



# Fairhaven Board of Selectmen

June 26, 2012 Meeting Minutes

**Present:** Selectman Brian Bowcock, Selectman Charles Murphy, Selectman Bob Espindola, Executive Secretary Jeffrey Osuch and Administrative Assistant Anne Kakley.

**Also Present:** Director of Finance John Nunes, Albert Benac, Peggy Aulisio, John Roderiques, Wayne Oliveira, John Beauregard, Ethyl Frates.

Chairman Brian Bowcock called the meeting to order in the Town Hall East Room at 7:33 p.m.

## MINUTES

- The Board voted to accept the minutes of the **June 18, 2012** meeting, **open** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).
- The Board voted to accept the minutes of the **June 18, 2012** meeting, **executive** session. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

## EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Board on some important upcoming meetings and events:

- Wednesday, June 27 –
  - 9:00 a.m. – Buzzard's Bay Action Committee meeting in Wareham
- Thursday, June 28 –
  - 7:00 p.m. – FinCom meeting
  - MassDOT to close Fairhaven/New Bedford bridge from 8:00 p.m. to 5:00 a.m. the next day
- Saturday, June 30 –
  - 10:00 a.m. to 4:00 p.m. – Homecoming
- Wednesday, July 4 –
  - Holiday – Town Hall closed
- Thursday, July 5 –
  - 7:30 to 9:00 a.m. – Forum at Quest Center
  - Vietnam Memorial Wall opens and remains to July 8
- Sunday, July 8 –
  - 1:00 p.m. – Bicentennial Parade from Livesey Park to Kmart
- Monday, July 9 –
  - 9:30 a.m. – Groundbreaking for the New School

- Tuesday, July 10 –
  - 3:30 p.m. – Mattapoissett River Valley Advisory Committee
  - 4:30 p.m. – Mattapoissett River Valley Water District
  - 6:00 p.m. – New School Committee at the Town Hall
  - 7:00 p.m. – Digester meeting – BOS and BPW
- Wednesday, July 11 –
  - 12:00 p.m. – Manager’s Meeting in Mattapoissett
- Thursday, July 12 –
  - 10:00 a.m. – Negotiations with WES Construction

**RECREATION CENTER GYM FLOOR**

Mr. Osuch said that the Town was in receipt of a change order from O’Sullivan Flooring for the Recreation Center gym floor. The change order resulted in a \$600 credit to the Town. Mr. Murphy motioned to authorize the chairman to sign the change order. Mr. Espindola seconded. Vote was unanimous. (3-0).

Additionally, the Board voted to sign a final requisition for payment to O’Sullivan Flooring for the Recreation Center gym floor, in the amount of \$6,921. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

**FINAL PAYMENT TO ZILIOLI**

The Board reviewed and approved a final payment to P.M. Zilioli, Inc., for site clearing work done at the new elementary school at 60 Sconticut Neck Road. Mr. Murphy motioned to sign the bill, in the amount of \$73,863.30. Mr. Espindola seconded. Vote was unanimous. (3-0).

**GENERAL CONTRACTOR – NEW SCHOOL – NOTICE TO PROCEED**

The Board reviewed a contract with CTA Construction Company for the new elementary school at 60 Sconticut Neck Road. CTA Construction won the general bid with a quote of \$18,950,000 for the project. The “Substantial Completion” date for the project is July 26, 2013, to allow for occupancy of the building for the 2013/2014 school year. Mr. Murphy motioned to sign the contract and the Notice to Proceed. Mr. Espindola seconded. Vote was unanimous. (3-0). Mr. Osuch noted that, while construction takes place, Everybody’s Playground will be off-limits to the public.

**LALIBERTY NOTICE TO PROCEED**

The Board signed a Notice to Proceed for LaLiberty for brick restoration in the Town Hall areaways. The contracted amount is \$53,323.00 and the Substantial Completion date is August 28, 2012. Mr. Murphy motioned to sign the Notice to Proceed. Mr. Espindola seconded. Vote was unanimous. (3-0).

**BBC GRANT**

Based on a request from Town Planner Bill Roth, the Board voted to approve an application for a Buzzard's Bay Coalition grant to cover costs associated with appraisal work in a Nasketucket Bay land acquisition project. It was clarified that the Board would not be under any project obligation by accepting the grant. Mr. Murphy motioned to approve the application. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **BICENTENNIAL ACTIVITIES**

The Board met with Bicentennial Committee Chairman Wayne Oliveira for a final overview of July activities. (See Attachment A). He said that the Bicentennial Committee would be coordinating a Public Safety meeting on June 28 with the Police Department, Fire Department and EMA to address potential safety issues associated with the Bicentennial Parade on July 8, 2012.

### **POLE HEARING**

The Board reviewed a request from NSTAR for one pole and one conduit at 60 Sconticut Neck Road, to service the new elementary school. Abutters were notified prior to the meeting.

Dr. Bowcock opened the hearing up to public comment. Albert Benac asked what the pole number was. Mr. Osuch answered that the pole was 236/156, and was located at the extreme north end of the school property. Mr. Benac commented that the pole on the corner of Hiller Ave (#152) in the area of the school was still a double pole. It was determined that that pole was not a part of the hearing, but Mr. Osuch said that he would inquire with NSTAR about the status of that pole.

Mr. Murphy motioned to approve the pole/conduit for NSTAR. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **TOWN INSURANCE**

The Board reviewed communication from Sylvia Insurance Group representative John Beauregard regarding the Town insurance portfolio. In an email, Mr. Beauregard offered cost savings to the Town by removing Flood and Earthquake from the policy (for a Premium savings of \$12,370), and increasing the Wind deductible from 2 percent to 3 percent (for a Premium savings of \$7,741). Mr. Beauregard explained that the Town's current Flood plan had a \$50,000 deductible and that, in the event of a flood of that magnitude, federal assistance would likely be available. Likewise, Mr. Beauregard said that the Town paid a "huge" amount for Wind coverage due to coastal location. He said that the Town could again rely on federal assistance in the event of wind damage and deductible costs associated.

The Board acknowledged that reducing coverage and increasing deductibles was not desirable, but cost savings would be paramount in the upcoming year. Mr. Murphy motioned to lower Premium costs by dropping Flood and Earthquake coverage and increasing the Wind deductible from 2 to 3 percent. Mr. Espindola seconded. Vote was unanimous. (3-0).

## **CADMUS UPDATE**

The Board met with Erin Sweet from the Cadmus Group to discuss a \$10,000 grant from Cadmus to aid in the acquisition of photovoltaic arrays in the new elementary school project.

Mr. Osuch explained to Ms. Sweet that the project timeline would begin June 27 and would be on a "fast track" to complete in July 2013. He reviewed a proposal by Mr. Espindola to place solar arrays on a classroom section of the new school, and said that the section in question had not been engineered to support arrays; as such, a change order would likely be necessary.

Dr. Bowcock asked Ms. Sweet what the grant would provide. Ms. Sweet answered that Cadmus Group would assist with the Wood School array project in "any capacity needed" for 85 hours, with about 10 hours already having been used. She said that if the structural analysis showed that the project would require more than the \$10,000, Cadmus could assist in the RFP process and help the Town get a "good deal". She said that the funds from the grant would have to be used by September 15, 2012.

## **POLICE WIRELESS BILL**

The Board reviewed a Verizon Wireless bill for the Police department totaling \$1,317.58. The bill came as a result of an officer being out of the country and unknowingly accumulating extra fees to stay in touch with the police department during an ongoing investigation. The Board voted to authorize the Town Accountant to pay the outstanding bill, with the funds to come from the Law Enforcement Trust Fund. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

## **FY2012 TRANSFERS**

The Board read and reviewed requested transfers from Treasurer John Nunes. See Attachment B. Mr. Murphy motioned to approve the transfers as listed. Mr. Espindola seconded. Vote was unanimous. (3-0).

## **TAX TITLE – ARSENE WAY**

Mr. Nunes updated the Board on the condo property at 6 Arsene Way that was seized by the Town for owed back taxes. He told the Board that the previous owner had a buyer for the property and wished to redeem the property from the Town by paying all owed taxes and ancillary costs. The property owner has a one-year right of redemption period allowed by law.

Mr. Osuch said that the Town still retained the rights to keep the property or sell it. He said that the question of whether or not to put the EMA in the Arsene Way location had not yet been fully resolved.

The Board resolved to ask EMA director Marc Jodoin to look at the property and submit a letter regarding whether or not the building would be of use to the EMA. The Board also resolved to

get an assessor's value on the property. Mr. Murphy motioned to table the topic to the next meeting. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **ACADEMY BUILDING – FLOOR LOADING**

Mr. Espindola stated that, when he recently visited the Academy Building, someone had expressed to him concerns about the floor loading capacity on the second floor of the building. Dr. Bowcock said that he had spoken with the Building Commissioner, Wayne Fostin, who measured the beams and joists of the building and determined it was safe for current uses associated with the building, including meetings and tours. He said that Mr. Fostin would have a more complete document prepared in time for the next meeting. The topic was tabled to July 16.

### **TOWN BUILDINGS AND ACCESSIBILITY**

Mr. Espindola raised the topic of receiving a Town buildings and handicap accessibility report from the Building Commissioner. Discussion ensued, regarding which buildings and building portions are currently accessible. Mr. Murphy said that the Commission on Disability works on matters related to accessibility.

### **COMMUNITY NURSES CONTRACT**

The expiring annual lease with the Community Nurse and Hospice Care, Inc. was discussed. Mr. Espindola expressed concerns that the Community Nurse organization was occupying the basement of the Town Hall without paying rent. Dr. Bowcock explained that the arrangement was reciprocal, as the Community Nurses provided Town health-related services that would otherwise have to be performed by the Board of Health. The contracted rate between the Town and the Community Nurses has been the same for 17 years, said Dr. Bowcock.

Mr. Murphy said that he did not want to consider changing or reconsidering the contract with so little notice to the Community Nurses. He said that they could perhaps review the contract with Community Nurses in the upcoming year. Mr. Murphy motioned to approve and sign the contract with Community Nurses and Hospice Care, Inc. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **TOWN SERVICES SURVEY**

Mr. Espindola said that he wanted to look into the possibility of making online surveys available to residents to take based on their experiences with Town services. He said that some research would be needed on various services to see if the task could be done at no cost – or minimal cost – to the Town. He said he looked forward to working on the project with the Selectmen's Secretary, Anne Kakley, who maintains the website.

### **CHERRY TREES UPDATE**

Dr. Bowcock updated the Board on the cherry trees that Japanese benefactor, Dr. Hinohara, would be giving to the Town as a gift. With the help of the Manjiro/Whitfield Friendship Board of Selectmen – June 26 Minutes

Society President Gerry Rooney, it was determined that the cherry trees will be distributed to the Cooke Memorial Park, the Town Hall, the Unitarian Church, the new elementary school, the Academy Building, Riverside Cemetery, the Old Stone Schoolhouse, and New Bedford parks. The Manjiro/Whitfield Friendship Society would fund the delivery costs. The cherry trees will be planted in time for Dr. Hinohara's visit in August.

#### **KOPELMAN AND PAIGE**

Dr. Bowcock asked for an update on the special counsel that the Board had voted to authorize Mr. Espindola to hire. Mr. Espindola said that that Kopelman and Paige indicated that within a day or so, a written response would be available.

#### **RESERVATION BEACH ACCESS**

The Board acknowledged two letters from residents in the area of Reservation Road. In both letters, residents said that they had deeded beach access that they could not use because someone had blocked the public beach access routes with large boulders. Other access points were overgrown and impassible.

Mr. Osuch said that Highway Superintendent John Charbonneau had indicated that he would move the boulder to allow for beach access in the coming week. Some boulders would remain to keep the access point too narrow for vehicles to pass onto the beach. Clearing brush and overgrowth would be a little more complicated, said Mr. Osuch, because there could be implications with wetlands and conservation. He said the abutters would have to have a conversation with the BPW to see if the rights of way continue to the shoreline. They would also have to speak with the Conservation Agent, Wayne Fostin, to see if the access points were in vegetated wetlands.

#### **AMERICAN LEGION**

In a letter from the American Legion (Attachment C), the Board received a request for tax abatement and forgiveness from the non-profit group. In the letter, the American Legion admits that financial mismanagement led to back taxes being owed, but they are currently on a payment plan with the Town. The payment plan, however, will take a long time and the organization requested forgiveness and a reassessment in light of their non-profit status.

The Board read a response from Jane Bettencourt of the Assessor's Office, who said that the American Legion only pays 25% of its building's assessed value because it is a non-profit group.

Dr. Bowcock said that he did not think that tax forgiveness was legal for the Board to grant. The Board said that the American Legion has a right to appeal their appraisal. The Board took no action. The Board asked John Nunes to send a letter to the American Legion telling them that taxes could not be forgiven, and reminding them of the appeal process. Mr. Nunes agreed to send the letter.

The Board read a request from Kathy Lopes for permission to hold tenth annual Fort Phoenix 5K Road Race/Walk on September 9, 2012 at 10:00 a.m. The Board voted to approve the annual event. Mr. Murphy motioned. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **HARBORMASTER CARRYOVER**

The Board read a request from Harbormaster David Darmofal and Shellfish Warden Tim Cox to carryover accrued overtime and vacation days into FY13.

Mr. Osuch noted that time management has been an ongoing issue in the Natural Resources Department. He said that the department needed to better manage time and use deputies instead of accruing overtime.

Mr. Murphy motioned to carry over only the allowed 40 hours of overtime and vacation days. Mr. Espindola seconded. Vote was unanimous. (3-0).

### **HOPPY'S LANDING LEASE**

The Board read and reviewed a lease with Robert Hobson to store commercial lobster traps at Hoppy's Landing. Mr. Murphy motioned to sign the lease. Mr. Espindola seconded. Vote was unanimous.

### **TODAY IN AMERICA**

Mr. Osuch reminded the Board that a decision had to be made with the producers of "Today in America", a national television program that had asked to profile Fairhaven in a five minute segment, with the understanding that Fairhaven would compensate the program \$19,800. The Board agreed that they could not justify expending \$19,800 for the segment and opted to decline the offer.

### **OTHER BUSINESS**

In other business:

- Mr. Murphy said that Mass at St. Mary's Church on June 24 at 10:00 a.m. to celebrate Father Patrick Killilea was an enjoyable way to say goodbye to the pastor. He bid good luck to Fr. Killilea.
- Mr. Murphy said that six residents would be heading to Washington D.C. to accept a posthumous, national award for Katie Brienzo.
- Dr. Bowcock reminded the public that Saturday, June 30, would be Homecoming for Fairhaven.

- Dr. Bowcock offered condolences to Town Hall employee Lisa Moniz on the death of her brother.

At 9:35 p.m., Mr. Murphy motioned to enter into Executive Session to discuss Worker's Compensation, a neighborhood conflict, and the landfill/solar project contract with Blue Sky Power, not to reconvene into open session. Mr. Espindola seconded. Vote was unanimous. Roll call vote: Mr. Murphy in favor. Dr. Bowcock in favor. Mr. Espindola in favor. (3-0).

Respectfully,



Anne Kakley

Selectmen's Secretary

(Minutes approved 7/16/2012)



# FAIRHAVEN BICENTENNIAL

1812 *Celebrating 200 Years* 2012



## SAVE THESE DATES 2012

### ALL EVENTS ARE FREE TO THE PUBLIC

**Friday, June 29<sup>th</sup>** Fairhaven High School "Evening of Music" 5-7pm.

**Saturday, June 30<sup>th</sup>** Homecoming Day Fair 10a-4p Town Center- *Fairhaven Improvement Association*

**Sunday, July 1<sup>st</sup>** Fire Apparatus Parade 11am from K-Mart Firefighter's Competition - Livesey Park 1pm.

**Wednesday, July 4<sup>th</sup>** Car Cruise to Fort Phoenix, 9:00am

Fort Phoenix- Independence Day Ceremony, Cannon Firing, *Fairhaven Village Militia* 10:00am  
Fireworks over the New Bedford/Fairhaven Harbor

**Thursday through Sunday, July 5-8** Vietnam "Memorial Moving Wall" at Cushman Park - 24 hours

**Opening Ceremony July 6<sup>th</sup> -12:00 noon**

**Closing Ceremony July 8<sup>th</sup> - 5:00pm**

**Thursday, July, 5<sup>th</sup>** Fairhaven History Day, *Christopher Richard-Tourism Director*

Open houses at 11 historical buildings and sites through the day 10a-3p  
Pick up a booklet at the Office of Tourism- Self guided.

**Friday, July 6<sup>th</sup>** Author Mary Cowen Lecture 7pm U.S. Coast Guard Aux. 80 Middle St.

**Saturday, July 7<sup>th</sup>** Historic Schooner "Bowdoin" Visit

Steamship Authority Dock - South & Main Sts. And U.S.Coast Guard Auxiliary- 80 Middle St. 1-3pm

**Saturday, July 7<sup>th</sup>** Maritime Day - Fairhaven Waterfront /Harbor/Fort Phoenix

Outer Harbor: 11:30am Boat Parade 12:00 noon "Blessing of the boats" from Hurricane Barrier  
Food - Music - N.B. Ocean Explorium WOW Display 12noon - 2p

**Sunday, July 8<sup>th</sup>** Grand Bicentennial Parade - Starts at 1pm, Livesey Park, North Fairhaven

*Main St. (Benoit Square) to Center Street by Town Hall, Left on Green to Washington. East on Washington St. to K-Mart Parking lot.*  
**Musical Show by the Philadelphia Mummers following the parade- Between Sullivan Tire & McDonalds**

**Saturday, July 14<sup>th</sup>** Good Old Family Fun Day, Cushman Park, 10am-4pm

Music, Field Day, Picnic, Activities, Rides, Food ... Fun for all.

**Wednesday, July 25<sup>th</sup>** "Fanfare for Fairhaven" by A.C.E.(Acushnet Classic Ensemble Concert)- 1pm FHS

**July 26 & 27<sup>th</sup>** Repeat Concert 7pm FHS Performing Arts Auditorium

**Saturday, August 11<sup>th</sup>** Family Outdoor Movie Night - Livesey Park 8pm.

**Premier Showing of the Movie "Fairhaven" To be announced.**

**Late Fall / Sealing of the Bicentennial Time Capsule - Town Hall**

**For more information about the upcoming 2012 Bicentennial Events check our website at:**

**[www.fairhaven200.org](http://www.fairhaven200.org)**

**Follow us on "Facebook" [Fairhaven Bicentennial Committee](#)**

**North Fairhaven Improvement Association  
and the Fairhaven Bi-Centennial Committee present the following Car C**



**2012**

**July 4th Cruizin FHS to Fort Phoenix  
Starts at 8:30 AM raise the FHS Flag 9:00 AM then onto the Fort  
Independence Day Ceremony at Fort Phoenix 10AM**

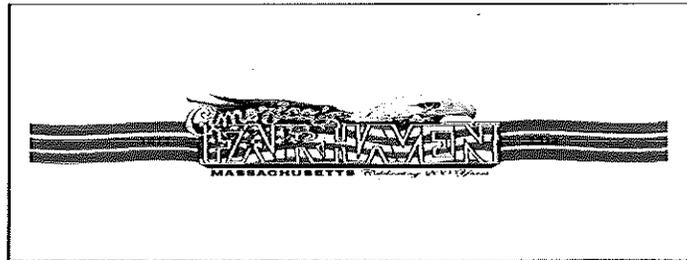
**JULY 8TH BI-CENTENNIAL PARADE**

*Arrival time 10:00 A.M. to Noon*

*Parade starts 1:00PM from Livesey Park, North Fairhaven  
Entrance to the Park is off of Howland Road at Houle St.*

*Parade route from Livesey Park to Main St. south on Main St. to  
Left on Center St. by the Town Hall, left on Green St. to Washington St.*

*Take a right on Washington St. to K-Mart parking lot.*



**Good Old Family Fun Day**

**Sat. July 14th Cushman Park**

**Fun Day, Picnic and Music from 10:00 AM to 4:00 PM**

**Arrival time No Later than 9:15 AM**

**Sullivan Tire Cruizin**

**August 10 4:00 PM - 8:00 PM**

**Cash Raffle sponsored by the NFIA**

**1st prize \$200.00 – 2nd prize \$100.00 – 3rd prize \$ 50.00**

**Music by JOHNNY ANGEL**



*For more information call John Medeiros 508-951-2128*



FAIRHAVEN BICENTENNIAL COMMITTEE

# Fairhaven Maritime Heritage Events

## July 6 & 7, 2001

<http://Fairhaven200.org>

### Friday, July 6

**7 p.m.:** Mary Cowan, "Arctic Explorations of Donald MacMillan and the *Bowdoin*," talk and book signing  
Coast Guard Auxiliary, 80 Middle Street  
Refreshments will be served, free

### Saturday, July 7

**11:00-3:00:** Dell's Lemonade for sale from Dorothy Cox, Fort Phoenix

**11:30:** Boat Parade from Butler Flats Light, Blessing of the Fleet  
View from Fort Phoenix

**12:00-2:00:** Ocean Explorium WOW Mobile, Fort Phoenix, free

**12:00-2:00:** New Bedford Sea Chanty Chorus, Fort Phoenix, free

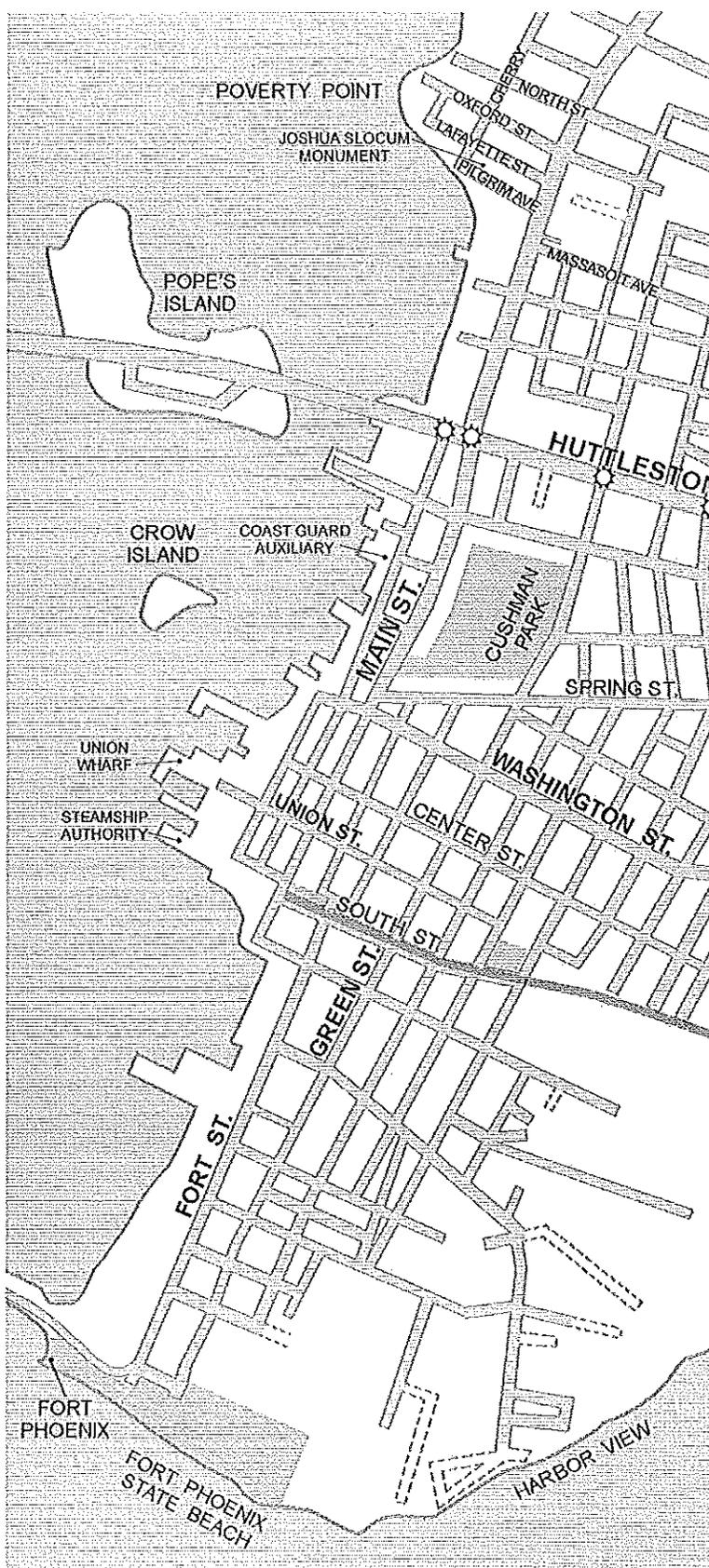
**12:00-2:00:** Fairhaven Village Militia, Fort Phoenix, free

**1:00-3:00:** Open Decks  
*Bowdoin*, Steamship Authority, Main and South Streets, free

**1:00-3:00:** Open Decks  
*Tracker*, Coast Guard Auxiliary, 80 Middle Street, free

**2:00-4:00** Buzzards Bay Rowing Club, demonstrations, Union Wharf, free

**All day:** Joshua Slocum Monument, free



Attachment B



TOWN OF  
**FAIRHAVEN**  
MASSACHUSETTS  
THE FRIENDLY TOWN

OFFICE OF  
DIRECTOR OF FINANCE/  
TREASURER  
TOWN HALL  
TELEPHONE (508) 979-4026

**JOHN L. NUNES, CMMT**  
Director of Finance/Treasurer

**APPROVED**

6/22/2012

To: Board of Selectmen

Finance Committee

From: John L. Nunes, CMMT/CMMC

Director of Finance / Treasurer

C. Nunes, Sr.

Re: Year End Transfer

I am asking your approval to make the following transfer that is allowed under Massachusetts General Law Chapter 44 Section 33B:

**Transfer to:**

Maturing Principal      001-710-00-5910-00-0121      \$55,126.98

**Transfer From:**

Interest on Debt      001-710-00-5915-00-0121      \$43,753.22

Interest on Loans      001-710-00-5925-00-0121      \$11,373.76

In working on the debt information for F/Y 2012, I transferred the incorrect amount for maturing principal from my worksheets to the budget schedule.

Attachment C



# Fairhaven American Legion, Inc.

Post 166  
54 Main Street • P.O. Box 166  
Fairhaven, MA 02719

RECEIVED

2012 JUN 22 A 8  
Office (508) 984-1659  
Fax (508) 993-0046

BOARD OF SELECTMAN  
FAIRHAVEN MASS

June 19, 2012

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

Selectmen:

As members of the Fairhaven American Legion, we are writing to you to acquaint you with a serious situation and a request. Our American Legion, Post 166, 54 Main Street, owe approximately \$31,000 in back property taxes, admittedly, due to poor financial planning and a short fall of quality financial controls.

We are attempting to gradually pay down the property tax due, by agreement with the treasurer's office, at the rate of \$500.00 per month. At this rate it will take a very long time and daily interest is being accrued at the rate of \$13.00 per day, about \$400 per month.

During a recent regional American Legion meeting, we made inquiry with respect to the tax exempt status and payment of property tax by other Massachusetts American Legion posts. Without exception, the many other posts we asked stated they are paying their respective towns \$1.00 per year under a charity act. Why this was not done with our post years ago, we do not know.

We are writing to request that the Board of Selectmen consider granting us this property tax relief, under the charity act. With daily interest being accrued and compounded, we will likely never be able to retire our tax obligation to the town. Not only do we truly need property tax relief, we also need some tax forgiveness, if at all possible. In addition, we also feel that the appraised value of land and building is rather high at \$676,000. We do not believe our building could sell at a price that high.

This last item is a separate item requiring reappraisal consideration through the Board of Assessors. It is indicative, however, that we have been billed annually on land and a building which are over appraised. One compilation in this request is the two storefronts

CC SELECTMEN  
JANE BOTTENCOURT

which are part of the American Legion building. The actual rent is \$700 per month and changes very little in the overall scheme of our financial difficulties.

What we are respectfully asking is this:

- 1) Consideration of payment of the \$1.00 property tax, under the Charity Act, being a 501(c) 3 tax exempt organization serving veterans
- 2) Any amount you can reduce from our current balance would be greatly appreciated
- 3) We will apply for an abatement if necessary

Respectfully,

Board of Directors  
American Legion

# Inter-Office Memo

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To: Board of Selectmen

From: Jane Bettencourt

Re: Fairhaven American Legion Post 166  
54 Main Street  
Map 9 Lot 78

Date: June 22, 2012

Per Jeff Osuch's request I am attempting to answer some of the questions the Legion members are asking you in their letter dated June 19, 2012.

Please find attached the record card of this building. The building is 75% exempt from tax because the Legion is considered a charitable entity. The remaining 25% is taxable under the commercial rate because the building houses two storefronts. These businesses pay rent to the Legion for occupying the space. In their letter it is stated they collect \$700 per month in rent. I'm not sure if this is \$700 per business or total for both.

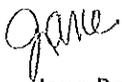
Also attached for your perusal is a copy of the taxpayer record showing the actual amount of value the Legion is taxed. Regardless of the total valuation for the building (\$676,000) the only taxable value is \$169,050 at the FY12 commercial rate of \$20.63 = \$3487.50 plus CPA of \$69.75.

The building located on Main Street is valued with a grade of Average+ in Average condition in an Average Commercial neighborhood. Nothing "jumps" out at me as being excessive for valuation purposes at this time.

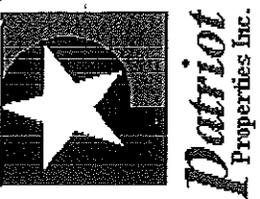
The Board of Assessors are meeting on June 26, 2012 and I will show them the letter from the Legion and have them review the property record card. As is every taxpayer's right, an appeal of value may be submitted to the Board 30 days after an actual bill has been mailed each fiscal year. The members of the Legion can appeal their FY13 value in January 2013.

The letter from the Legion also requests tax forgiveness or some kind of payment plan. Tax payments do not come under the discretion of the Board of Assessors. Any questions you may have regarding this request should be discussed with the Finance Director or Tax Collector.

I hope this information will assist you. Should you have any further questions, please do not hesitate to contact me.



Jane Bettencourt



**PROPERTY LOCATION**  
 No: 54 Alt No: Direction/Street/City: MAIN STREET, Fairhaven  
 Unit #: [ ]  
**OWNERSHIP**  
 Owner 1: FAIRHAVEN POST 166 AMERICAN L  
 Owner 2: [ ]  
 Owner 3: [ ]  
 Street 1: 54 MAIN STREET  
 Street 2: [ ]  
 Town/City: FAIRHAVEN  
 State/Prov: MA Cntry: [ ] Own Occ: [ ]  
 Postal: 02719 Type: [ ]

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
325	140,575		1489.250	28,475	169,050		
905	421,725		4407.750	85,425	507,150		
Total Card		562,300	0.135	113,900	676,200		
Total Parcel		562,300	0.135	113,900	676,200		
Source: Market Adj Cost		Total Value per SQ unit / Card: 58.02		/ Parcel: 58.02			

**PREVIOUS ASSESSMENT**

Tax Yr	Use	Cat	Blg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2012	093	FV	562,300	0	5,877	113,900	676,200	676,200	12/28/2011
2011	093	FV	577,500	0	5,877	128,200	705,700	705,700	10/20/2010
2010	093	FV	577,500	0	5,877	135,300	712,800	712,800	10/21/2009
2009	093	FV	577,500	0	5,877	135,300	712,800	712,800	11/20/2008
2008	093	FV	577,500	0	5,877	135,300	712,800	712,800	10/3/2007
2007	093	FV	495,200	0	5,877	125,300	621,500	621,500	1/12/2007
2006	093	FV	571,100	0	5,877	113,900	685,000	685,000	11/14/2005
2005	093	FV	533,400	0	.13	105,800	640,200	640,200	2/15/2005

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst - Verif	Assoc PCL Value	Notes
FAIRHAVEN POST	892,451		1/27/1945				1 No	No	

**NARRATIVE DESCRIPTION**  
 This Parcel contains 5,877 SQ FT of land mainly classified as EXEMPT/COMM with a(n) BAR Building Built about 1910, Having Primarily BRICK Exterior and TAR+GRAVEL Roof Cover, with 3 Units, 0 Baths, 4 HalfBaths, 0 3/4 Baths, 0 Rooms Total, and 0 Bdrms.

**OTHER ASSESSMENTS**

Code	Descrip/No	Amount	Com. Int

**PREVIOUS OWNER**

Owner	Address	City	State	Zip
Owner 1	FAIRHAVEN POST 166	FAIRHAVEN	MA	02719
Owner 2	AMERICAN LEGION			
Owner 3	P O BOX 166			

**PROPERTY FACTORS**

Item	Code	Descp	%	Item	Code	Descp
Z	RA	SINGLE RE	100	U		
0				T		
1				I		
				Exempt		
				Topo		
				Street		
				Traffic		

**BUILDING PERMITS**

Date	Number	Descp	Amount	C/O	Last Visit	Fed Code	F. Descp	Comment
17/2008	18170	DECK	400		5/11/2009		5X5 Platform	
3/9/2004	14615	RE-ROOF	26,500		5/13/2005			

**LAND SECTION (First 7 lines only)**

Use Code	Description	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type	Factor	Base Value	Unit Price	Adj	Neigh Infru	Neigh Mod	Inf 1	%	Inf 2	%	Inf 3	%	Appraised Value	At %	Spec Land	J Code	Use Value	Notes
905	CHARITY			5877		SQ FT	SITE	0	4,847	CA	MU								113,947	325	25		113,900	47000

**ACTIVITY INFORMATION**

Date	Result	By	Name
5/11/2009	PERMIT VISIT	JB	JB
5/7/2007	INSPECTED	JB	JB

Town of Fairhaven

Fiscal Year 2012 Real Estate

Taxpayer Record

Account: 9-78

Location: 54 MAIN STREET

Owner: FAIRHAVEN POST 166 AMERICAN L

Parcel ID: 09-078

Deed Date: 1/27/1945

Area: 5877 Square Feet

Book/Page: 892 / 451

Assessed As of	Type	Tax Value	TOTAL ASSESSMENT			3,557.25	Delinquency Notice
1/1/2011			Due	Prelim.	2/1/2012	5/1/2012	
	COM	169,050	Tax	1,736.55	910.35	910.35	PARCEL IN TAX TITLE FOR DELINQUENT TAXES OR CHARGES. PLEASE CONTACT THE TREASURER
	EXM	0	SpAs	0.00	0.00	0.00	
	<b>Total:</b>	<b>169,050</b>	Int	91.92	0.00	0.00	
			Ab/Ex	0.00	0.00	0.00	
			Cred	0.00	0.00	0.00	
			Int Cr	0.00	0.00	0.00	
			<b>Total:</b>	<b>1,828.47</b>	<b>910.35</b>	<b>910.35</b>	

<u>Tax Rate</u>			
<u>per \$1000:</u>			
Res	10.27		
OS	10.27	CPA	69.75
Com	20.63	Tax	3,487.50
Ind	20.63	<b>Total Assessment</b>	<b>3,557.25</b>