

FAIRHAVEN BOARD OF SELECTMEN

Meeting Agenda

Monday, February 22, 2021

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

RECEIVED
TOWN CLERK

2021 FEB 18 P 4: 26

FAIRHAVEN,
MASS.

Due to the recent changes by Governor Baker to the Open Meeting Law, G.L. c. 30A. § 20, we are providing public access via the phone number and meeting ID below:

Log on to: <https://zoom.us/j/92461506583?pwd=VE13aE42S3l0MmdaOEcvam9KTTFoUT09>

or call: 1-929-205-6099
Meeting ID: 924 6150 6583
Passcode: 362535

The meeting can also be viewed live on Channel 18 or on FairhavenTV.com

A. MINUTES

1. Approve minutes of January 25, 2021—Executive Session
2. Approve minutes of February 8, 2021— Open Session
3. Approve minutes of February 8, 2021 – Executive Session

B. TOWN ADMINISTRATOR'S REPORT

C. COMMITTEE LIAISON REPORTS

D. ACTION

1. Disclosure by Non-Elected Municipal Employee of Financial Interest: Douglas Brady, Rogers Reuse Committee
2. Request to join Conservation Commission: Jacob Gallery
3. Request to join Commission on Disability
 - a. Marcus Ferro (appointed official position)
 - b. Glenn Gabbard
4. COLA for non-union personnel
5. Approve annual Board of Selectmen/Town Administrator town report
6. Statement of No Objection: (Army Corps of Engineers) Section 408(a) Request Number 408-NAE-2019-0017

E. APPOINTMENTS

1. 7:00 pm Entry Point, LLC (Consultant for Broadband Study):
 - a. Receive final report from Entry Point
 - b. Discuss sending RFP for Design Build of Fiber Network to Inspector General for review
 - c. Discuss Article for Town Meeting to initiate the process of evaluating and establishing a Municipal Light Plant
 - d. Discuss Community Engagement and potential Article for May Town Meeting

F. POSSIBLE ACTION/DISCUSSION

1. Discuss changes to the Town Administrator Screening and Interview Process
2. FY 21 Budgets
 - a. Water Enterprise Fund Operating Budget
 - b. Sewer Enterprise Fund Operating Budget
 - c. Town of Fairhaven Cable Television Enterprise Fund Budget
 - d. Fairhaven Public Schools Cable Television Enterprise Fund Budget

G. NOTES AND ANNOUNCEMENTS

1. The next regularly scheduled meeting of the Board of Selectmen is **Monday, March 8, 2021** at 6:30 p.m. in the Town Hall Banquet Room.

H. EXECUTIVE SESSION- pursuant to MGL Ch. 30A § 21

1. Review of Executive Session minutes
2. To conduct contract negotiations with non-union personnel pursuant to M.G.L, Ch. 30a, Sec. 21 (a) (2)
 - a. Anne Carreiro
 - b. Wendy Graves

ADJOURNMENT

Subject matter listed in the agenda consists of those items that are reasonable anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (such as urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

MGL, Ch. 30a, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.



Fairhaven Board of Selectmen Meeting Minutes February 8, 2021

Present: Chairman Daniel Freitas Vice-Chairman Robert Espindola, Selectman Keith Silvia, interim Town Administrator Wendy Graves and Cable Access Director Derek Frates.

Present via Zoom: Town Counsel Tom Crotty, Administrative Assistant Vicki Oliveira and Cable Production Coordinator Eric Sa.

The meeting was videotaped on Cable Access and Zoom meeting application.

Chairman Freitas opened the meeting at 6:30 pm in the Town Hall Banquet Room and read the following statement:

"This Open Meeting of the Fairhaven Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will allow public comment related to the posted agenda items only. For this meeting, Fairhaven Board of Selectmen is convening by telephone conference/video conference via Zoom App as posted on the Town's Website identifying how the public may join.

MINUTES

Mr. Espindola made a motion to approve the minutes of January 25, 2021 – Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola requested to table the minutes of January 25, 2021 – Executive Session for further review.

TOWN ADMINISTRATOR'S REPORT

Ms. Graves told the Board:

A burst pipe at the Recreation Center has been cleared up but has not been repaired, the Rec Center will remain closed until the repairs have been made.

Ms. Graves is working with MindSetGo to set up training for leadership and communication.

Ms. Graves met with Cooke and Company to discuss the pre-estimates for rates for FY22 and it appears that the rates will be substantial this year, there is not an official estimate at this time.

Ms. Graves reported that the handicap access ramp project began at the Academy Building during the week of January 25.

Ms. Graves was pleased to announce that Fairhaven TV has won the Massachusetts Creator Award for Best Remote Event for their virtual Haunted Halloween Party in 2020. Mr. Frates said it was a group effort with his staff and himself.

COMMITTEE LIAISON REPORTS

Mr. Freitas said the Academy project has started and Historical Chairman Wayne Oliveira will be the Clerk of the Works on this project.

Mr. Espindola said the Broadband Study Committee voted to send their final report of the consultant Entry Point, to the Board of Selectmen and to recommend the Board of Selectmen establish a municipal light plant in town. They also discussed a community engagement process and would like to place an article on the town meeting warrant to fund an existing study.

Mr. Espindola said the Southcoast Bikeway Alliance meets tomorrow.

SRPEDD Commission met last week and discussed transportation funding during COVID-19.

Mr. Espindola said there will be a virtual conference on Off Shore Wind sponsored by SRPEDD.

Mr. Espindola said the Marine Resources Committee (MRC) will hold a public hearing on March 4, 2021 for the Waterways rules and regulations. The MRC would like the Board of Selectmen to join them if possible.

Mr. Freitas said he met with the Town Administrator Search Committee.

SUSTAINABILITY REQUESTS: CHANGING MEMBERSHIP

Mr. Freitas read a memo from Sustainability Coordinator Whitney McClees requesting a slight change in membership on the Sustainability Committee.

Mr. Espindola made a motion to move Jim Anderson from the alternate slot to the voting member slot and move Anne O'Brien from the voting slot to the alternate slot. Mr. Silvia seconded. Vote was unanimous. (3-0)

LARRY FOWLER AQUACULTURE LICENSE

Harbormaster Tim Cox told the Board this is the final step for Mr. Fowler for his aquaculture license. (Attachment A). The Board has previously already approved all the documents that are necessary.

Mr. Espindola made a motion to approve the aquaculture license for Larry Fowler. Mr. Silvia seconded. Vote was unanimous. (3-0)

RICHARD N. DUSSAULT, 99 SPRING STREET —BUSINESS NAME CHANGE ONLY

Mr. Freitas said this is a routine transaction for a name change on a business license and all the taxes are current.

Mr. Espindola made a motion to approve the Richard N. Dussault, d/b/a Dussault Auto Sales name change. Mr. Silvia seconded. Vote was unanimous. (3-0)

REPORT FROM COMMUNITY PARADIGM ASSOCIATES: TOWN ADMINISTRATOR FINALISTS

Community Paradigm Consultants Bernard Lynch and Sharon Flaherty met with the board via Zoom to announce that the Town Administrator Screening Committee interviewed 7 candidates for roughly 90 minutes to 2 hours and has narrowed the search to 3 finalists for the vacant position of Town Administrator. Mr. Lynch presented the names of Jennifer Callahan, Thomas Hutka, and Ari Sky as the finalists.

The Board set a date of Tuesday, February 16, 2021 to hold the interviews via Zoom.

STRATFORD GROUP—CHANGES TO OXFORD SCHOOL

Mr. Freitas said the Stratford group has made some changes to the design for the Oxford School housing project proposal and has dropped the number of units from 62 to 52. Building Commissioner Chris Carmichael told the Board the letter he had previously sent to the Board was informational regarding the changes. Attorney Crotty told the Board these changes are the result of the Mass Historical Commission (MHC) grant that the Stratford Group applied for. MCH reviewed the project and required the roof of the addition building to be lowered because it blocked the view of the main building. The roof line changed from a hip to a flat roof. The Zoning Board of Appeals determined that under 40B regulations the changing of the roof was not a substantial change, therefore the ZBA adopted these changes. Mr. Crotty referred to the letter from MHC that was sent to the Stratford Group that explains the roof change. (Attachment B). He noted that the Stratford cannot change the roof back to a hip roof or they will lose their grant funding from MHC.

Resident Ann Richard has concerns regarding the change in the roof line from the original proposed design. Ms. Richard, a member of the Community Preservation Committee (CPC), told the Board that CPC had approved funding for this project twice and nothing regarding the roof change was ever noted. Ms. Richard would like Attorney Crotty to find out if CPC can withhold the approved funding because they were never notified of the roof change.

CPC Chairman Jeff Lucas feels that the roofline change was presented to the ZBA as “other business” and was snuck in.

Resident Lindsay Arsenaault was not aware of the roofline change and has concerns if the developer can change the plans.

At 7:50 pm the Board took a short recess to call the attorney for Stratford group to ask him to join the meeting, via Zoom. The meeting resumed at 7:58 pm.

Attorney Kurt James joined the meeting to answer questions and concerns. Attorney James said that if the CPC funds are withheld the project cannot move forward with the project. The changes to the roof were not changes that Stratford put forth but changes that the State required.

Attorney Crotty told the Board that they don't have the authority to tell the Building Commissioner to not issue a building permit, they only have the authority to not sell the building to the Stratford Group. The Board of Selectmen could decide if they feel they want to cancel this sale.

Planning Board Chairman John Farrell asked Mr. James several questions regarding the project and his representation of the Stratford Group. Mr. James explained that he has been the attorney for Stratford for several years and when applying for a MHC grant there is an application that gets submitted, there is no waivers to their decision, they will dictate the instructions or what they feel are the requirements. Mr. James also said, he, himself had not gone before the ZBA on this issue to represent Stratford.

**ARCH COMMUNITIES/LANAGAN CO. LLC—PRELIMINARY PROPOSAL:
ROGERS SCHOOL**

Mr. Freitas asked to table this to schedule a stand alone meeting to discuss this proposal.

A-1 CRANE: CEASE AND DESIST ORDER

A-1 Crane business owner, Pat Carr, met with the Board to discuss the cease and desist order that is on his business at 86 Middle Street. Mr. Carr feels that when the zoning was changed he was not properly notified of the changes. Attorney Crotty told the Board, that the statute is very clear about giving multiple notices regarding any zoning changes. A business can be "grandfathered" in on zoning as long as they are existing and continue the same use, once the use is abandoned, then the use now becomes the new zone. Atty Crotty noted that zoning is governed by the Building Commissioner, Conservation governs the wetlands and the Fire Department governs the fuel tank storage, the Board of Selectmen do not govern these. Building Commissioner Chris Carmichael is hoping that a middle ground can be found and this issue can move forward as quickly as possible to help find a resolution. Planning Director Paul Foley said the property was zoned mixed use by a 2/3 vote at Town Meeting, the business is allowed to continue to as a pre-existing non-conforming use. If A-1 Crane wants to expand on a preexisting non-conforming use, they would need to go to the Planning Board for a special permit.

Mr. Freitas made a motion to set up a meeting in the next week with Mr. Carr and the appropriate Department Heads to try to resolve this matter. Mr. Silvia seconded. Vote was unanimous. (3-0)

**ENTRY POINT, LLC (CONSULTANT FOR BROADBAND STUDY): UPDATE AND
DISCUSSION**

Mr. Espindola told the Board that the Broadband Study Committee (BSC) recommended to advance the Municipal Light concept project forward. Mr. Espindola said the Committee feels there is a strong interest in a town sponsored fiber network, as 643 residents responded to a recent survey that was sent out. By switching to a Municipal Fiber network this will save the residents money on their internet and cable bills. Entry Point consultant Jeff Christianson met via

Zoom to discuss the importance of fiber optics and how this will benefit the Town. (Attachment C) There are several steps the Town needs to take before this can proceed.

The BSC feel that a municipal light plant structure is the direction the town is heading and would like to draft a Request for Proposal (RFP) for a design build. The Committee has already put a master plan together. (Attached D).

Mr. Crotty explained the process that the Board of Selectmen will need to take in order to start the process of establishing a Municipal Light Plant, including the approval of the RFP by the Inspector General. (Attachment E)

Mr. Espindola made a motion to authorize Town Counsel to work with Entry Point, in drafting the proper language to send the Inspector General or to have the RFP for a design build approved and once the Board gets it back, for the Board to review and determine if they want to implement it. Mr. Silvia seconded. Vote was unanimous. (3-0)

INTRODUCTION TO COMPLETE STREETS POLICY

Planning Director Paul Foley and Bill Scully of Green International Affiliates, a transportation civil engineering company, met with the Board to discuss the Complete Streets Program. Mr. Foley presented a brief powerpoint show on the Complete Streets. (Attachment F). Mr. Scully said the program was started by MASS DOT back in 2016 and is very beneficial to towns and cities, by creating a safer and more comfortable environment. This is the first step in a series of tiers to implement this program. The town will be eligible for up to \$400,000 in grant funding.

Mr. Espindola made a motion to adopt the complete streets policy as drafted. Mr. Silvia seconded. Vote was unanimous. (3-0)

FY22 GENERAL FUND OPERATING AND CAPITAL BUDGET

Ms. Graves reviewed the FY22 Budget with the Board and will be presenting the budget to the Finance Committee at their next meeting.

PRELIMINARY REVIEW OF TOWN MEETING ARTICLES

Ms. Graves reviewed the preliminary list of articles for the May 1, 2021 Annual Town Meeting. Mr. Espindola requested a place holder for Broadband. Mr. Espindola made a motion to add and article for Town Meeting warrant for a Municipal Light Plant. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to add an article for Broadband Community Engagement for the May 1, 2021 Annual Town meeting warrant. Mr. Silvia seconded. Vote was unanimous. (3-0)

NOTES AND ANNOUNCEMENTS

At 9:15 pm Mr. Espindola made a motion to adjourn to executive session, not to reconvene to open session to discuss:

1. Real Estate Matters: MGL Chapter 30A, Section 21(a) 6: Union Wharf
2. Strategy with Respect to Litigation: MGL Chapter 30A, Section 21(a)3:
 - a. West Island Realty
 - b. Casey Boat Realty, LLC

The Board tabled Executive Session item “To conduct contract negotiations with non-union personnel pursuant to M.G.L, Ch. 30a, Sec. 21 (a) (2)” to allow for more clarification at their next meeting.

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

Roll Call vote: Mr. Espindola in favor, Mr. Silvia in favor. Mr. Freitas in favor.

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

Attachments:

- A. Larry Fowler Aquaculture license
- B. Letter from Mass Historical Commission regarding Oxford School
- C. Broadband summary presentation
- D. Broadband Master Plan
- E. 945 CMR 3:0 Notice to Proceed to Use Design- Build Services
- F. Complete Streets Presentation



D1

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fwd: State Ethics From 19 disclosure

Wendy Graves <wgraves@fairhaven-ma.gov>
To: Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Mon, Feb 8, 2021 at 12:47 PM

For a future agenda

----- Forwarded message -----

From: [REDACTED] >
Date: Mon, Feb 8, 2021 at 11:50 AM
Subject: State Ethics From 19 disclosure
To: dfreitas@fairhaven-ma.gov <dfreitas@fairhaven-ma.gov>, respindola@fairhaven-ma.gov <respindola@fairhaven-ma.gov>, ksilvia@fairhaven-ma.gov <ksilvia@fairhaven-ma.gov>, rogerscommittee@gmail.com <rogerscommittee@gmail.com>, [REDACTED] >
Cc: wgraves@fairhaven-ma.gov <wgraves@fairhaven-ma.gov>

Good Morning Selectman Freitas:

As promised in my response to you all earlier, I have attached a brand new State form 19 - Financial disclosure form for non-elected municipal employee for myself and in participating as a appointed member in the Rogers Study Committee, (formerly the Rogers- Oxford Study Committee)

Since there has been a complaint made by Mr. Andrew Jones in the previous filing of the form 19, I ask that the Chair of the Board of Selectmen please put this item on a agenda to discuss, review and vote on the matter.

Thank you
Doug Brady

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WIRE FRAUD ALERT. If you receive an e-mail from this person requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone before you initiate any transfer. E-mail accounts of attorneys, other professionals and businesses are being targeted by hackers in an attempt to initiate fraudulent wire requests.

Regards
Doug Brady

GO GREEN. - Please consider the environment before printing this email.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Douglas Brady
Title or Position:	Rogers – Study / Reuse Committee formerly called the Rogers -Oxford Study Committee
Municipal Agency:	Town of Fairhaven, MA Board of Selectmen
Agency Address:	40 Center Street, Fairhaven, MA 02719
Office Phone:	508-979-4023
Office E-mail:	dfreitas@fairhaven-MA-gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Member of the Rogers Reuse- Study Committee formerly known as the Rogers -Oxford Study Committee. The committee will review RFP's for the assistance in the reuse of the former Rogers School to the Select Board of Fairhaven MA. Vote on particular matters that pertain to the reuse of the former Rogers School building. Vote to advise the select board of a particular matter in regards to the former Rogers School Building. Conduct meetings and provide input as needed in regards to matters pertaining to the former Rogers school building to the select board and any residents that may inquire regarding the former Rogers School building. The committee is an advisory committee only to the Select Board of Fairhaven MA and will provide input on submitted RFP's to the select board and provide input as needed to the select board. The committee will be voting as to recommend or not recommend a certain RFP or particular reuse of the former Rogers School Building.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Along with other members of the Rogers Reuse / Study committee to recommend and give advice to the select board regarding the selection of a RFP and potential reuse of the former Rogers School building. Any matters that may pertain to the former Rogers School building that the select board request an opinion on by the committee and its members
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a presumed financial interest in the matter based on where I reside. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	<p>Please explain the financial interest and include a dollar amount if you know it.</p> <p>I reside at 97 Pleasant Street, Fairhaven, Ma 02719 which is across the street from the Former Rogers School building. I am considered an abutter to the former Rogers school property.</p>
Employee signature:	
Date:	

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Board of Selectmen – Town of Fairhaven, MA
Title or Position:	Dan Freitas – Chair of the Board
Agency/Department:	Board of Selectmen
Agency Address:	40 Center Street, Fairhaven, MA 02719
Office Phone:	508-979-4023
Office E-mail	Dfreitas@Fairahven-ma.gov
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

BOARDS AND COMMITTEES

Board/Committees	Name	Title
Conservation Commission	Corey Pietraszek	
(Appointed by Selectmen)	Amy Desalvatore	
3 Year Term	Gary Lavalette	
<i>non voting consultant is appointed</i>	Daniel Doyle	Clerk
<i>by the Conservation Commission</i>	Geoffrey Haworth II	Chairman
	John Dallen	
	Vacant	
	Whitney McClees, Agent	Agent - non voting
	Ronald J. Medina	Non-voting Consultant
	Vacant	Non-voting Consultant
	Vacant	Non-voting Consultant



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

[Fairhaven MA] Conservation (Sent by Jacob , [REDACTED])

Jake <[REDACTED]>

Wed, Feb 17, 2021 at 10:45 AM

To: Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Good morning, I'm interested in the open commissioner position. I want to be voting member. I've spoken to Geoff Haworth a few times on the available seat

Jake

On Feb 17, 2021, at 9:41 AM, Vicki Oliveira <vloliveira@fairhaven-ma.gov> wrote:

[Quoted text hidden]

BOARDS AND COMMITTEES

Board/Committees	Name	Title
Commission on Disability		
(Appointed by Selectmen)	Joseph Borelli	
not less than Five(5) nor more than Thirteen (13) members	Vacant	
Majority shall be persons with disabilities	Donna Lavallee	
one (1) may be a family member	Ronald J. Medina	
One (1) MUST Be an elected or appointed municipal official	Vacant	
Three year terms	Brian Rego	
	Diane Rocha	
	Vacant	
	Maria Ruedlinger Walker	
	Vacant	elected/appointed official

RECEIVED

2020 JUN 23 A 11:11

BOARD OF SELECTMAN
FAIRHAVEN MASS

38 Doane Street
Fairhaven MA 02710
June 23, 2020

Selectmen's Office
40 Center Street
Fairhaven, MA 02719

To Whom It May Concern:

I am interested in serving on the town's Commission on Disability.

As a new resident of Fairhaven, I have much to learn about the ways in which the community supports its individuals with disabilities in taking meaningful roles in town life. Along with this willingness to learn, I bring extensive experience in supporting people with disabilities and their families, both professionally and personally. As the parent of a severely disabled individual from birth, I understand the policies and practices which make full community membership so important. At the Federation for Children with Special Needs, a statewide parent training and information resource, I worked on local and national policy supports for families of young children with disabilities. I have extensive experience as a trainer for both parents and professionals in developing family leadership on how to collaborate effectively for ongoing policy change. Most recently, I worked as the state coordinator for the Massachusetts Inclusive Concurrent Enrollment Initiative, a nationally renowned effort created to fully include young adults with intellectual disabilities in public colleges and universities across the Commonwealth. Currently, I serve as the Associate Director of Family Voices, a national non-profit committed to improving healthcare policy and practice for children and youth with special health care needs and their families.

I support the Commission's efforts to collaborate with town officials and representatives of other town offices on best practices in responding the federal and state policies about access and continuing to affirm the strong record of access that the town has already established.

I appreciate the selectmen's consideration of my letter of interest and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Gabbard", with a long horizontal flourish extending to the right.

Glenn Gabbard



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

CoD

MDF Law <[REDACTED]>

Tue, Feb 16, 2021 at 2:31 PM

To: Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Hey Vicki,

I am writing you to confirm my interest and commitment to serving as the elected official on the COD. Thank you.

--

Marcus D. Ferro, Esq.

Talk Show Host/Columnist

The Marcus Ferro Show

Saturdays 1:00-4:00

1420 WBSM

<https://wbsm.com/author/marcusferro/>





Massachusetts Office on Disability

One Ashburton Place, Room 1305

Boston, MA 02108

Charles D. Baker, Governor
Karyn E. Polito, Lt. Governor
David D'Arcangelo, Director

[617] 727-7440 V/TTY
[800] 322-2020 V/TTY
[617] 727-0965 FAX
Web: <http://www.mass.gov/mod>
Jeff.Dougan@state.ma.us

MUNICIPAL COMMISSIONS ON DISABILITY

Commissions on Disability are established by vote of Town Meeting (in towns) or City Council (in cities) to promote the inclusion and integration of persons with disabilities in the activities, services and employment opportunities or the community.

Commissions:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five, no more than ~~nine members~~ (thirteen as of 7/16) chosen by the Board of Selectman or Town Manager (in a town) and the Mayor or City Manager (in a city). The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. One must be an elected or appointed municipal official.

Applicable Laws:

- MGL chapter 40 section 8J, gives municipalities the authority to establish commissions;
- Section 504 of the Rehabilitation Act of 1973 requires inclusion and integration of persons with disabilities in the programs, services and employment opportunities of organizations and agencies that receive federal money;
- Amendment Article 114 of the Massachusetts Constitution prohibits discrimination on the basis of disability under any service or program within the Commonwealth;
- The regulations of the Architectural Access Board require access in newly built and renovated buildings.

Ms. Graves
will discuss
COLA
for non- union
personnel
at meeting



ANNUAL REPORT
of the
BOARD of SELECTMEN
and
TOWN ADMINISTRATOR

The year 2020 started out just like any other year, with high hopes for the future.

Due to the global pandemic, on March 16, 2020 the Town of Fairhaven declared a state of emergency due to the rising cases of the coronavirus (COVID-19). All town offices were shut down and employees were ordered to work from home. Only essential personal reported to work. With the help of the town Information Technology (IT) Department, most at home employees were provided with the vital equipment they needed to get our residents the same service they were accustomed to. Some of our employees were placed on furlough and others worked from home or in limited time in the offices.

Because of the pandemic, many beloved town events were cancelled for the safety of town residents. Businesses were closed or had to reduce their capacity for many months to help stop the spread of the virus and all in person meetings were changed to virtual meetings to maintain social distances and safety protocols. The Council on Aging was forced to close the in-person programs and only some limited services were provided to our senior residents. The Recreational Center was also closed for several months to all the in-house programs.

The annual town election was postponed until June 8, 2020 because of the restrictions caused by the pandemic. The town said goodbye to longtime Selectman Charlie Murphy and welcomed Keith Silvia, formerly on the Board of Public Works. The Board wishes to thank Mr. Murphy for his many years of dedication and service to the Town of Fairhaven.

By June 11, 2020 the town offices re opened to the public with a very different look. Town buildings were equipped with plexiglass barriers to maintain social distancing. Staff and visitors were/are required to wear face mask while in town buildings.

With the changes caused by COVID, came some challenges for the town to face. Working with the IT Department and Cable Access, the Town Moderator moved our in-person town meeting to the first ever virtual town meeting. The first of two virtual town meetings was held July 25, 2020. At which time a 1/3 operational budget and only essential articles were presented at town meeting. The town's second virtual town meeting was held on October 20th & 21st in which town meeting was presented with the remaining 2/3 operational budget and the remaining articles.

Like most municipalities, Fairhaven is facing potential revenue constraints due to the ongoing COVID-19 crisis as well as the overall pressure of increasing costs and infrastructure needs. With the State and Federal Government working towards a vaccination, the Town has hopes for 2021 and ending the pandemic.

In the efforts to continue the role in assisting the Selectmen as the “Chief Goal Setting and Policy Making Agency”, the Town Administrator and Town Department Directors have worked towards meeting policy goals & objectives. The following is the progress in achieving the Policy Goals:

Goal 1 – Human Resources Improvements

- The Personnel Rules and Regulations have been updated and are in compliance with the Federal and State personnel laws. The draft has been presented to the Board of Selectmen for review
- The “Medicare Buy-In” program was Implemented for retired employees who do not qualify for Medicare. These retirees will have access to the same benefits as retirees who have Medicare and are enrolled in one of the Town’s retiree health plan options

Goal 2 – Town Committees Collaboration

- The Council on Aging and the Fairhaven Public Schools continue to provide intergenerational programs, which include photography and visiting programs
- The Marine Resource Committee, at the request of the Board of Selectmen have updated the Waterways Rules and Regulations. The updated draft is ready for review

Goal 3 – Inter and Intra Governmental Cooperation

- The pandemic crisis has resulted in Federal funds provided to the town from FEMA and the CARES Covid Relief Act to provide assistance for expenditures related to Covid-19. FEMA provides 75% relief for essential public safety costs. The CARES Act provides relief for the 25% not covered by FEMA and 100% of COVID costs up to the amount allocated to the town
- The town and the City of New Bedford/New Bedford Port Authority were awarded a Coastal Resilience Grant of \$154,178. This project will assess the current conditions of municipally owned piers in the Fairhaven/New Bedford harbor. It will also evaluate adjacent utility and roadway connections for adapting infrastructure to projected sea level rise and increased storm events
- The town was awarded a 1 million dollar grant by the Seaport Economic Council for the rehabilitation and improvement of the south side of Union Wharf wall. In order to receive this grant, the town was required to provide a 25% match of \$250,000. At this time, the construction award has been granted and the town is ready for the project to begin

Goal 4: Financial Sustainability

As of June 30, 2020, the Town’s General Fund Reserves were as follows:

- Certified Free Cash - \$3,222,371 or 5.9% of Town’s Budget, exceeding the town’s benchmark of 3% to 5%
- Stabilization Fund - \$3,106,840 or 5.8% of the Town’s Budget, exceeding the town’s benchmark of 5%
- Capital Stabilization - \$5,683,267 or 10.6% of the Town’s Budget, exceeding the town’s benchmark of 2% to 3%
- In total, the Town has available \$12,012,478 in reserves or 19.4%
- The Health Insurance Trust Fund as of 12/31/20 was \$1,664,995 or (\$98,884) below the benchmark of \$1,763,879
- One of the Selectmen’s goals for the Finance Department was to provide a town credit card that is securely located in the Treasurer’s office with strict oversight maintained by the Financial

Assistant. With more and more cost efficient products available online, town departments now have use of a town credit card to purchase authorized products and register for authorized training/seminars

In FY2020 the town was awarded 34 grants totaling more than \$1,133,000 dollars.

<u>Department</u>	<u>Grant Name</u>	<u>Grant Revenue</u>
Planning & Economics	Redevelop Study Route 6 & 240 Fy20	389,942.83
Planning & Economics	CDBG Hedge St 20 (Phase 2)	38,500.00
Planning & Economics	Complete Streets Fy20	30,000.00
Planning & Economics	CDBG	21,875.86
Selectmen	West Island Channel Dredging	140,853.00
Conservation	Green Community '20	130,901.25
Conservation	Municipal Vulnerability Preparedness '20	55,000.00
Conservation	Meta Conservation'19	12,500.00
Police	DEA	69,396.36
Police	DA	30,411.95
Police	OCDETF	13,886.17
Police	911 Grant	8,382.40
Police	Cultural Hms Yellow School Bus	2,900.00
Police	SEMLEC DIVE II	1,554.99
Police	Walmart	847.40
Council on Aging	COA FORMULA Grant	50,052.00
Council on Aging	COA OUTREACH Grant	28,905.00
Council on Aging	COA OUTREACH Grant #2	14,007.00
Council on Aging	COA (SOCIAL DAY) Grant	4,500.00
Council on Aging	ARAW	1,566.00
Board of Health	Covid-19 Board of Health '20	15,000.00
Board of Health	SMRP Sustainable '19	14,300.00
Board of Health	SMRP Mattress '19	5,919.88
Board of Health	Board of Health Naccho '19	4,874.38
Board of Health	AFDO Self Assess Board of Health '19	2,500.00
Board of Health	AFDO Training Board of Health '19	1,852.47
Board of Health	Board of Health Tech Grant	1,232.31
Fire	Fire Hazmat Grant	11,247.09
Fire	Fire Safe	4,565.00
Fire	Fire-Senior Safe	2,552.00
Marine Resources	Semac Upwellar	10,067.85
Cultural Council	Arts Lottery	8,601.30
Civil Defense	Civil Defense Grant	4,175.00
Historical Commission	Fort Phoenix Sign '20	<u>1,100.00</u>

Goal – 5 Economic Development

- Complete Streets grant funds received have been MassDOT approved relating to the town's Complete Street policy
- The Study of Route 6/240 grant funded program has been awarded to the town. The purpose of this grant is to develop underutilized shopping plazas along Route 6 and 240. The intent is to facilitate new development, while preserving the historic and rural character of the town

Goal – 6 Health and Welfare of Town Residents

- The Police Department is ready of installation of the Security Camera Network, which will provide documented surveillance for criminal investigations
- The Police Department is still in process of completing the Police Accreditation Program. Upon completion, the Police Department will be in compliance with best practices for industry standards in policing
- The Fire Department has developed an Emergency Public Notification system policy. (Fairhaven ALERT)

Goal – 7 Civic Engagement

- Fairhaven TV in collaboration with the Fairhaven Opioid Task Force produced a video series to bring community awareness of the ongoing Opioid Crisis. The program offered support and contact information for those in need of help
- Before the pandemic, students and seniors of Fairhaven had been actively engaged. Senior Supper Clubs and holiday parties included the intergenerational COA/School group to come together for a positive experience

Goal – 8 Long Term Planning

- The town is continuing to explore/test for a new site for the Public Safety Facility. This project continues to be the first priority of the Capital Planning Committee
- The Broadband committee is continuing to progress in providing town residents/businesses with alternative internet access
- The Green Communities Grant continues to fund energy conservation measures. Projects at Fairhaven High School are ongoing and projected to be completed in FY2021, after delays due to the Covid-19 pandemic
- The Planning Board is working on updating the National Flood Insurance Program FIRM Maps and a Short-Term Rental bylaw to protect the historic character of Fairhaven

Goal – 9 Improve Municipal Services

*Due to the Covid-19 pandemic, Fairhaven Government Access was tasked with incorporating a Zoom Meeting headquarters in the Town Hall where meeting participants could interact through a hybrid system of in person and virtual attendance. This service was essential to town government

None of these accomplishments would have been possible without the hard work and dedication of the Town Officials, Town employees, Town Meeting members and numerous residents and volunteers who serve on our boards, commissions and committees and for this, we are sincerely thankful.

Respectfully,

Daniel Freitas, Chair

Robert Espindola, Clerk

Keith Silvia, Member

Mark Rees, Town Administrator



Town of Fairhaven
40 Center St., Fairhaven, MA 02719
(508) 979-4023

February 12, 2021

*Colonel John Atilano II
United States Army Corps of Engineers
New England District
696 Virginia Road
Concord, Massachusetts 01742*

*Re: "Statement of No Objection"
Section 408(a) Request Number 408-NAE-2019-0017*

Dear Colonel Atilano,

This letter serves as a "Statement of No Objection" from the Town of Fairhaven, regarding the "Section 408(a) Request Number 408-NAE-2019-0017".

The Town of Fairhaven, is aware that Vineyard Wind, LLC, Massachusetts Clean Energy Technology Center and New Bedford Port Authority have submitted a request for permission to the U.S. Army Corps of Engineers (USACE) under 33 USC 408 (Section 408) to occupy or use the New Bedford Hurricane Barrier Sector Gates in connection with the transport of offshore wind components to/from the New Bedford Marine Commerce Terminal by U.S. flagged tugboats and barges, and internationally flagged cargo vessels, transiting through the New Bedford Hurricane Barrier Sector Gates.

Accordingly, the Town of Fairhaven submits to the USACE this "Statement of No Objection" pursuant to Section 408 (Section 408) as described by the USACE Engineering Circular 1165-2-220, documenting that the Town of Fairhaven is aware of the scope of the Section 408 request and does not object to the request being submitted to the USACE to initiate review and evaluation of the request.

Sincerely,

To see if the Town will vote to amend Article 17 of the May 4, 2019 Annual Town Meeting “General Fund Capital Budget-FY20” by adding the following capital projects

- N. Police Department- Equipment and Weapons Storage Lockers
- O. Fire Department-Patient Transport Stretchers for Ambulances
- P. Central Fire Station/Polling Location-Handicap Access
- Q. Town Hall-Handicap Access

or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 5. AMENDED FY 20 AMBULANCE STABILIZATION FUND

To see if the Town will vote to amend Article 21 of the May 4, 2019 Annual Town Meeting “Ambulance Stabilization –FY20” by increasing the amount to be transferred from Ambulance Receipts Reserved for Appropriation from \$50,000 to \$65,000 or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 6. AMENDED FY 20 SOCIAL DAY CARE CENTER

To see if the Town will vote to amend Article 27 of the May 4, 2019 Annual Town Meeting “Social Day Care Center–FY20” by increasing the amount authorized to expended from the grant account known as “Receipts Reserved for Appropriation for Fairhaven Supportive Social Day Program” from \$160,000 to \$175,000 or take any other action relative thereto.

Petitioned by: Council on Aging

ARTICLE 7. FUNDING FOR MS4 STORM WATER MANAGEMENT COMPLIANCE

To see if the Town will vote to transfer from General Fund Surplus Revenue \$50,000 to fund compliance work related to the Municipal Separate Storm Sewer System (MS4) permit requirements or take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 8. FUNDING FOR REPAIRS TO PILGRIM AVE. FORCE MAIN

To see if the Town will vote to transfer from Sewer Retained Earnings a sum of money to pay for the repair of the Pilgrim Ave. force main or take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 9. FUNDING FOR MUNICIPAL FIBER NETWORK CONSULTANT

To see if the Town will vote to transfer from Town of Fairhaven Cable Television Enterprise Fund Retained Earnings a sum of money to pay for funding a municipal broadband network consultant or take any other action relative thereto.

Petitioned by:

Board of Selectmen

ARTICLE 10. FUNDING FOR LAND ACQUISITION AND PRELIMINARY DESIGN/ENGINEERING WORK FOR PUBLIC SAFETY FACILITY

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, including the Capital Stabilization Fund, a sum of money for the purchase of the property described as follows:

267 & 271 Huttleston Avenue, Fairhaven, Massachusetts 02719, also known as G. Bourne Knowles Horticultural Nursery & Landscaping, and further identified as Lots 302 & 302a on Fairhaven Assessors' Map 31B

and for the preliminary design/engineering of a public safety facility on that property, housing the police department, fire department, EMS/ambulance services and other public safety operations to be determined.

Or to take any other action thereon.

Petitioned by:

Board of Selectmen

ARTICLE 11. CONVEYANCE OF A PORTION OF PARK LAND AND CORRESPONDING DEDICATION OF OTHER LAND TO PARK USE

To see if the Town will vote to amend its previous vote under Article 52 of the Annual Town Meeting of May 6, 2017, by revoking its approval of Part B of that article, and in its place approving the following:

“B.)To dedicate to park use a parcel of land owned by the Town and described as follows:

The property at 87 Main Street, Fairhaven, appearing as Lot 50 on Fairhaven Assessors' Map 11, and more fully described in a deed, which was recorded on November 16, 1992, in the Bristol County (SD) Registry of Deeds at Book 2934, Page 9. The subject property was by the Town of Fairhaven for non-payment of taxes by an Instrument of Taking, recorded on January 4, 1996, in the Bristol County (SD) Registry of Deeds at Book 3593, Page 103, and a subsequent Judgment in Tax Lien Case recorded on January 6, 2014, in the Bristol County (SD) Registry of Deeds at Book 10987, Page 180.”

Or to take any other action thereon.

Petitioned by:

Board of Selectmen

ARTICLE 12. MUNICIPAL LIEN FOR STORM WATER COSTS



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Monday- Broadband?

7 messages

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Fri, Feb 19, 2021 at 1:16 PM

Reply-To: tomcrotty@tcrottylaw.com

To: Bob Espindola <selectmanbobespindola@gmail.com>, Vicki Paquette <vloliveira@fairhaven-ma.gov>, Wendy Graves <wgraves@fairhaven-ma.gov>, Jeff Christensen <jchristensen@entpnt.com>, Sean Powers <seanmpowers@yahoo.com>, Derek Frates <dfrates@fairhaven-ma.gov>

All

Here is the proposed warrant article wording for a municipal light plant / telecommunications facility-

"To see if the town will vote pursuant to M.G.L. C. 164 sec. 36 to acquire a municipal light plant and to authorize such plant to construct, purchase or lease, and maintain such facilities as may be necessary for the distribution or the operation of a telecommunications system for municipal use or for the use of its customers, pursuant to M.G.L. C.164 sec.47E, or as otherwise authorized by law, or to take any other action thereon."

This article requires a two thirds vote, taken by ballot with the use of the voting list, at each of two town meetings called therefor and held at intervals of not less than two nor more than thirteen months.

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

Tom

Thomas P. Crotty

Thomas P. Crotty & Associates, PLLC

5 Dover Street, Suite 102

New Bedford, MA 02740-4992

TomCrotty@tcrottylaw.com

Tel: 508-990-9101 Fax: 508-990-9108

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1. Receive Final Report from EntryPoint.
2. Discuss sending RFP for Design Build of Fiber Network to Inspector General for

Selectman Espindola will discuss at the meeting



Budget Books
will be
distributed
at the meeting

