rigorous, paramilitary 21-week basic police training program at the Plymouth Police Academy that provided classroom lectures, physical fitness training, practical exercises and firearms and defensive tactics training.

They will now work alongside experienced officers for field training, eventually to be assigned to a patrol shift as Patrolmen.

According to Fairhaven police chief Michael Myers, the three were the town's top three choices. The force is still short two officers, but the chief said they will wait until next year's budget is finalized before hiring.

"I'm extremely excited about them," said Chief Myers. "We've got three phenomenal hires here."

He said the main things anyone should look for in a good officer are the same things the public wants.

"We're looking for common sense, intelligence, compassion, the ability to handle all emotions," he said, adding that a good officer knows there is more than one way to handle a situation. "They need to be able to see the overall

picture. They need to be disciplined."

"I'm exceptionally proud," said Sgt. Kevin Kobza, who served as mentor to the recruits while they were in the academy. "I got a lot of positive feedback from the academy regarding them. They represented the town in a very positive manner."

He said they are "exactly" the kind of candidates the town wants on the police force and wished them a "long, healthy and prosperous career with the police department and in the town of Fairhaven."

"They are a positive addition to the department and to the community as well," said Sgt. Kobza.

Mr. Dorgan, 27, of Fairhaven, who was valedictorian, has been a police dispatcher and part time police officer in Fairhaven for four years. His mother is Karen Dorgan, vice principal at Hastings Middle School.

"I just think there's the opportunity in law enforcement to do things that most people won't ever get to do," he said, such as interacting with the community, and giving back to the community. "It's just

an opportunity that people in a 9-5 job never get to do."

He said he was "excited to be out of the classroom, even though police work is constantly learning."

Officer Dorgan graduated as valedictorian of the academy class, graduating first in his class of 46 recruits with a 95.1 academic average. In addition to his exceptional academic performance, Officer Dorgan finished in the 82nd percentile in physical fitness



Fairhaven Town Clerk Eileen Lowney swears in three new police officers in front of town hall on Monday, 4/11. Officers, L-R: Kevin Swain, Daniel Dorgan and Bachir Kouta. Photo courtesy of Det. Pam Bourgault. See it in color at [www.NeighbNews.com](http://www.NeighbNews.com)

and achieved a score of 92 in firearms proficiency.

For Mr. Kouta, 36, of New Bedford, the job is a career change. He worked at Titleist and Acushnet Company;

"I'm just passionate about law enforcement," said Mr. Kouta. "I feel strongly about public safety. There's no better way to honor yourself or your family."

Mr. Swain, 33, of Fairhaven, has been working law enforcement for five years with the Bristol County Sheriff's Department. He said the move to the police force is a "move up and in the right direction."

"There are a lot of similarities in both jobs," said Mr. Swain.

He also said a lot of things were different, but that they are equal in importance to public safety.

One thing everyone agreed on is that the job is more dangerous than ever. At their ceremony, the graduates heard from a police officer who survived being shot five times.

"They do put their lives at risk," said Selectboard Chair Charles Murphy. "And we have to realize that when we see a police officer."

Mr. Murphy said he was "proud to be the Fairhaven Selectman there."

It was one of his last official jobs as chair, since the board would reorganize at its next meeting after the election.♦♦♦

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**There's no better way to honor yourself or your family [Bachir Kouta]**

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## Copper downspouts stolen from Town Hall and library

By Beth David  
Editor

Copper downspouts from both the Fairhaven town hall and the Millicent Library were stolen over the weekend. Six were taken from the library according to Archivist Debra Charpentier. Eight were taken from the town hall according to custodian Frank Fostin.

At both buildings, the copper spouts were cut from the cast iron pipes in the

ground and then ripped off on the top.

Mr. Fostin said each of the eight pieces was 10-12 feet long and 4"x4" around.

"It's a sin. It's a sin to deface an historic building that's on the Historic Register," said Ms. Charpentier.

She said a volunteer is watching films from the library's cameras.

The process of replacing them is no simple matter. Both buildings were gifts from town benefactor Henry Huttleston

Rogers, and have expensive and unique features. Ms. Charpentier said the downspouts on the library were "fairly unique" as they were made of "rippled copper," and could cost thousands of dollars to replace.

"It's awful. They're stealing from all of us," said Ms. Charpentier. "Whoever these thieves are they are literally stealing from the whole community."

Anyone with information on the thefts, please call Fairhaven Police, 508-997-7421.

# BPW says farewell to Fitzgerald; Haworth retains chair

By Joyce Rowley

## NeighborNews Correspondent

Fairhaven public works superintendent William Fitzgerald had one recommendation to the Board of Public Works about seeking a new superintendent: Don't have their contract end during an election. And when BPW Vice-chairperson Robert "Hoppy" Hobson moved to extend his contract another six months, Mr Fitzgerald declined.

"You've got a great board here... you've got to go on," Mr. Fitzgerald said.

Monday, April 11, was the last BPW meeting for Mr. Fitzgerald, whose contract lapses on May 4. Member G. Steven Riley made a motion at the end of the meeting that Mr. Fitzgerald be allowed to take off the remainder of his time after April 15 to be with his family and look for new work. He said he had hoped that Mr. Fitzgerald would be able to leave with his head held high, and commended him for his service to the Town.

The Board voted 3-2 to allow him to take time off after April 15 with Chairperson Geoffrey Haworth, Member Kathleen Sturtevant and Mr. Riley voting in favor of the time with Member Dan Freitas and Mr. Hobson opposed. Mr. Fitzgerald thanked the Board. In a follow-up phone call, Mr. Fitzgerald said he would stay until May for to finish some of the projects.

Monday's meeting began by reorganizing the board after the April 4 elections. Nominations were voted in order. Mr. Haworth regained his position as chairperson by a 3-2 vote with Mr. Hobson, Mr. Riley and Mr. Haworth in favor and Ms. Sturtevant and Mr. Freitas opposed.

Therefore, the second nomination for Mr. Freitas as chairperson failed. Mr. Hobson also regained his position as vice-chairperson by a 3-2 vote with Mr. Haworth, Mr. Riley and Mr. Hobson in favor, and Ms. Sturtevant and Mr. Freitas opposed. The second nomination for Mr. Freitas as vice-chair likewise failed. Ms. Sturtevant was unanimously voted BPW Clerk.

John Beauregard of Sylvia & Co. Insurance presented an update on workers' compensation insurance premiums. On July 1, 2011, Fairhaven's workers comp premiums will increase by about \$100,000 due to the Town's claim ratings compared to other towns.

BPW and the School District claims outstripped other departments, which Mr. Beauregard said was

typical. Between 2006 and 2010, the Town paid out \$330,000 in BPW workers comp claims. Among those were three individuals with a total of eight claims totalling \$260,000.

Mr. Hobson suggested that getting people back to work sooner would bring down the claims and premiums. Ms. Sturtevant said that some insurance companies send their staff with patients to doctor visits to make sure they are unable to return to work. She said that was the case when her husband was out on workers comp.

Mr. Beauregard said there were several steps the Town was taking to reduce the premiums such as creating "light-duty" work so workers can get back sooner. Also, St. Luke's Hospital had an occupational therapy program that ensures that workers don't have to wait months to get the therapy they need to get back to work. Wellness programs and safety programs were two other steps the Town was taking to drop their rates.

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You've got a great board  
here... you've got to go  
on [Bill Fitzgerald]

---

However, since premiums are based on three years' history, it will take at least that long to affect the premiums.

BPW next heard from Marc Betti, Saltonstall Architects, and William Dugin of Kel-Kor, Inc. who requested payment on warranty inspections of the new anaerobic digester roof. Since NexAmp did not begin as scheduled, the roof was installed in August, 2010. Subsequently, NexAmp installed the solar panels, and some gravel was removed from the roof. As a result, Kel-Kor and Saltonstall had overruns of \$4,088.13 for inspections during and after the solar panel installation.

Mr. Haworth said that the issue would be taken up with the Selectboard at their April 12 meeting.

The board convened in executive session to meet with the Teamsters union regarding water and sewer labor contracts at 7:30 p.m. They returned into regular meeting at 8:10 p.m. without voting on the contracts.

Upon reconvening, Mr. Alan Decker of the Coalition for Buzzards Bay

updated BPW on the Wolf Island Road project for well-head protection.

Previously, the Town was going to purchase 28.5 acres using Community Preservation Act funds. However, that would incur tax obligation to the Town. Instead, the Coalition acquired the property and is selling the Town a conservation easement to achieve the same goal. In addition to \$70,000 in CPA funds, a \$30,000 Natural Heritage grant will be used for the easement. Town Meeting will have to approve the project.

The board also heard from Omer Dumais, P.E., of Tighe & Bond. He presented a scope and estimate for identifying infiltration in portions of the Town's sewer system.

T&B proposed to monitor National Water Main when that company videos the sewer lines and laterals in the vicinity of Sycamore, Morton, Howland, and Beach Streets for \$21,850. Surveying additional sewer line in Route 6, Fort Street, Lafayette Street, Oxford Street, and Taber Street would bring the total cost to \$41,200.

The estimate includes linking the sewer line video to the Town's GIS maps and a report on sewer pipe lining needed to eliminate infiltration of groundwater into the system. BPW voted unanimously to have T&B perform the work for \$38,800 minus the video link to the Town's mapping system.

Another work item voted on was the use of \$200,955 in Chapter 90 funds to correct flooding at the Spring Street storm drain by rebuilding the bottleneck at 67 Middle Street. The State recently awarded the Town \$507,931 in FY12 funding for road repair. This ongoing problem was not disputed. But the amount that would remain in Chapter 90 was argued, particularly whether there would be enough to use on other projects.

BPW voted 3-2 to approve the funding with Ms. Sturtevant and Mr. Riley opposed. In a follow-up conversation, Kathy Tripp, BPW Administrative Assistant, confirmed the amount available in the Chapter 90 account was roughly \$1.1 million, with approximately \$300,000 available for existing projects and new projects.

The board reconvened in Executive Session to consider collective bargaining, contract negotiations, and a Green Street legal complaint. Mr. Freitas left before Executive Session started.●●●

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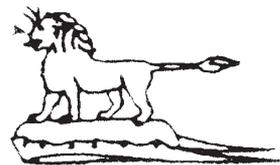
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# Public Hearings/ Legal Notices

**DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM**  
**Notice of License Application Pursuant to M.G.L. Chapter 91. Waterways License Application Number W11-3292. The Babanakis Irrevocable Trust**  
**NOTIFICATION DATE: April 20, 2011**

Public notice is hereby given of the waterways application by the Babanakis Irrevocable Trust to repair and maintain an existing concrete seawall at 69 Winsegansett Avenue, in the municipality of Fairhaven, in and over flowed tidelands of Buzzards Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date." Failure of any aggrieved person or group of ten citizens or more, with at least five of the 10 residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at 508-946-2748. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below:

Written comments must be addressed to: Carlos T.B. Fragata, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM**  
**Notice of License Application Pursuant to M.G.L. Chapter 91. Waterways License Application Number W11-3293. George and Frances Fairbanks, III**  
**NOTIFICATION DATE: April 20, 2011**

Public notice is hereby given of the waterways application by George and Frances Fairbanks, III to construct and maintain a concrete seawall at 5 Sippican Street, in the municipality of Fairhaven, in and over flowed tidelands of Buzzards Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date." Failure of any aggrieved person or group of ten citizens or more, with at least five of the 10 residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at 508-946-2748. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below:

Written comments must be addressed to: Carlos T.B. Fragata, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM**  
**Notice of License Application Pursuant to M.G.L. Chapter 91. Waterways License Application Number W11-3295. Anne Thomas**  
**NOTIFICATION DATE: April 20, 2011**

Public notice is hereby given of the waterways application by Anne Thomas to repair and maintain an existing concrete seawall at 1 Sippican Street, in the municipality of Fairhaven, in and over flowed tidelands of Buzzards Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date." Failure of any aggrieved person or group of ten citizens or more, with at least five of the 10 residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at 508-946-2748. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below:

Written comments must be addressed to: Carlos T.B. Fragata, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

## Letters: Readers says Waterways bill in violation of bylaws

### Waterways User Fee

I would like to provide clarification to boat owners who received the Town of Fairhaven INVOICE for the 2011 Waterways User Fee. There is conflicting information on when payment is due. In one place the invoice states the fee "*Must be paid in full within 60 days*" and in another "*This invoice is payable to the Office of the Town Collector at the same time you pay your boat excise tax bill*". Both statements are incorrect.

According to Town By-Laws Chapter 145, section 145-16 Waterways Users Fee sub-section 2 states in part that "*All boats using the waters of Fairhaven ... for more than 14 days per year (calendar year) are subject to the Waterways Users Fee in Fairhaven, MA*" "*This Waterway Users Fee is a yearly fee and is due by June 30th of*

*each calendar year, or immediately after the 14 day benchmark is met if after June 30th of the current calendar year.*"

**The earliest the fee is due for anyone is June 30 of each calendar year and then only if the vessel has been in "town waters" for 14 days or more. If you haven't met the 14-day benchmark by June 30, the fee is due later, immediately after the 14-day benchmark for your vessel.**

Trailer boats, boats less than 16 feet, boats belonging to or used by the Town, other boats used for law enforcement and boats in Fairhaven waters for service by a Fairhaven marine service company are exempt.

Residents pay \$1.00 per foot and non-residents \$4.00 per foot of boat length each year. There is continuing concern about its legitimacy from many boaters I know.

My data are based on a personal copy of the by-law obtained during the 2008 Town Meeting. I have looked for it and related by-laws on-line to no avail. Getting the by-laws on line would be great and allow us to be better informed.

As Town Meeting approaches, I encourage town resident boat owners to educate themselves on the fee, the financial data related to the fund and the way town officials plan to spend the money. If you have concerns about the uses of the fund, discuss the issue with the Selectboard members and Executive Secretary.

If you are a Town meeting member and there are warrants or planned transfers from the fund you disagree with make yourself heard and vote on the issue.

*Marsby E. Wartors, Fairhaven*

# ML's Eye on the Weather



A weekly weather report from ML Baron of the West Island Weather Station: [westislandweather.com](http://westislandweather.com)

## Hurricane Awareness Tour at Otis

With another busy Atlantic Hurricane Season predicted, Hurricane Awareness is Crucial. The National Weather Service Taunton Massachusetts forecast office in coordination with the National Hurricane Center will be hosting the P3 Hurricane Hunter Aircraft, part of the NOAA/National Hurricane Center Hurricane Awareness Tour, on Monday May 2nd, 2011 at the Otis Air Force Base (AFB) in Falmouth Massachusetts.

Public tours will be open from 2:30-5:30 PM. School tours will occur between 9:30 AM-1:30 PM. This is similar to what was done in 2007 at Quonset State Airport in Rhode Island.

A flier on the Hurricane Awareness Tour can be seen via the following link: [http://www.erh.noaa.gov/box//HAT\\_tour.shtml](http://www.erh.noaa.gov/box//HAT_tour.shtml)

The P3 Orion Hurricane Hunter Aircraft, always the most popular at one of these exhibits, is the workhorse of the National Hurricane Center. The first attempt to fly into a hurricane was in 1943 on a dare at an airfield in Texas.

Col John Duckworth flew his trainer right into the heart of a hurricane and returned safely to the airfield. To the astonishment of many, he then flew into the storm again and returned to a jubilant crew. He collected on his bet which amounted to

a rather large beer tab at the local bar. Today, Hurricane Hunter Aircraft have sophisticated gear on board. When I asked a hurricane hunter pilot what his favorite plane to fly into storms was, it was the WC-130 Hercules, hands down.

"It's a bigger plane than the P3 and gives a smoother ride," he stated.

In addition to the P3 Hurricane Hunter Aircraft, there will be numerous information booths from numerous agencies at the base for the Hurricane Awareness Tour.

This will include a 'special event' Amateur Radio Station to make contacts via Amateur Radio nationally and internationally and will include making contact with the National Hurricane Center Amateur Radio Station in Miami Florida, WX4NHC. Amateur Operators will also be providing event communications for National Weather Service and National Hurricane Center personnel. The list of other Information booths for the Hurricane Awareness Tour is shown below:

National Weather Service Taunton; Northeast River Forecast Center (NERFC); Two HAM stations (One sponsored by the Falmouth Amateur Radio Association with a second sponsored by Cape Cod Amateur Radio Emergency Services (ARES); URI Hurricane: Science and Society; Mass Military Reservation; Stellwagen Bank; Radio Station — WQRC; UMass Lowell — AMS/NWA; Cape Cod Medical Reserve Corps; Blue Hill Observatory and Science Center  
F E M A



MLBaron in front of a P3 Orion Hurricane Hunter Aircraft at OTIS AFB in 1993. Cindy Kelley Photos, courtesy of the ML Baron Archives

(Federal Emergency Management Agency) - Region 1

Parts of this story compiled from press release issued by The National Weather Service Taunton, MA

## 2011 Hurricane Names

Arlene, Bret, Cindy, Don, Emily, Franklin, Gert, Harvey, Irene, Jose, Katia, Lee, Maria, Nate, Ophelia, Philippe, Rina, Sean, Tammy, Vince, Whitney.

## Forecast

**Friday:** Hi: 55 Lo: 40 Mostly cloudy. Highs in the mid 50s. Lows around 40.

**Friday Night:** Lo: 40 Mostly cloudy. Highs in the mid 50s. Lows around 40.

**Saturday:** Hi: 51 Mostly cloudy with a 40 percent chance of showers. Highs in the lower 50s. **Sat. Night:** Lo: 45 Cloudy with a 50 percent chance of showers. Lows in the mid 40s.

**Sunday:** Hi: 55 Mostly cloudy with a 50 percent chance of showers. Highs in the mid 50s. **Sunday Night:** Cloudy with a 50 percent chance of showers. Lows in the mid 40s.

**Monday:** Partly Cloudy. High: 45 **Mon. Night:** Mostly Cloudy. Low: 42

**Tuesday:** Mostly Cloudy. High: 48 **Tues. Night:** Partly Cloudy. Low: 43

**Wednesday:** Partly Cloudy. High: 48. **Wednesday Night:** Mostly Cloudy. Low: 44

**Thursday:** Partly Cloudy. High: 54 **Thurs. Night:** Partly Cloudy. Low: 50

Forecast based on data at the time of publication and is subject to change.

West Island's ocean temperatures is 45 degrees. Countdown to Summer: 68 Days



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### TIDE TABLE

US Army Corps of Engineers  
Cape Cod Canal/Wing's Neck

	April 2011	HIGH		LOW	
		a.m.	p.m.	a.m.	p.m.
Friday	15	0605	1834	1154*	----
Saturday	16	0701	1927	0031*	1240*
Sunday	17	0752	2017	0125*	1326*
Monday	18	0842	2107	0217*	1412*
Tuesday	19	0933	2158	0308*	1459*
Wednesday	20	1024	2250	0357*	1545*
Thursday	21	1117	2344	0444*	1630*
Friday	22	----	1212	0532	1718

\*= Predicted minus tides from -0.1 ft. to -1.0 ft

\*\*Predicted minus tides from -1.1 ft to -2.0 ft or more

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#### APPEALS: cont'd from page 4

The house is 17' short on the north side and 11' short on the south side of the required 20' side setback, 18' short of the required 30' front setback and 22% over the 15% maximum lot coverage in a RR District.

The first motion, to approve the deck extension, was unanimously approved. The second motion, to allow the home addition replacing the shed that is 4' short of the 5' property line setback, was approved by the board with Peg Cook voting no.

Mr. Ewing and Dana Pickup of Carefree Homes, represented John A. and Jessica Amarello's petition to demolish a cottage and garage at 8 Tecumseh Avenue and build a new home with an attached garage on the same footprint.

The new plan is short by 19' of the

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## Fairhaven Meetings

### Board of Health

Mon., 4/11, Town Hall, 6:30 p.m.

### Board of Public Works

Mon, 4/11, Arsene St., 6:30 p.m.

### Boat Ramps Committee

Thurs., 4/28, Town Hall, 6:30 p.m.

### Economic Study Comm

Thurs., 4/21, Town Hall, 1 p.m.

### Finance Committee

Thurs., 4/14, Arsene St., 7:00 p.m.

Thurs., 4/21, Arsene St., 7:00 p.m.

### School Committee

Wed., 4/27, FHS Library, 6:30

### Selectboard

Mon., 4/25, Town Hall, 6:30 p.m.

required 20' side setback, short 28' of the required 30' rear setback, 11% over the maximum allowed building coverage of 15% and 9% over the maximum lot coverage of 25% within a RR District.

Board member Kenneth Kendall asked how they could dig the foundation so close to the neighboring yard. The neighbor was present and had an agreement with the Amarellos that if there is any disruption to the yard it will be repaired to its former condition.

A motion was made with conditions to the variance that the shed, shown on the plot plan, will be removed and any damage that is incurred to the neighbor's property will be replaced.

The motion was approved with Mr. Kendall voting no.

## Ana Lopes wins award at Atria



Ana Lopes is an RSA (Resident Service Assistant) at Atria Senior Living in Fairhaven. She recently won the Exceptional Service Award for her outstanding work with residents. Ana has been an outstanding team member of our community and with our community for 10 1/2 years. She is always going above and beyond with all of the residents that she cares for. She is always willing to help other team members and mentor new team members. Ana is always ready and eager to learn new responsibilities that might benefit the team. She made a recommendation to adjust her shift from 7am-3pm to 6:30am-2:30pm to help accommodate our residents and other staff members with morning care. She is reliable and always on time. The residents know that they can always count on her to be in the community. Over the past 10 years Ana has grown so much in her position. Ana now is helping with the nursing schedule as well as reviewing all the flow sheets for our community. She has been a huge help with learning how to input all of our residents' care information into our company system. Ana is a valuable resource to our community.

*Submitted photo. See it in color at [www.NeighbNews.com](http://www.NeighbNews.com)*

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# AG creates regs for cyber cafes and phone card video terminals

Press Release

Citing evidence of illegal gambling and the lack of consumer protections, Attorney General Martha Coakley's Office unveiled emergency regulations that will ban illegal gambling at alleged "Cyber Cafes" and "Phone Card" video gaming terminals across the Commonwealth.

The emergency regulations were filed on April 7 with the Secretary of State's Office. Attorney General Coakley also is conducting both civil and criminal investigations of possible illegal gambling at facilities that claim to be "Cyber Cafes."

Over the past few months, the Attorney General's Office received a number of questions and complaints regarding alleged unlawful gambling operations that have opened for business across the Commonwealth.

Though the businesses purport to sell goods or services, such as internet access or phone cards, the civil investigation found those sales are a pretext for unlawful online slot parlors and similar gambling. The emergency regulations make clear that these practices are against the

law.

"The goal of these regulations is to protect consumers," AG Coakley said. "These cyber cafes are really cyber scams with no posted odds, minimum odds, or guarantee of payouts for patrons. With these regulations, we are making clear that such gambling operations at 'cyber cafes' and 'phone card video gaming terminals' are illegal."

In addition to these emergency regulations, Attorney General Coakley is working with Speaker DeLeo and other legislators on legislation to specifically ban the machines being used in these facilities.

The regulations address two activities in particular, namely:

## "Cyber Cafes"

The so called "cyber cafes" feature dozens of computer screens at which patrons play video slot machines or similar games where the winning numbers are revealed each time the player uses game credits — or money — to play the game.

These establishments purport to sell internet time, coupled with the opportunity to win prizes through video slots. But, the Attorney General Office's civil investigation found that sale of internet time is a ruse, as virtually all customers pay money to gamble, and that is how the establishments are promoted.

Gamblers typically pay for a swipe card — for

example, 1000 points for \$10 — and use their points to play the video slots. If they win, they can redeem the points accrued on their swipe card for cash. More often, they play until their money is exhausted, and then stop or pay more money to keep playing.

## "Phone Card Gaming Terminals"

Certain convenience stores around Massachusetts house "phone card" video gaming machines that offer the chance to win a prize by playing games like slots or poker. To have a chance to win at the gambling, the player buys a phone card, offering some number of minutes of phone calling, which is generated in the form of a receipt or stub. While the purchase of a phone card allows a customer to gamble, winnings typically are redeemed in cash.

The emergency regulations announced on April 7 are designed to clarify the laws around illegal gambling at these locations and end the practice of de facto gambling operations posing as sellers of goods or services. The regulation provides:

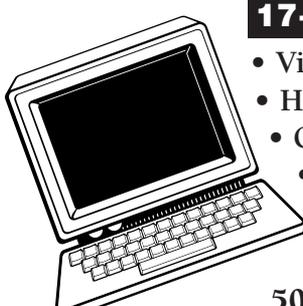
" . . . . [I]t is unfair or deceptive in violation of [c. 93A] for any person to engage in a business or engage in a transaction where a gambling purpose predominates over the bona fide sale of bona fide goods or services."

The Massachusetts Consumer Protection Act (chapter 93A) authorizes the Attorney General to promulgate regulations to identify "unfair or deceptive acts or practices" in trade or commerce.

Copies of the emergency regulations are available on the Attorney General's website at [www.mass.gov/ago/940CMR30](http://www.mass.gov/ago/940CMR30). •••

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# Alert!!! Massachusetts has a new Homestead Law



By Elder Law Attorney,  
Michelle D. Beneski

The following is the opinion of the  
author

Effective March 16, 2011, Massachusetts has a new homestead law. A homestead declaration is a document that a home owner records at the county Registry of Deeds. The Homestead protects your primary residence against attachment, seizure, execution on judgment (from having to be sold to pay off certain types of liens and judgments) levy or sale for the payment of debts.

For example, if you were in a car accident, got sued, lost the lawsuit, and a judgment imposed against you; if you had a homestead on your home the home would not have to be sold to pay off the judgment.

You can only get homestead protection on the home that is your primary residence. You cannot get homestead protection on rental property, summer cottages, second homes, etc.

Prior to the law change in order to get any Homestead protection you needed to record a Homestead declaration at your local county Registry of Deeds.

Under the new law there is an automatic homestead protection up to \$125,000 even if you do not record a homestead exemption. However, you do want to record a homestead declaration if you haven't done so because a recorded homestead declaration protects property up to \$500,000 per family. The Registry of Deeds charges a \$35 fee to record the homestead declaration.

Married seniors over the age of 62 and disabled individuals can receive

up to \$1,000,000 in homestead protection. An important change in the law is now if one owner is under age 62 and the other is over age 62 both owners can file a homestead. Under the old law only one homestead declaration could be filed. The home is protected up to \$500,000.

If both spouses file a homestead and the spouse over age 62 dies the spouse under 62 is still protected under his or her own declaration. A drawback of the law is that once both spouses reach age 62 and therefore both qualify of elderly homestead protection a new homestead declaration should be made on their behalf so that the total protection can rise from \$500,000 to \$1,000,000.

Only seniors over the age of 62 and a disabled person can stack homestead exemptions.

The law clarifies that primary residences held in trust can receive

homestead declaration does not have to be executed again after refinancing.

A homestead declaration does not protect your home from a lien imposed to recover the cost of your care in a nursing home that was paid for by Medicaid/MassHealth. In addition to Medicaid liens, a homestead exemption does not protect against:

A sale for federal, state and local taxes and assessments, claims and liens;

A mortgage on the home;

An execution from the court enforcing child support or alimony;

A lien on the home recorded prior to the creation of the homestead.

This is not a complete list of exceptions. See your attorney if you have concerns or questions.

If you declare bankruptcy, having a homestead exemption can assist you in being able to keep a much greater portion of your property. You should

speaking with a bankruptcy attorney for more details.

If you are interested in executing a homestead declaration you can file one for yourself using the forms on the Secretary of State's web site at <http://www.sec.state.ma.us/rod/rodhom/homidx.htm>.

Remember the cost is \$35 to record the document at the registry of deeds in the county in which the property is located.

At Surprenant and Beneski we assist our clients in protecting their assets during your lifetime and making sure the property transfers quickly and efficiently to your loved ones at your death.

Call our office at 508-994-5200 to see if you qualify for a no cost initial consultation. We generally charge \$500 for a consultation but this fee will be waived if you mention this article.

*This information is for general informational purposes only and does not constitute legal advice. For specific questions you should consult a qualified attorney. This article was written by Attorney Michelle D. Beneski of Surprenant & Beneski, P.C. The law firm is with offices in New Bedford, Hyannis and Boston that specializes in estate, tax, Medicaid and disability planning. ●●●*

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Under the new law there is an automatic homestead protection up to \$125,000 even if you do not record a homestead exemption. However...a recorded homestead declaration protects property up to \$500,000 per family.

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homestead protection. So, if you put your home in a trust in the past and did not record a homestead declaration, you should consider doing so now. For a home held in trust, only the Trustee should declare the homestead on behalf of the trust beneficiaries.

It has always been a concern that when a person re-finances their home, takes out a second mortgage or home equity loan, that an existing homestead declaration could be voided and the homestead protection would be lost. Under the new law, a homestead declaration will automatically be subordinated to the new financing, instead of being revoked.

This means that the homestead protection stays in place. A new

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4/22: Billy Mulligan Trio, 5-8 p.m.; MRL Trio, 9 p.m.-1 a.m.

4/23: Broke Since Tuesday

Thurs., Trivia Buff: 7:30 p.m. • Weekly prizes

Tues., Pitch League: Ask at the bar for details



**KENO**

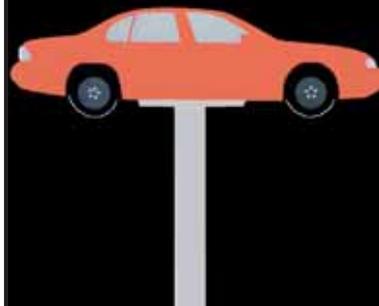
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