

FAIRHAVEN BOARD OF SELECTMEN

Meeting Agenda

Monday, April 12, 2021

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

RECEIVED
TOWN CLERK

2021 APR -8 P 3: 53

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

Log on to: <https://zoom.us/j/93760719296?pwd=MUh3L3BTNUlyQ281SnRpWitNRzFldz09>

Meeting ID: 937 6071 9296

Passcode: 140939

or call: 1-929-205-6099

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

A. MINUTES

1. Approve minutes of March 1, 2021– Open Session (added meeting)
2. Approve minutes of March 8, 2021– Open Session
3. Approve minutes of March 11, 2021– Open Session (added meeting)
4. Approve minutes of March 22, 2021– Open Session

B. TOWN ADMINISTRATOR'S REPORT

C. COMMITTEE LIAISON REPORTS

D. ACTION

1. Reorganization of Board of Selectmen
2. Board Liaison Appointments
3. Revere Bell location
4. Setting 2nd Half of 2020 Board of Selectmen meeting calendar
5. Request to join the Millicent Library Trustees (Selectmen's Appointment) —Kathryn Powers
6. Rogers Reuse Committee
 - a. Disclosure by Non- Elected Municipal Employee of Financial Interest: - Sue Loo
 - b. Mission statement
 - c. Discuss possible lease of new section
7. Acceptance of land donation
 - a. Nonquitt Avenue
 - b. Tanner Lane
8. Tax Possession Auction:
 - a. RFP award: Zekos Group
 - b. Auction List
 - c. Appoint Tax Title Custodian- Wendy Graves

9. Extension of loan agreement for “The Adventurer”
10. Elevation Retail- Host Agreement

E. APPOINTMENT

1. 6:30 pm Appointment of Fire Chief

F. POSSIBLE ACTION/DISCUSSION

1. Deterra farmland: Notice of removal from 61A status for solar project access road, town option to purchase
2. Public Meeting Recommendation from Health Agent
3. Discuss the Town Administrator Screening Process
4. Review/Vote Budgets
 - a. FY22 Water Enterprise & Capital Budget
 - b. FY22 Sewer Enterprise & Capital Budget
 - c. FY22 Town Cable Enterprise Budget
 - d. FY22 School Cable Enterprise Budget
 - e. FY22 General Fund Capital Budget
5. Review of Articles for the June 12, 2021 Annual Town Meeting

G. CORRESPONDENCE

1. Termination letter from Town Administrator Screening Committee
2. Resignation from Millicent Library Trustees (Selectmen’s Appointment) - Lisa Wright
3. Resignation from Bikeway Committee- Mat Coes

H. NOTES AND ANNOUNCEMENTS

1. The next regularly scheduled meeting of the Board of Selectmen is Monday, April 26, 2021 at 6:30 p.m. in the Town Hall Banquet Room.

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 March 1, 2021

Present: Chairman Daniel Freitas Vice-Chairman Robert Espindola, Selectman Keith Silva, Interim Town Administrator Wendy Graves, Rogers Reuse Committee Chair Sue Loo, Rich Relich, Jay Lannagan and Videographer Alyssa Botelho.

Present via Zoom: Administrative Assistant Vicki Oliveira, Production Coordinator Erick Sa.

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

Chairman Freitas opened the meeting at 6:00 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.

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Arch Communities/Lanagan Co. LLC—preliminary proposal: Rogers School

Mr. Freitas introduced Rich Relich and Jason Lanangan, the potential developers of Rogers School.

Mr. Lanagan told the Board his company submitted designs regarding the Rogers School in response to the Request for Proposal (RFP) that the town issued in December 2020. (Attachment A)

The Board asked for questions from the public before making their comments.

Residents Patricia Estrella, Carolyn Tyler, Doug Brady, Diane Hahn, Sheila Dolan, Lisa Breese, Mark and Theresa Fletcher, David Braga, Stacey Burr, Sue Loo, Andy Marshall, Brain Messier, David Roy, Kathryne Moniz, Carrie Hawthorne, Laura Barillaro, Gary Lavalette, Elizabeth Delano and Karen Vilandry were each given 2 minutes to ask questions to Mr. Relich and Mr. Lanagan. Some concerns by residents were:

- the large design of the proposed addition and the overshadowing to the neighborhood
- if there will be rent restriction to the residents of the units
- the amount of parking spaces that will be provided and if there will be an overflow of vehicles on the side streets and the traffic this may cause
- the playground and basketball courts being affected
- the water and sewer pipes having to be re done because of the overload
- the original building not being torn down or changed
- worried that there will be significant changes done after the proposal is accepted
- worried about the residents of the units smoking outside

Most residents who spoke were not in favor of this project.

Mr. Freitas read a series of questions that were submitted prior to the meeting. (Attachment B & C)

Mr. Silvia said he met with the developers and he is confident that they know what they are doing.

Mr. Espindola feels that if this project is not right for the neighborhood then the Town needs to see how this will fit in the Capital Planning and find an alternative for the building.

Mr. Freitas expressed that he didn't feel the Board needed to make a decision tonight.

Board members discussed the issues further and will reach out the Ms. Graves for more clarification regarding Capital Planning and where the building fits into this. The Board thanked Arch Communities for their time.

At 8:15 pm Mr. Espindola made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

Attachments:

- A. Arch Communities Project proposal
- B. Questions submitted to Arch Communities
- C. Answers by Arch Communities to submitted questions



Fairhaven Board of Selectmen Meeting Minutes March 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: Administrative Assistant Vicki Oliveira, Production Coordinator Erick Sa.

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

Chairman Freitas opened the meeting at 6:31 pm in the Town Hall Banquet Room and read the following statement:

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Minutes

Mr. Espindola made a motion to approve the minutes of February 16, 2021– Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of February 22, 2021– Open Session, Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of February 22, 2021 – Executive Session with slight edits. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of February 23, 2021– Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to release the executive session minutes from October 21, 2014 through July 13, 2020 as recommended by Selectman Silvia and Attorney Crotty as discussed in executive session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator's Report

Ms. Graves updated the Board:

Ms. Graves met with Sustainability Coordinator Whitney McClees and the School department regarding Solar for the schools. Ms. Graves would like the Board to discuss this at their March 22, 2021 meeting.

Ms. Graves told the Board the FY21 Rediness Site Grant is ready.

Ms. Graves told the Board the town welcomed two new employees this week: Health Agent David Flaherty and Payroll Administrator Amy Almeida.

Committee Liaison Reports

Mr. Silvia said he attended the Historical Commission meeting and the ramp at the Academy has been back filled. The Bell Cupola is also having some small repairs done at this time.

Mr. Espindola said the Broadband Study committee has a webinar scheduled for Thursday, March 11, 2021 at 7pm organized by Entry Point, LLC. There will also be another webinar scheduled for March 25, 2021 and residents are encouraged to try to attend.

Mr. Espindola said SRPEDD met on February 24, 2021 and held a special presentation on 40B housing. There is a webinar on this subject scheduled for March 10, 2021.

Mr. Espindola said the Marine Resources Committee will be meeting on March 10, 2021 to review the waterway rules and regulations with the community.

Mr. Espindola said the Bikeway Committee will meet on March 10, 2021 and will continue to review the complete streets project.

Mr. Espindola said the South Coast Bikeway Alliance will hold a webinar on March 9, 2021 entitled "closing the gap"

Mr. Espindola said the Economic Development Committee will meet on March 18, 2021.

Disclosure by Non-Elected Municipal Employee of Financial Interest

Ms. Graves told the Board the disclosures are for 2 members of the Rogers Reuse Committee because they are abutters to the Rogers' school property. (Attachment A)

Mr. Espindola made a motion to accept the disclosure by a non-elected municipal employee of financial interest and determination by appointing authority for Beverly Rasmussen. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the disclosure by a non-elected municipal employee of financial interest and determination by appointing authority for Gail Isaksen. Mr. Silvia seconded. Vote was unanimous. (3-0)

Request to join Commission on Disability

Mr. Freitas said that it was determined by Town Counsel that Mr. Ferro could be appointed to the Commission on Disability even though he is a member of the Board of Public Works because the Commission on Disability is a State committee.

Mr. Espindola made a motion to appoint Marcus Ferro to the Commission on Disability in the appointed official position. Mr. Silvia seconded. Vote was unanimous. (3-0)

Yoga at Grimshaw Park

Mr. Freitas said this is a yearly request. Mr. Espindola made a motion to grant permission for Pam Teves to use Grimshaw Park to hold yoga in the park. Mr. Silvia seconded. Vote was unanimous. (3-0)

Pyramid Productions

Ms. Graves said Pyramid Productions is requesting to film a documentary in the town. Mr. Espindola made a motion to allow Payramid Productions to film in Fairhaven subject to Police and Fire approval and not to use any town building. Mr. Silvia seconded. Vote was unanimous. (3-0)

Fairhaven Improvement Summer Concert Series

Mr. Espindola made a motion to approve the Fairhaven Improvement Summer Concert Series for 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Sale of Oxford School

Mr. Crotty told the Board that the documents are for closing the sale of Oxford School, but there may be more as the date gets closer. (Attachment B)

Mr. Espindola made a motion to sign and approve the closing documents for Oxford School. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to authorize Chairman Daniel Freitas to sign on behalf of the Board, any additional documents for the closing of Oxford School. Mr. Silvia seconded. Vote was unanimous. (3-0)

20 Yankee Lane- Chapter 61A

Ms. Graves told the Board this is an updated version of a letter that they have previously signed. There was an issue at the Bristol County Registry of Deeds and a new letter needs to be signed by the Board. (Attachment C)

Mr. Espindola made a motion to sign the 20 Yankee Lane 61A updated letter. Mr. Silvia seconded. Vote was unanimous. (3-0)

Appointment of Poll workers for Annual town election, April 5, 2021

Mr. Freitas read the list of poll workers as supplied by the Town Clerk.

Mr. Espindola made a motion to approve the list of poll workers for the 2021 annual election except for Cathleen Cabral. Mr. Silvia seconded. Vote was unanimous. (3-0)

At 7:00 pm Mr. Espindola recused himself because Ms. Cabral is his tenant.

Mr. Silvia made a motion to approve Cathleen Cabral as a poll worker for the annual election. Mr. Freitas seconded. Vote passed. (2-0-1)

JCR Bar & Grill, d/b/a Off the Hook

Attorney Sean Hurley met with the Board via Zoom and told the Board this is a routine transaction for the sale of Off the Hook.

Mr. Espindola made a motion to approve the transfer of Restaurant/ All Alcohol license and Pledge of said license for JCR Bar & Grill, d/b/a Off the Hook. Mr. Silvia seconded. Vote was unanimous. (3-0)

Sale of Rogers School

The Board discussed the issues with Rogers School and the process of the mothballing of the building. Mr. Espindola said he would like to hear what the Capital Improvement Committee (CIP) discusses the school before he makes a final decision. Mr. Freitas would like to hear from the CIP and put an 8 Million dollar renovation into the Tripp School but rather spend the funds to rehab Rogers. School Committee Chairman Brian Monroe told the Board via Zoom, that the school department has no plans to move the Administration offices to the Tripp School and spend that money on renovations. Mr. Monroe said that was a suggestion made by HKT Architects. A discussion ensued regarding the Capital Improvement projects and the monies that are allotted for each. Mr. Silvia feels the Board needs to let the developer know where they stand on this and not keep them waiting and take a look at the Rogers Study Committee and revise as necessary. Planning Director Paul Foley told the Board he has spoken to the developers and they have expressed that they may be willing to scale back the project. The Board asked Ms. Graves to send a letter to the developer stating that the Board is not in favor of the current proposed project.

The Board took a 2-minute recess at 7:23 pm

Consider changing the date of the Annual Town Meeting

Ms. Graves told the Board that other towns in the commonwealth have been considering changing the date of their annual town meeting to allow for more time for the figures to come back from the state. Town Moderator Mark Sylvia told the Board he is still in favor of holding a remote Town Meeting due to the state of the pandemic. Mr. Espindola feels that if there is no guarantee that residents won't all be vaccinated, then the Board should consider a remote meeting if it is postponed to a later date.

Mr. Espindola made a motion to keep the annual town meeting for May 1, 2021 and be held by remote participation. There was no second.

Mr. Freitas made a motion to move the annual town meeting to June 12, 2021 and to be held remotely. Mr. Silvia seconded. Vote passed (2-1)

Disposition of Union Wharf

Mr. Freitas read an email from Town Counsel explaining the process for the town's disposition of a portion of the town's Union Wharf parcel (Attachment D). Mr. Espindola made a motion to declare the 2565 square foot portion at the eastern part of Map 7, Lot 9, available for disposition. Mr. Freitas seconded. Vote passed. (2-1)

Elevation Retail—Community Host Agreement

Ms. Graves told the Board that Elevation Retail has reached out to the Town to apply for a Host Community Agreement. They would like to open a retail shop on the corner of Bridge Street and Alden Road. Andre Arzumanyan, President of Elevation Retail showed a brief presentation to the Board. (Attachment E)

Residents Leon Correy had questions regarding the projected revenue for Elevation Retail and Diane Hahn said she feels this is a good idea and this will bring in shoppers from other communities.

Mr. Espindola told the Board he is willing to be the Board liaison for the Host Community Agreement negotiation with Elevation Retail.

Mr. Silvia made a motion to appoint Mr. Espindola to be the Board of Selectmen representative to negotiate the Host Community Agreement with Elevation Retail. Mr. Espindola seconded. Vote was unanimous. (3-0)

Discuss Town Administrator Interview

Mr. Freitas said that he received an email from Mr. Lynch from Paradigm Associates regarding the interview for Ms. Graves for Town Administrator.

Ms. Graves left the room at 8:17 pm

Mr. Espindola, in the interest of fairness, would like to have Ms. Graves asked the same questions as the previous candidates and be interviewed via Zoom, as they were.

Mr. Espindola made a motion to hold a special meeting on Thursday, March 12, 2021 at 4:30 pm for the purpose of Ms. Graves' interview. Mr. Silvia seconded. Vote was unanimous. (3-0)

Review Budgets

Ms. Graves told the Board she will review the FY22 Capital Budget at a later meeting.

The Board tabled the FY22 Cable Enterprise Budget.

Notes and Announcements

Mr. Espindola said that residents would like to know when the meetings will be open to the public in person again? Mr. Freitas said the State will be changing the regulations on March 22, 2021 and would like to see the in-person meetings begin again.

Mr. Freitas thanked interim Health Agent Sarah Dupont for her service to the town and welcomed new Health Agent David Flarhety.

Mr. Espindola and Mr. Silvia both thanked Ms. Dupont for all her hard work in the Health Office.

At 8:29 pm Mr. Espindola made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

Attachments:

- A. Disclosures by non-elected municipal employee
- B. Oxford School closing documents
- C. 20 Yankee Lane- letter/documents
- D. Email regarding disposition of Union Wharf
- E. Presentation from Elevation Retail



Fairhaven Board of Selectmen Meeting Minutes March 11, 2021

Present: Chairman Daniel Freitas Vice-Chairman Robert Espindola, Selectman Keith Silvia, Planning Director Paul Foley, and Planning Board Chair John Farrell, Interim Town Administrator Wendy Graves, and Cable Access Director Derek Frates

Present via Zoom: Planning Board member Cathy Melanson, and Production Coordinator Erick Sa.

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

Chairman Freitas opened the meeting at 4:30 pm in the Town Hall Banquet Room and read the following statement:

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Planning Board and Board of Selectmen Joint Meeting

Mr. Freitas explained that the Planning Board and the Board of selectmen are meeting jointly to appoint to fill the vacant position on the planning board until the next election. Mr. Farrell said there was a vacancy due to Wayne Hayward resigning but he has since reconsidered and would like to be on the Planning Board. There were no other applicants except for Mr. Hayward that were interested in filling this role.

Mr. Silvia said the he feels Mr. Hayward brings a lot of wisdom and experience to the Planning Board due to serving on the board for more than 20 years. Mr. Espindola described Mr. Hayward as a “walking encyclopedia” in regards to the Planning Board.

Ms. Melanson made a motion to nominate Mr. Hayward for the vacant seat on the Planning Board. Mr. Silvia seconded. Vote passed.

Roll call vote: Mr. Silvia in favor, Mr. Espindola in favor, Mr. Freitas in favor, Ms. Melanson in favor, Mr. Farrell in favor.

Discuss the Town Administrator Screening Process

Mr. Espindola feels that Ms. Graves should be interviewed via Zoom as the other candidates had been interviewed and should be asked the same series of questions. Mr. Silvia said that he has to recuse himself because it was brought to his attention that there is a conflict of interest because his wife works for the town. Mr. Silvia feels the process was not even due to some information being presented about the candidates via the internet and would like to see Ms. Graves receive an interview.

Mr. Freitas said he received an email from the news regarding Mr. Silvia having to recuse himself. Mr. Silvia read a statement to the Board regarding the process for the Town Administrator’s search and his reasons for his actions thus far. (Attachment A)

Mr. Freitas handed a copy of a concerning email¹ that was sent out from one resident to other residents. Mr. Espindola and Mr. Freitas discussed their concerns over the search committee process.

At 4:58 Mr. Silvia left the room.

Interview of Town Administrator Finalist

Consultant Bernard Lynch joined the Board via Zoom. Mr. Espindola asked Mr. Lynch what the next step in the process should be and if the Board should start all over again to find new candidates in the search for Town Administrator. The Board also discussed the other interviews and now that Mr. Silvia should have recused himself if that voids out the other votes that were already taken. Mr. Lynch suggested that the Board seek legal counsel or state ethics for advice.

The Board took a t 2-minute recess at 5:34 pm

Mr. Lynch and the Board of Selectmen asked a series of questions of Ms. Graves regarding her job experiences.

Ms. Graves told the Board and Mr. Lynch that she is the current Finance Director/ Treasurer/Collector for the Town of Fairhaven and this is the natural progression for her to move forward in her career. Ms. Graves holds a Bachelor’s degree in Business Administration with a concentration in Accounting, Finance and Information Technology from Nichols College, as well as certifications for both Massachusetts Municipal Collector and Massachusetts Municipal Treasurer. Ms. Graves also has a corticate from Suffolk University in Local Government Leadership and Management.

¹ Not for Public Disclosure, GL Ch. 30A sec. 22(e)

At 6:05 pm the Board took a 2-minute recess.

The Board thanked Ms. Graves for her interview and thanked Mr. Lynch for his assistance.

Vote to Select and Appoint Town Administrator

Mr. Espindola said that he would like to move forward in selecting a candidate for Town Administrator.

Mr. Espindola made a motion to appoint Ms. Callahan as the next Town Administrator. There was no second.

Mr. Freitas made a motion to appoint Ms. Graves as the next Town Administrator. There was no second.

Discussion ensued regarding the appointment of the next Town Administrator. There was no resolution made at this time.

The Board tabled the next items on the agenda:

1. Vote to Authorize the Chairman and Legal Counsel to Enter into Contract Negotiations with the Selected Town Administrator
2. Executive Session: To conduct negotiations with non-union personnel pursuant to MGL, Ch. 30A, Sec. 21(a) (2) Town Administrator

Mr. Espindola requested that the item of the hiring of a Town Administrator be placed on the next meeting. Mr. Freitas agreed.

At 6:29 pm Mr. Espindola made a motion to adjourn. Mr. Freitas seconded. Vote was unanimous. (2-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

Attachments:

A. Message read by Selectman Freitas



Fairhaven Board of Selectmen Meeting Minutes March 22, 2021

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

Present via Zoom: Administrative Assistant Vicki Oliveira and Production Coordinator Erick Sa.

Absent: Chairman Daniel Freitas

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

Vice Chairman Espindola opened the meeting at 6:40 pm in the Town Hall Banquet Room and read the following statement:

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Town Administrator’s Report

Ms. Graves told the Board that she attended a Zoom meeting with the State regarding the Site Rediness Program.

Ms. Graves gave congratulations to Planning Director Paul Foley for receiving a grant for \$75,000 for a consultant to look at sites that may have environmental barriers for development in commercial and industrial areas.

Ms. Graves said that Planning Director Paul Foley has been approved for a mass historical commission grant in the amount of \$15,000. This grant requires a 50% match and will be on the Town Meeting warrant in June.

Ms. Graves told the Board the Rogers reuse committee will be holding a spruce up day at the Rogers School playground.

Committee Liaison Reports

Mr. Silvia said he recently had a meeting with the Library trustees and they are working on a re-opening plan.

Mr. Espindola said he met with Andre Arzumanyan of Elevation Retail and Town Counsel has created a draft Host Community Agreement.

Mr. Espindola said the Broadband Study Committee held a webinar hosted by Entry Point last week.

Mr. Espindola said the Marine Resources Committee held a public hearing on the proposed waterway rules and regulations last week.

Mr. Espindola said the consultant working with the Bikeway Committee reviewed over 60 projects and will help Planning Director Paul Foley prioritize them. The hope is to start a project in the spring.

Mr. Espindola had a meeting with the Economic Development Committee to review grants for the town.

Approve the Election Warrant for Annual Town Election- April 5, 2021

Ms. Graves told the Board that the election warrant needs to be approved by the Board and the Town Clerk will need to post the document. (Attachment A)

Mr. Silvia made a motion to approve the warrant for the annual town election scheduled for April 5, 2021 and to act on the warrant articles for the annual town meeting scheduled for June 12, 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

Warrant for The Annual Town Meeting- June 12, 2021

Ms. Graves explained to the Board that upon the advice of Town Counsel, it was advised not close the warrant at this time because the deadlines have been extended due to the annual town meeting being moved to June 12, 2021 and more articles can be added.

Mr. Silvia made a motion to table the closing and signing of the warrant for the June 12, 2021 annual town meeting. Mr. Espindola seconded. Vote was unanimous. (2-0)

Apparatus Study Committee

Ms. Graves said this is a request for the Deputy Chief to join the Fire Apparatus Study Committee. Mr. Silvia made a motion to appoint Joy Nichols to the Fire Apparatus Study Committee. Mr. Espindola seconded. Vote was unanimous. (2-0)

Subordination of Mortgage:

Mr. Espindola read the subordination of mortgage. Ms. Graves said that this has already been reviewed at by an attorney.

Mr. Silvia made a motion to authorize the Vice Chairman to sign the subordination of mortgage on behalf of the board. Mr. Espindola seconded. Vote was unanimous. (2-0)

The Michael A. Sullivan Emergency 911 Communication Center

Police Chief Michael Myers and Officer Frank Sniezek met with the Board to ask the Board to take an official vote to name the dispatch center after Michael “Sully” Sullivan who worked as a dispatcher for 18 years. Chief Myers told the Board that Sully was the heart and soul of the department and was the type of guy who never wanted to leave and refused to take days off even when he became sick. Sully considered the Police Department his second family. Officer Sniezek along with Jaunna Adesso and Dispatcher Marie Spooner have spearheaded the efforts to have a plaque and dedication to honor Sully. Chief Myers read a dedication letter in honor of Michael “Sully” Sullivan to the Board. (Attachment B). A plaque and official dedication ceremony will be done at a later time.

Mr. Silvia made a motion to officially honor the dedication for Michael “Sully” Sullivan. Mr. Espindola seconded. Vote was unanimous. (2-0)

Solar and Storage- Letter of Intent

Ms. Graves told the Board that Solect Energy, School Superintendent Dr. Baldwin and Sustainability Coordinator Whitney McClees have been working together to put solar on the Hastings Middle School and at the Council on Aging. Matt Shortsleeve, Vice President of Development at Solect Energy presented a slide show to explain the Town of Fairhaven solar and storage projects. (Attachment C&D)

Mr. Shortsleeve said Solect would like to begin the solar projects by the summer of 2021 and the letter of intent is intended to formalize both parties willingness and intent to enter into food faith negotiations. The Board had some questions regarding the condition of the roof at the middle school and will have Ms. McClees check into this.

Mr. Silvia made a motion to authorize the interim Town Administrator Wendy Graves to sign the letter of intent with Solect Energy on behalf of the Board of Selectmen. Mr. Espindola seconded. Vote was unanimous. (2-0)

Memorial Day and Fourth of July Parade

Veteran’s Agent Brad Fish joined the meeting via Zoom and said he has spoken with the Veterans Services in Boston, other area Veteran’s Agents along with the Town’s parade committees, and most are suggesting virtual parades for Memorial Day and Fourth of July for the safety of the community. Mr. Silvia made a motion to cancel the Memorial Day and the Fourth of July parades for 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

Rogers School – Capital Planning

Ms. Graves told the Board the Capital Improvement Planning Committee (CIP) met recently and the Rogers School was never been part of the Facilities Improvement Plan. Because there was no review of Rogers School in the Facilities Study Plan done by HKT Architects, the committee was not able to make an advisement or any decision at this time. Ms. Graves spoke to HKT Architects and Planning Director Paul Foley about possible grants for Rogers School. Mr. Silvia said the Rogers Reuse committee is working on possible uses for the building. Mr. Espindola feels the Board of Selectmen needs to come up with some suggestions and identify a need for the School because when the study by HKT was done the need for Rogers School was not there at that time and perhaps the study needs to be revisited and revised. The Board discussed possible ideas and uses for the space at the school.

Rogers Reuse Committee (RRC) member Doug Brady said the RRC sent an email to the Board and to Ms. Graves with their goals and current projects to work with the CIP. Mr. Brady asked if the proposal for Arch Communities is closed out. The Board explained that the current proposal by Arch has been rejected by the Board but they can present another proposal in the future if they chose to do so. School Committee Chairman Brian Monroe spoke to the Board to reiterate that the School Committee has no plans to move the Administrative building to the Tripp School and there is a current contract with SMEC for the use of Tripp School. Resident Leon Correy said that he has concerns that the terms of the Request for Proposal for Rogers School may have been violated. Mr. Espindola said he was not aware that there have been any other discussions with other companies regarding the Rogers School but at any point in time a company can come forward with their interest in the school, the RFP was handled properly. The Board would like this to be discussed at a later meeting when the full board is available.

Use of Town Attorney

Ms. Graves said she was reminding Boards and Committees that they need to be requesting the use of the Town Attorney due to the rising costs in attorney fees. Mr. Espindola would like some clarity on when to use the Town Attorney and when it is appropriate to ask a question of him. Mr. Espindola would like for the next Board of Selectmen's meeting to have a list of what is driving up the costs and also the claims for the town's insurance carrier. Ms. Graves will draft a memo about the use of the Town Attorney.

Town Administrator Search Process

This item has been tabled for another meeting. Mr. Espindola made a motion to have a Board of Selectmen meeting on Thursday, March 25, 2021 at 6:30 pm, as long as Mr. Freitas is available to discuss this agenda item. Mr. Silvia seconded. (2-0)

Revised FY22 Budget/Town Meeting Calendar

Ms. Graves told the Board that because the annual town meeting has been moved from May 1, 2021 to June 12, 2021, the budget/town meeting calendar needed to be updated to reflect the correct dates and deadlines. The Board discussed the budget process and the changes that have happened this year.

FY22 Cable Enterprise Budget

Ms. Graves handed out the Cable Enterprise Budget and explained the projections for the upcoming fiscal year. (Attachment E)

Social Media Policy

Ms. Graves reminded everyone there is a Social Media policy (Attachment F) and municipal employees should be mindful when using social media. Ms. Graves said the Boards and Committees handbook also contains a copy of the social media policy. Mr. Espindola said the Boards and Committees handbook should be given out by the Town Clerk and there is also a State Ethics training course that needs to be completed as well.

Notes and Announcements

Mr. Espindola said the Board received a letter from Greater New Bedford Voke Tech's newly appointed Superintendent Mike Watson requesting to meet with the Board of Selectmen to discuss his new role that he will begin on July 1, 2021.

At 8:21pm Mr. Silvia made a motion to adjourn. Mr. Espindola seconded. Vote was unanimous. (2-0)

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

- A. Election Warrant
- B. Dedication for Michael "Sully" Sullivan
- C. Select presentation
- D. Solar letter of intent
- E. Cable Enterprise Budget
- F. Social Media policy

Reorganization
of the
Board of Selectmen



Board	Name	Title	Voting Member
Affirmative Action Officer	Wendy Graves	Ex-Officio	N/A
Bristol County Advisory Board	Dan Freitas	Ex-Officio	YES
Broadband Study Committee	Bob Espindola	Ex-Officio	YES
Cable Advisory Committee	Keith Silvia	Ex-Officio	YES
Contract Compliance Officer	Dan Freitas	Ex-Officio	N/A
Dog Park Study Committee	Keith Silvia	Ex-Officio	YES
Economic Development Committee	Bob Espindola	Ex-Officio	YES
Fair Housing Coordinator	Keith Silvia	Ex-Officio	N/A
Fire Aparatus Study Committee	Dan Freitas	Ex-Officio	YES
Historical Commission	Keith Silvia	Ex-Officio	YES
Lagoa Friendship Pact Committee	Dan Freitas	Ex-Officio	YES
Local Emergency Planning Committee	Dan Freitas	Ex-Officio	YES
Marine Resources Committee	Bob Espindola	Ex-Officio	YES
Millicent Library Board of Trustees	Keith Silvia	Ex-Officio	YES
Rogers Reuse Committee	Keith Silvia	Ex-Officio	YES
Sister City Committee	Dan Freitas	Ex-Officio	YES
Southeastern Regional Planning and Economic Development I	Bob Espindola	Ex-Officio	YES
Southeastern Regional Transit Authority Board	Paul Foley	Ex-Officio	YES



D3

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fwd: Revere bell enclosure

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

Tue, Apr 6, 2021 at 3:25 PM

please add this to the agenda

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

From: **Daniel Freitas** <dfreitas@fairhaven-ma.gov>

Date: Tue, Apr 6, 2021 at 3:14 PM

Subject: Re: Revere bell enclosure

To: Bradydoug <[REDACTED].com>

Cc: Wendy Graves <wgraves@fairhaven-ma.gov>, [REDACTED] >

No problem we will add you to the agenda.

Dan

Sent from my iPhone

On Apr 6, 2021, at 2:54 PM, Bradydoug [REDACTED] > wrote:

Hi Dan / Wendy:

Any chance of getting on the agenda Monday for the selectmen to pick a choice for the revere bell housing? It will not be long decision and will move fast.

The selectmen already approved the location previously, and now I have two models of what the enclosure will look like. They have just to pick which one they like... 5 minutes...and I'll be in and out...reason being voch tech is anxious to get Moving on the project, sorry for the short notice, but I just recieved the final model from voch...

Thank you
Doug

The information contained in this electronic message may be legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy, publication or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify sender (508)991-8673 and purge the communication immediately without making any print, copy or distribution.

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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



*Town of Fairhaven
Massachusetts
Office of the Town Administrator
40 Center Street
Fairhaven, MA 02719*

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

D4

Date: April 9, 2021

To: Fairhaven Selectmen

From: Wendy Graves – Interim Town Administrator

Subject: Meeting Schedule for the 2nd half of calendar year 2021

Selectmen's meetings for the second half of calendar year 2021

- Monday, July 12, 2021
- Monday, July 26, 2021
- Monday, August 9, 2021
- Monday, August 23, 2021
- Monday, September 13, 2021
- Monday, September 27, 2021
- Tuesday, October 12, 2021
- Monday, October 25, 2021
- Monday, November 8, 2021
- Monday, November 22, 2021
- Monday, December 6, 2021
- Monday, December 20, 2021

All meetings start at 6:30 p.m.

- ☒ TOWN ELECTION / TOWN MEETING
- ☒ HOLIDAYS
- ☒ SCHOOL VACATIONS
- ☐ SEASIDE'S MEETING DATES

2021

JANUARY							JULY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	1	2	3	4	5	6	7
10	11	12	13	14	15	16	11	12	13	14	15	16	17
17	18	19	20	21	22	23	18	19	20	21	22	23	24
24	25	26	27	28	29	30	25	26	27	28	29	30	31
31													

FEBRUARY							AUGUST						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
							1	2	3	4	5	6	7
7	8	9	10	11	12	13	8	9	10	11	12	13	14
14	15	16	17	18	19	20	15	16	17	18	19	20	21
21	22	23	24	25	26	27	22	23	24	25	26	27	28
28							29	30	31				

MARCH							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30	31				26	27	28	29	30		

APRIL							OCTOBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	3	4	5	6	7	8	9
11	12	13	14	15	16	17	10	11	12	13	14	15	16
18	19	20	21	22	23	24	17	18	19	20	21	22	23
25	26	27	28	29	30		24	25	26	27	28	29	30

MAY							NOVEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30				

JUNE							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	5	6	7	8	9	10	11
13	14	15	16	17	18	19	12	13	14	15	16	17	18
20	21	22	23	24	25	26	19	20	21	22	23	24	25
27	28	29	30				26	27	28	29	30	31	

IMPORTANT DATES

JANUARY
 1 New Year's Day
 18 Martin Luther King Jr. Day

FEBRUARY
 1 Constitution Day (Mexico)
 12 Chinese New Year
 14 Valentine's Day
 15 Presidents' Day
 17 Ash Wednesday
 24 Flag Day (Mexico)
 25 Purim begins at sundown

MARCH
 14 Daylight Saving Time begins
 15 Eastern Orthodox Lent begins
 15 Benito Juarez's Birthday observed (Mexico)
 17 St. Patrick's Day
 27 Passover begins at sundown
 28 Palm Sunday

APRIL
 2 Good Friday
 4 Easter
 5 Easter Monday (Canada)
 8 Holocaust Remembrance Day
 12 First of Ramadan begins at sundown
 21 Administrative Professionals Day
 22 Earth Day

MAY
 1 May Day
 1 Labor Day (Mexico)
 2 Eastern Orthodox Easter
 5 Battle of Puebla Day (Mexico)
 6 National Day of Prayer
 9 Mother's Day
 10 Mother's Day (Mexico)
 12 (Eid al Fitr begins at sundown
 15 Armed Forces Day
 24 Victoria Day (Canada)
 31 Memorial Day

JUNE
 6 D-Day
 14 Flag Day
 20 Father's Day
 24 St. Jean Baptiste Day (Quebec)

JULY
 1 Canada Day (Canada)
 4 Independence Day
 19 (Eid al Adha begins at sundown

AUGUST
 2 Civic Holiday (Canada)
 9 First of Muharram begins at sundown
 19 Ashura begins at sundown

SEPTEMBER
 6 Labor Day
 6 Rosh Hashanah begins at sundown
 11 Patriot Day
 12 Grandparents Day
 15 Yom Kippur begins at sundown
 16 Independence Day (Mexico)

OCTOBER
 11 Columbus Day
 11 Thanksgiving (Canada)
 12 Day of the Race (Mexico)
 16 National Bosses Day
 24 United Nations Day
 31 Halloween

NOVEMBER
 1 All Saints Day
 2 All Souls Day
 2 Election Day
 7 Daylight Saving Time ends
 11 Veterans Day
 11 Remembrance Day (Canada)
 15 Revolution Day (Mexico)
 25 Thanksgiving
 28 Hanukkah begins at sundown

DECEMBER
 7 Pearl Harbor Remembrance Day
 12 Virgin of Guadalupe (Mexico)
 25 Christmas
 26 Kwanzaa begins
 26 Boxing Day (Canada)
 31 New Year's Eve



D5

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Request for Millicent Library Trustee Appointment

1 message

Kyle DeCicco-Carey <kdecicco-carey@sailsinc.org>
To: Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fri, Mar 19, 2021 at 11:01 AM

I'm writing to inform you of the resignation of Lisa Wright from the Millicent Board of Trustees. Lisa was one of the public trustees appointed by the Selectman.

For your consideration, I have attached the application for a seat on the board from Kathryn Powers that we received last year. She is a life-long Fairhaven resident, professional librarian, and a passionate advocate of the library.

Sincerely,

Kyle

Kyle DeCicco-Carey [he/him/his]

Library Director

MS LIS, CA, DAS

*Millicent Library
45 Center Street
PO Box 30
Fairhaven, MA 02719*

508-992-5342, ext. 110

millicentlibrary.org



Powers_Kathryn_Application.pdf
644K

(Use the other side of the page or an extra page if necessary)

I hereby apply for a vacated seat on the Millicent Library Board of Trustees:

Email:

Business Address if applicable

Nature of Business/Experience
I'm a lifelong Millicent Library cardholder, and a certified librarian with nearly a decade of experience in the field.

I am a 10⁺ year member of the American Library Association, the American Association of School Librarians, and the Young Adult Library Services Association, and I have served on the Massachusetts Library System's Youth Advisory Committee for two terms. I am also a regular presenter at library/education conferences.

I was born in Fairhaven and have lived here most of my life. I graduated from FHS in 2001 and from Bridgewater State in 2005 with a degree in English. After working as an editor/copywriter for a few years, I went to the University of Rhode Island for graduate school, leaving with a MS in Library Science and my teaching certification. I've been the Library Media Specialist at Quinn Elementary since 2014.

The Millicent Library has been a major part of my life since I was very young. (I still have my old paper card!) It fostered my love of reading and no doubt influenced my choice of career. It has played a part in my family's life, including my mother, and my late aunt Nancy and Uncle Chris, and I would love the

Signature:

Date:

7-27-20

opportunity to give back to an institution that has given me (and the community) so much. As a librarian (albeit in a different sphere of the field), I believe there is much I can offer in the role of Trustee, and would be honored to serve on the same board as my Uncle did.

Plus, I'd always welcome the chance to be at the library more than I already am!

**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:	Susan Loo
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 <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	Please explain the financial interest and include a dollar amount if you know it. I once worked for S.M.E.C and had left their employment over 25 years ago. I have not received or been paid by the company since I left my position with them.
Employee signature:	X <i>Susan L. Poo</i>
Date:	X <i>April 2, 2021</i>

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@Fairhaven-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.

ROGERS SCHOOL RE USE COMMITTEE MISSION STATEMENT

The Rogers Study / Re Use Committee is an appointed five-member advisory board. The Committee is appointed by the Board of Selectmen and reports to the Board of Selectmen involving matters relating to the former Rogers School property.

In that capacity the Committees work will include, but not limited to reviewing and proposals received for the re use of the former school property and providing advice to the Board of Selectmen on the proposals received. The committee will provide advice to the board of selectmen on all possibilities for reuse of the former school property. The committee at the request of the Board of Selectmen will assist the town staff in all processes or help in needed matters regarding the former school. The Rogers Study / Re Use Committee is an Ad hoc committee and will serve until the work of the committee is completed as determined by the Board of Selectmen after which time the committee will be disbanded.



D6c

Wendy Graves <wgraves@fairhaven-ma.gov>

Fw: Rogers

1 message

Sue Loo <[REDACTED]>

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

Wed, Mar 31, 2021 at 5:20 PM

----- Forwarded Message -----

From: Catherine Cooper <ccoop@smecollaborative.org>**To:** Sue Loo <[REDACTED]>**Sent:** Wednesday, March 31, 2021, 10:18:07 AM EDT**Subject:** Re: Rogers

Hi Sue:

You are on my list this morning! It went very well, the Board members were very interested in the possibility of us moving into the space. Obviously they had questions about the cost to SMEC for any needed renovations. Chris and I told them that the town is already planning to fix the roof, windows and replace the asbestos tiles. I did mention that we would likely have to redo the bathrooms to ensure that we have enough stalls as well as to add ADA compliant stalls, we'd need to add AC, clean up and refinish the gym floors, pave the parking lot and otherwise clean it up but that I was confident that we could come to an agreement with the town for a reasonable rent similar to the rent we initially paid for the Tripp school and perhaps discuss an abatement or reduction for the first year or two to help us cover those costs. I said that nothing was carved in stone and that we really hadn't discussed a lease rate we just wanted to make sure that Board members approved of us moving forward with discussions and that if all goes well we would hope to have a lease to present to them at our next meeting in May or the last meeting of the year in June. They unanimously approved and granted Chris and I the authority to negotiate an agreement for their future approval.

So, I can tell you that we moved into the Tripp School, which was already ADA compliant, in 2016 for \$36,000 a year. It has just under 11,000 sq. feet. Our lease goes up 3% per year and we cover all maintenance and repairs except for the boiler, the school department is responsible for that. I've attached a copy of the lease as well as the notice to the town and central register posting that Bob Baldwin and I did together when we were getting ready to do the lease. Our intergovernmental relationship allowed us to proceed without doing an RFP but this publication and notice is necessary under 30B for transparency and to explain why we are paying less than market rate. I've confirmed w/ the IG's office that the same process and RFP exemption exists between SMEC and the town. We are in the process of renewing the Tripp lease for an additional 5 years and going through these steps once again.

So let me know if you think we are in the ballpark and we will look forward to ongoing discussion! I'm excited about this prospect, we've been waiting for a long time to find the right space to move our TLC program and it looks like it was worth the wait.

The notation on the town notice was for the renewal paperwork, we had 8 member districts in 2016 but we now have 10.

Catherine

On Wed, Mar 31, 2021 at 9:45 AM Sue Loo <[REDACTED]> wrote:

Morning Catherine

How did the meeting go last night??

Cant wait to hear.

Sue

Sent from Yahoo Mail on Android

Catherine S. Cooper, M.Ed., JD
Executive Director



D7

TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 40 Center Street • Fairhaven, MA 02719

Memorandum

Date: March 19, 2021

To: Board of Selectmen
Wendy Graves, Acting Town Administrator

From: Whitney McClees, Conservation Agent

RE: Offer of Land Donation

At their March 8, 2021 meeting, the Conservation Commission voted to accept the donation of two parcels of land for conservation purposes. The two parcels are Nonquitt Avenue, Assessors Map 32A, Lots 210 & 211 and Tanner Lane, Assessors Map 30, Lot 48C. The Commission voted to accept the Tanner Lane parcel conditional upon the taxes being brought up to date.

If the Board of Selectmen are in agreement with the Conservation Commission accepting these parcels for conservation purposes and vote to approve the Commission's decision, the Conservation Office can begin the process of transferring the deeds from the current property owners to the Conservation Commission. No Town Meeting vote is required for conveying land to the Conservation Commission under the Conservation Commission Act (MGL Ch. 40 §8C).

APPROVAL

Approval of the Conservation Commission's acceptance of the forgoing deed is acknowledged by the Board of Selectmen for the Town of Fairhaven as of this _____ day of _____, 20__, pursuant to G. L. c. 40, §8C.

Board of Selectmen
for the Town of Fairhaven,

By: _____

Its: Chairman, duly authorized.

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this __ day of _____, 20__, before me, the undersigned notary public, personally appeared the above-named Daniel Freitas proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding page, and acknowledged the forgoing as the free act and deed of the Board of Selectmen for the Town of Fairhaven.

Notary Public:
My Commission Expires:



APPROVAL

Approval of the Conservation Commission's acceptance of the forgoing deed is acknowledged by the Board of Selectmen for the Town of Fairhaven as of this _____ day of _____, 20__, pursuant to G. L. c. 40, §8C.

Board of Selectmen
for the Town of Fairhaven,

By: _____

Its: Chairman, duly authorized.

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this __ day of _____, 20__, before me, the undersigned notary public, personally appeared the above-named Daniel Freitas proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding page, and acknowledged the forgoing as the free act and deed of the Board of Selectmen for the Town of Fairhaven.

Notary Public:
My Commission Expires:

TANNER LN.
MAP 30, LOT 48C



The Zekos Group

MUNICIPAL AUCTION STRATEGIES



March 24, 2021

Town of Fairhaven
Treasurer/Collector Wendy Graves
40 Center Street
Fairhaven, MA 02719

Dear Ms. Graves,

The Zekos Group is excited about the prospect of working with the Town of Fairhaven and enthusiastically embraces this opportunity. Enclosed, kindly find our response to your Quote Solicitation for Auctioneer Services.

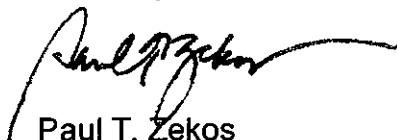
Our team will ensure that you fulfill your fiduciary responsibility to the taxpayers and conduct a transparent and professional auction that generates spirited competition and returns properties to the tax rolls.

As you know, these auctions can present a host of complexities. We will to be a responsive team player and protect the best interests of your community.

We are prepared to expeditiously begin an analysis of your properties and plan a successful auction. Our services are provided at no cost to the Town and our firm incurs all marketing and promotional costs.

Please contact us with any questions. Thank you very much.

Sincerely,



Paul T. Zekos
President

The Zekos Group

MUNICIPAL AUCTION STRATEGIES



WHY WE ARE THE BEST CHOICE FOR FAIRHAVEN



MUNICIPAL AUCTION EXPERTS WITH SUPERIOR STAFF

The Zekos Group has worked with more municipalities, sold more properties and generated more revenue for Massachusetts cities and towns than all other auction firms combined. Our team is professionally and personally committed to providing exemplary service, rapid response, innovative concepts and impressive outcomes.



PROVEN RESULTS FOR COASTLINE COMMUNITIES LIKE YOURS

Our firm has conducted auctions for 15 waterfront cities and towns on Massachusetts' coast. They have produced millions of dollars and exceeded expectations. We understand the uniqueness, challenges and goals of our coastline communities.



RELATIONSHIP WITH MUNICIPAL OFFICIALS

We work collaboratively with Town Officials to ensure a successful outcome. We often meet with board of selectmen in executive session, communicate regularly with town counsel and interact with town managers, treasurers and other officials. Our clients are appreciative of our advice, counsel and expertise.



LEGAL COUNSEL INTERACTION

We have always responded rapidly and communicated effectively with the law firm of Coppola and Coppola. The Zekos Group and Coppola and Coppola have worked jointly on many complex issues impacting our mutual clients. We work proactively to address complicated matters and make sound, strategic decisions.



FACULTY MEMBER OF MCTA The Massachusetts Collectors and Treasurers Association has entrusted our President with educating its members about tax possession auctions.



COMMONWEALTH OF MASSACHUSETTS CONTRACT

We are the only auction company over the last six years that has been retained by the Commonwealth to auction surplus real estate.



AWARD WINNING AUCTIONEERS

Paul Zekos has been credited with being one of the most effective auctioneers in the country and was previously the Massachusetts Auction Champion. You can count on us to make sound, strategic decisions and maximize revenue. Paul has also been inducted into the Massachusetts Auctioneers Hall of Fame.

TOWN OF FAIRHAVEN-list for auction			
PROPERTY ADDRESS	ID PARCEL	LOT SIZE	VALUE FY2021
9 LITTLE BAY ROAD	28-014A	0.551	\$133,900
REAR JAMES STREET	02-102D	0.158	\$13,900
WORTH STREET	02-072	0.239	\$19,500
SILVER SHELL BEACH	41-043	0.162	\$34,500
EBONY STREET	43A-261	0.138	\$12,200
CAMEL STREET	29-047	0.140	\$11,600
CAMEL STREET	29-049	0.140	\$11,600
CAMEL STREET	29-054 & 071	0.277	\$25,900
44 CAMEL STREET	29-059	0.139	\$125,400
46 CAMEL STREET	29-060	0.139	\$9,000
CAMEL STREET	29-061	0.138	\$25,100
CAMEL STREET	29-075 & 076	0.891	\$30,500
FORESTVIEW DRIVE	31A-600Y	0.538	\$37,700
SMITH STREET	29B-063 thru 065	0.310	\$89,500
RESERVATION ROAD	29B-066 thru 069	0.334	\$117,700
FRANKLIN STREET	29B-070 thru 072	0.310	\$89,500
BUIST AVENUE	29A-024	0.344	\$15,300
54 MAIN STREET	09-078	0.135	\$697,500
GULL ISLAND ROAD	43C-340	0.138	\$12,200
TRIPP STREET S7	27-057	0.092	\$24,800
PINE GROVE STREET	34A-277 & 278	0.096	\$8,000
AUSTRIA AVENUE	29A-037	0.413	\$15,500
26 MONONDACH AVENUE	42A-224	0.062	\$35,600
NEW BOSTON ROAD	31-003	1.410	\$172,200
WASHINGTON STREET	27-025	3.383	\$39,800
FIR STREET	43C-424	0.138	\$13,600
HAMMOND STREET	31A-695 - 710	1.172	\$108,200
BALSAM STREET	43C-123	0.138	\$22,400
HICKS STREET	24-090	0.368	\$66,100
RESERVATION ROAD	29B-011	0.353	\$47,300
RIVARD STREET	37-029	2.112	\$13,500
EBONY STREET	43C-324	0.413	\$31,000
OLD RD TO ACUSHNET	39-005	6.978	\$34,900
30 ASH STREET	24-214	0.092	\$223,400
CHAMBERS STREET	41-059	0.275	\$25,900
CHARLES STREET	37A-195	0.147	\$12,200
NEW BOSTON ROAD	40-020	4.454	\$44,500
FIR STREET	43B-357	0.213	\$37,200
BASS CREEK ROAD	43C-312	1.102	\$33,800
COVE RD/EBONY/FIR	43C-363	3.581	\$44,800
SCALLOP ROAD	43B-270	0.341	\$23,600
BASS CREEK ROAD	43C-043	0.551	\$24,700
GULL ISLAND	43C-337	0.413	\$36,700
COTTONWOOD STREET	43C-124	0.275	\$35,500
COTTONWOOD STREET	43C-139	0.275	\$35,500
COTTONWOOD STREET	43C-159	0.275	\$35,500
DOGWOOD & EBONY STREET	43C-327	0.275	\$30,000
COTTONWD/DOGWD/EBONY	43C-329	1.253	\$17,600
WASHBURN AVENUE	04-159A	0.027	\$8,700
NEW BOSTON ROAD	34-038B	1.530	\$41,400
MONONDACH AVENUE	42A-328	0.073	\$13,400
MONONDACH AVENUE	42A-327	0.073	\$13,400
AUSTRIA/MORAVIA AVEN	29A-057	0.216	\$29,600
BONNEY STREET	28B-488 & 489	0.141	\$9,000
			\$2,921,800



Wendy Graves <wgraves@fairhaven-ma.gov>

Vote to appoint Custodian

1 message

David Coppola <David@coppolalaw.us>

Mon, Oct 21, 2019 at 3:04 PM

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

Hi Wendy:

Per our conversation attached please find a sample vote to appoint a tax possession custodian.

Please let me know if you have any questions.

Dave

David J. Coppola, Esq.
Coppola & Coppola, P.C.
40 South Street, Suite 204
Marblehead, MA 01945
Tel: (781) 639-0140
Fax: (781) 639-4416
Email: david@coppolalaw.us

**VOTE to Appoint Custodian of Tax Possession Property.docx**

13K

Consider Vote by Board of Selectmen to Appoint Town Treasurer as Custodian of Tax Possession Property

As provided under MGL Chapter 60, Section 77B, I _____ hereby move to appoint [Insert Name], Town Treasurer, as Tax Possession Custodian who shall have the care, custody, management and control of all property acquired by foreclosure, deed in-lieu of foreclosure or by treasurer's deed for unpaid taxes.

THE ROSENBAACH

OF THE FREE LIBRARY OF PHILADELPHIA

INCOMING LOAN AGREEMENT

LENDER: Fairhaven Board of Selectmen **LOAN NUMBER:** IL2020.3

Contact: Mark Rees
40 Center Street
Fairhaven, MA 02719

E-mail: mrees@fairhaven-ma.gov

Phone: 508-979-4023 **Fax:**

EXHIBITION

Name: *Manjiro: Drifting 1841-2020*

Location: First Floor Gallery ,The Rosenbach, 2010 Delancey Place Philadelphia, PA 19103

Dates: March 30, 2020-November 1, 2020

LOAN DATES: March 10, 2020 – December 1, 2020

Any changes to title and/or exhibition dates must be conveyed in advance

OBJECT(S):

1. Title: Ship model, *The Adventurer*

Artist:

Dates:

Measurements:

Measurement w/ case legs

h	x	w	x	d
h	x	w	x	d

Mount Included (circle one): Yes

No

Insurance Value:

Total number of works in loan: 1

Credit Line:

(RML use only)

IL2020.3 Fairhaven Board of Selectmen

INSURANCE☐ Carried by Lender (list insurer):☒ Carried by RML**TOTAL INSURANCE VALUE: \$** _____**LOAN FEES***none*

\$_____ Loan fees will be waived for in-town loans. Additional loan-related costs may also apply such as necessary conservation, appraisals, insurance, and framing. Crate construction, packing, transportation, including customs regulations for international loans, and/or courier-related costs, will be borne by the Rosenbach unless the loan is at the Lender's request. Loan fees and associated loan costs shall be invoiced at the start of the loan period.

PACKING & SHIPPING Please check all that apply to this loan*responsibility of RML*☐ Lender will use existing crate ☐ Lender will use existing hand-carry case ☐ New crate construction is required☐ Fine-Art Handler required for packing/shipping ☐ Fine-Art Handler required for installation☐ Courier required for transit ☐ Courier required for installation**INSTALLATION INSTRUCTIONS**☐ Lender will provide mounts for loan objects☒ Lender will NOT provide mounts for loan objects**COURIER INSTRUCTIONS****PHOTOGRAPHY**

Non-flash photography by visitors is permitted. Unless permission is declined here, it is understood that the loan item(s) may be photographed and reproduced for exhibit, educational and publicity purposes (not for general sale) in print and electronic media including the Internet. Publicity images may be available upon request

~~Any additional restrictions:~~ _____**CONTACT INFORMATION**

ROSENBACH REGISTRAR

Jobi Zink, Registrar
jzink@rosenbach.org
215-732-1600 ext. 125

PLEASE READ THE TERMS AND CONDITIONS OF THE LOAN ON THE FOLLOWING Three (3) PAGES, THEN SIGN AND DATE BELOW

Changes need to be made to make this proper for an INCOMING LOAN TO THE ROSENBACH

TERMS AND CONDITIONS OF THE LOAN

1. The Rosenbach of the Free Library of Philadelphia (hereinafter the Rosenbach or RML) will exercise the same care for objects on loan as it does in the safekeeping of comparable property of its own collections. If damage or deterioration is noted at any point during the loan period, the lender will be notified at once. Should damage occur in transit, the carrier will be notified and all packaging materials saved for inspection.

2. All loan objects will be sent in condition suitable for installation. Any conservation will be done in advance of the loan. It is understood that the Rosenbach will not unframe, re-mat, clean, restore, or otherwise alter the object without the express written consent of the lender. Special handling requirements or conditions of display for item(s): NYSL Conservator will assist with installation and de-installation of all objects.

Rosenbach will supply a mat for item #1 (Herman Melville's Share), but it will not be affixed to object. It will only be displayed flat.

3. The objects shall remain in possession of the Rosenbach and any participating museums named in this agreement for the time specified but may be withdrawn from such exhibition at any time by the Director of the Rosenbach, or the Director or Trustees of any of the participating museums. The object will be returned to the Lender at the address stated on the Loan Agreement unless the Rosenbach is notified by the lender in writing to the contrary. If the legal ownership of the object changes during the loan period, whether by reason of death, sale, gift or otherwise, the new owner shall, prior to its return, be required to establish his/her legal right to the objects by proof satisfactory to the Rosenbach.

4. Logistics for the return shipment will be made by the Rosenbach Registrar with direct consultation with the Lender, unless otherwise specified. All reasonable costs of packing and transportation will be paid by the Rosenbach.

5. The Rosenbach's right to return the object shall accrue absolutely at the termination of the loan period. If the Rosenbach, after making all reasonable efforts and through no fault of its own, shall be unable to return the object within ninety days after such a termination, then the Rosenbach shall have the absolute right to place the object in storage, and to charge regular storage fees and the cost of insurance thereof, and to have and enforce a lien for such fees and costs. If, after five years, the object

shall not have been reclaimed, then, and in consideration for its storage, insurance, and safeguarding during such period, the object shall be deemed an unrestricted gift to the Rosenbach.

6. The Rosenbach will insure the object wall-to-wall under its fine arts policy for the amount specified by the lender in accordance with an appraisal to be arranged by the lender and paid for by the Rosenbach, against all risks of physical loss or damage from any external cause while in transit and on location during the period of the loan. The Rosenbach's policy contains the usual exclusions for wear and tear, gradual deterioration, insects, vermin, inherent vice, damage resulting from repairing, restoration, retouching; nuclear reaction, radiation or radioactive contamination, risks of war and warlike action when not in overseas transit. The Lender agrees that, in the event of loss or damage, recovery shall be limited to the appraised amount.

7. Lender consents to the Rosenbach's reproduction of the objects on loan only for the purposes of publicity and promotion of the exhibition.

8. The Lender represents and warrants that he/she has full authority to enter into this agreement as the legal owner of the object or as the authorized agent of the owner.

9. If Lender cancels the loan of the objects for any reason other than a material uncured breach of this Agreement by Borrower, Lender shall notify Exhibition Curator and Exhibition Registrar and promptly refund to Borrowers all funds previously paid to Lender by Borrower. In addition, Lender shall reimburse Borrower for actual and reasonable storage, travel, handling, shipping or publicity costs occasioned by cancellation of the loans. If Lender cancels the loans due to a material uncured breach of this Agreement by Borrower, whether before or during the exhibition, Borrower shall be liable for all of the same expenses. Borrower shall also reimburse Lender for actual and reasonable storage, travel, handling, shipping, publicity or other costs occasioned by such cancellation of the Loan.

10. If Borrower cancels the Loan for any reason other than a material uncured breach of this Agreement by Lender, Borrower bears all costs and expenses for arranging transportation of Loan objects and/or couriers to Lender. If Borrower cancels the loan due to a material uncured breach of this Agreement by Lender before the scheduled showings, Lender shall promptly refund to Borrower all related expenses paid to Lender by Borrower under the Agreement. In addition, Lender shall reimburse Borrower for actual and reasonable storage, travel, handling, shipping or publicity costs occasioned by cancellation of the loans.

11. If either party cancels the loan before the scheduled showing due to a Force Majeure Event, as defined below, then Lender shall promptly refund to Borrower all loan fees paid to Lender, and if either party cancels the loan during any of the scheduled showing due to a Force Majeure Event, then Lender shall refund to Borrower a pro-rated portion of all loan fees paid to Lender. Borrower maintains responsibility for all costs incurred through the return of the loan object to Lender as noted above under "Costs."

12. No Party to this Agreement shall be responsible or liable for damages caused by a delay or failure in the performance of this Agreement or any provision hereof, or by a delay or failure which causes cancellation of this Agreement, if such a delay or failure is due to a cause beyond its control, such as but not limited to fires, strikes, scarcity of materials or fuel, war or acts of war, acts of mobs or rioters, acts of terrorism, acts of public authorities, delay or defaults caused by public carriers, or storms or floods or other acts of God (each of the foregoing, a "Force Majeure Event").

13. Rosenbach shall not create separate Third Party agreements pertaining to the loan objects without the prior written consent of Lender. Rosenbach agrees not to reproduce the loan objects or any part thereof in any format whatsoever for subsequent exhibition or other use by third parties, except when images have been provided or approved by Lender for publicity and promotional purposes.
14. The public shall be admitted to the Exhibitions without discrimination or segregation, and regardless of race, color, creed, sex, age, national origin, or sexual orientation. Additionally, Rosenbach represent that there is full access to the Exhibition for the physically disabled.
15. Exhibition Curator reserves the right to withdraw, without refund or penalty, any loan object at any time for cause. In such instances, Lender must comply promptly with packing/ shipping instructions provided by Exhibition Registrar. If feasible, and if Borrower is operating in conformity with this Agreement, Exhibition Curator will attempt to replace any withdrawn object with another object of comparable quality. No liability or refunds shall be issued in such cases.
16. Lender shall indemnify and hold harmless the Free Library of Philadelphia and Free Library of Philadelphia Foundation its trustees, officers, agents and employees from all claims, demands, suits, damages, injury and liability arising out of the services performed by Borrowers, their employees or agents, under this Agreement.
17. This Agreement shall be binding upon and inure to the benefit of the respective Parties, their successors and assigns. This Agreement contains the entire understanding of the Parties in respect of the subject matter hereof and supersedes all prior and contemporaneous Agreements and understandings, inducements and conditions, written or oral, in respect thereof.
18. The failure of either of the Parties to insist upon strict performance of any of the terms and conditions of this Agreement, or to exercise any rights or remedies provided herein shall not be construed as a modification or waiver of any such terms or conditions. No waiver shall be effective unless stated in writing by the waiving Party.
19. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania and the United States of America, and the state and federal courts there shall have exclusive jurisdiction. The Parties agree to waive, to the maximum extent permitted by law, the defense of *forum non conveniens* and the lack of personal jurisdiction.
20. This Agreement may only be changed, modified or amended by a written instrument signed by the Parties.
21. This Agreement may not be assigned by any Party without the prior written consent of the other Parties.
22. If any provision of this Agreement shall for any reason be held to be illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect any other provision of this Agreement, but this Agreement shall be construed as if such illegal, invalid or unenforceable provision had never been in the Agreement.
23. If any legal actions or other legal proceedings are commenced that involve or relate to the loan objects and the Free Library of Philadelphia (FLP) is named as defendant or respondent therein, Lender agrees to give prompt notice to FLP and to cooperate with Lender in any litigation that might ensue.

Should any action be commenced by a creditor of Lender against Borrower to attach or seize any work among the FLP loan objects, Lender agrees to defend itself and FLP against such action.

The conditions governing this loan as stated above are accepted for the object(s) cited on the attached sheets.

For the lender or agent (if agent, attach authorization)

Signed: Mark A. Rees
Name (printed) MARK REES
Title (if Institution) TOWN ADMINISTRATION

Date: 2/12/20

For the Rosenbach of the Free Library of Philadelphia

Signed: Johi O. Zink
Name (printed) Johi O. Zink
Title Registrar

Date: 2/12/20



INCOMING LOAN AGREEMENT COVID EXTENSION

LENDER: Fairhaven Board of Selectmen

LOAN NUMBER: IL2020.3

Contact: Wendy Graves, Interim Town Administrator
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

E-mail: vloliveira@fairhaven-ma.gov.

Phone: 508-979-4023

Fax:

Exhibition Name: *Manjiro: Drifting 1841-2020*

Location: First Floor Gallery, The Rosenbach, 2010 Delancey Place Philadelphia, PA 19103

ORIGINAL EXHIBITION DATES: March 30, 2020- November 1, 2020. Exhibition was neither installed nor open to the public on March 15 when the Rosenbach Museum closed due to shelter in place orders related to the Covid-19 novel corona virus.

REVISED EXHIBITION DATES: January 21, 2021 – September 5, 2021

REVISED LOAN DATES: January 20, 2020 - September 30, 2021

Signature on this form by both parties will constitute written permission to extend the exhibition and loan period. All conditions of the original loan agreement shall continue to apply.

____ Estimated light-hour exposures required to determine if page rotation required

____ Page rotation required for loan extension

____ Courier required for page rotation

INSURANCE

(RML use only)

IL2020.3 Fairhaven BOS

A revised Certificate of Insurance will be sent to provide continuous insurance coverage. A subsequent COI will be sent in June 2020 to provide seamless coverage as our new policy begins at the start of the fiscal year

For the lender or agent (if agent, attach authorization)

Signed: _____

Date: _____

Name (printed) _____ Wendy Graves _____

Title (if Institution) _____ Town of Fairhaven _____

For the Rosenbach of the Free Library of Philadelphia

Signed: _____

Date: _____

Name (printed) _____

Title _____



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fwd: Loan Extension

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

Tue, Jan 26, 2021 at 1:22 PM

FYI

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

From: Jobi Zink <jzink@rosenbach.org>
Date: Tue, Jan 26, 2021 at 1:21 PM
Subject: Loan Extension
To: Mark Rees <mrees@fairhaven-ma.gov>

Dear Mark

I hope you are doing well, given the current circumstances. I am pleased to continue my report that everyone at the Rosenbach remains healthy and safe. Philadelphia had a second six-week "safer from home" soft lockdown that was just recently lifted. The Rosenbach re-re-opened to the public last Thursday with shortened hours. Health and safety of our staff and visitors remains paramount and to that end we have limited hours with timed entrance tickets for up to 4 people in the same party. We're currently open Thursday- Saturday.

Given our new opening schedule and that our fall public opening only lasted a few weeks, we would like to officially open the *Manjiro* exhibition from January 19 - September 8, 2021. As you may recall, the lighting in our galleries is motion-sensored, and thus the ship model has not been unnecessarily exposed to light for any duration during our closure.

Please let me know if this new timeline will work for you and I will prepare the appropriate loan agreement paperwork.

Best,
Jobi

Jobi O. Zink
Registrar
Pronouns: She/Her/Hers
The Rosenbach
215-732-1600 ext. 125

Jobi O. Zink
Registrar
Pronouns: She/Her/Hers
The Rosenbach
215-732-1600 ext. 125

August 27, 2019

The Millicent Library
Carolyn Longworth, *Library Director*
45 Center Street
Fairhaven, MA 02719

clonghorn@sailsinc.org

Dear Carolyn,

Nearly twenty years ago the Rosenbach Museum & Library presented an exhibition about Nakahama Manjiro, who left Japan as a shipwrecked teenager in 1841, and after being rescued by Captain William Whitefield, became the first Japanese person to live in the United States. This exhibition showcased the illustrated manuscript *Hyosen-Kiryaku*, written by Manjiro about his life and travels around the world on whaling ships. His diplomatic nature and winning personality served his nation well, and the manuscript, a testament to his humanity, intellect, and keen skills of observation, serves as a guidepost for the generations that have followed his lead in peaceful cultural exchange.

Acknowledging the Rosenbach's 20 years of work with the Japanese community locally, nationally, and internationally, and to commemorate **2020: Philadelphia's Year of Japan**, the Rosenbach is planning an exhibition of Manjiro's manuscript *Hyosen-Kiryaku*. Along with the Rosenbach's copy, the exhibition will include two additional copies of the manuscript written and illustrated by Manjiro's interrogator, Kawata Shoryo, on loan from The Ryoma Museum in Kochi Prefecture.

As we did in 1999, The Rosenbach would like to request a loan of the cabinet card of William Whitfield and the ship model *The Adventurer*. We would also be interested in learning about any other items relevant to Manjiro's residence and education in Fairhaven.

Coinciding with the Cherry Blossom Festival, the exhibition is currently scheduled to open on Wednesday, April 8 and run through Sunday November 1, 2020. We are partnering with the Japan America Society for marketing and programming, and expect to bring many new visitors to the Rosenbach. The Rosenbach would of course assume full responsibility for the loan, covering all associated costs for the packing and transportation in March 2020 (exact dates TBD), and insurance. To that end, do you still have the crate for the ship model or is new crate construction required?

We hope that you will find these arrangements agreeable and will grant us the loan. Once we have confirmation that you have approved the loan, I can send you the appropriate Loan Agreement.

I can be reached in the office through Wednesday evening and via email through Thursday noon. I will be out of the office from August 30 – September 9, 2019 but I hope to devote full attention to this exhibition when I return. If you have questions while I am away, Judy Guston, Curator and Director of Collections can answer them.

I look forward to hearing from you in the near future.

Sincerely,

(Ms.) Jobi Zink
Registrar

To be
discussed
at
Meeting

Appointment of Fairhaven Fire Chief





F1

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

FW: Fairhaven E Solar Farm - 61A Removal

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Wed, Apr 7, 2021 at 10:45 AM

Reply-To: tomcrotty@tcrottylaw.com

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

Cc: Kyle Martin <kyle.martin@ccrenew.com>, Delfino Garcia <dgarcia@fairhaven-ma.gov>, Nicolas Galletout <nicolas.galletout@ccrenew.com>

Wendy

The board will receive notice, in the next day or so, of the Deterra's determination to remove a portion of their 61A farmland for use as access to a solar electric project. (A section of their property has already been taken out of 61A for this project. The new notice is for use of a smaller portion of the property for an access road.)

GL Ch. 61A sec. 14 provides:

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of nonexercise, signed by the mayor or board of selectmen, to the landowner by certified mail at the address that is specified in the notice of intent. The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them and shall be recorded with the registry of deeds.

This will require a decision by the board whether to exercise the town's right of first refusal to purchase that property. I assume the board will not want to exercise that option for this parcel.

Can you add this to the agenda for discussion and action at Monday's meeting? "Deterra farmland : Notice of removal from 61A status for solar project access road, town option to purchase"

Tom

From: Kyle Martin [mailto:kyle.martin@ccrenew.com]

Sent: Tuesday, April 6, 2021 5:54 PM

To: tomcrotty@tcrottylaw.com; 'Delfino Garcia'

Cc: Nicolas Galletout

Subject: RE: Fairhaven E Solar Farm - 61A Removal

Tom/Del, when is the next board meeting where the town can vote to waive its right of first refusal?

Kyle Martin

Senior Real Estate Counsel

828.233.8117 | Direct

Cypress Creek Renewables

45 Banks Ave.

Asheville NC 28801

From: Thomas P. Crotty <tomcrotty@tcrottylaw.com>
Sent: Tuesday, April 6, 2021 3:17 PM
To: Kyle Martin <kyle.martin@ccrenew.com>; 'Delfino Garcia' <dgarcia@fairhaven-ma.gov>
Cc: Nicolas Galletout <nicolas.galletout@ccrenew.com>
Subject: RE: Fairhaven E Solar Farm - 61A Removal

Kyle

I agree. A copy of the signed notice is fine.

Thanks

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

Cell/SMS: 508-916-7862

This e-mail message is generated from the law firm of Thomas P. Crotty & Associates, PLLC, and may contain information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this e-mail information is prohibited. If you have received this e mail in error, please notify the sender by return e-mail and delete it from your computer system.

From: Kyle Martin [<mailto:kyle.martin@ccrenew.com>]
Sent: Tuesday, April 6, 2021 1:17 PM
To: Delfino Garcia; Thomas P. Crotty
Cc: Nicolas Galletout
Subject: Fairhaven E Solar Farm - 61A Removal

Del/Tom:

We finally got signatures from the DeTerra's for the follow up 61A removal notice. I know that has to be sent to the town via certified mail, but will a scan of the notice that is sent via certified mail work? Or does it have to be a wet ink original signature? I didn't see any such requirement in the code requiring an original but I wanted to confirm.

Thanks,

Kyle Martin

Senior Real Estate Counsel

828.233.8117 | Direct

Cypress Creek Renewables

[45 Banks Ave.](#)

[Asheville NC 28801](#)

March __, 2021

RECEIVED
2021 APR -9 P 3:16
TOWN OF FAIRHAVEN

Via U.S. Certified Mail

Fairhaven Board of Assessors and Board of Selectmen
ATTN: Delfino R. Garcia
40 Center St.
Fairhaven, MA 02719

Re: Notice of Intent to Convert Land to Other Use

Dear Mr. Garcia,

Please allow this letter to serve as a Notice of Intent to convert for other uses and to remove the Assessment and Taxation of Agricultural and Horticultural Land (M.G.L.A. 61A) classification from 4.24 +/- of additional acres of property, located at 279 Mill Road, Town of Fairhaven, Bristol County, MA 02719 (Map 38, Lot 5; Map 38, Lot 6; and Map 39 Lot 32).

Portions of the aforementioned property will be developed as a large-scale solar project, as such project is depicted on the survey attached hereto as Exhibit "A" (the "**Survey**"). Such portions of property to be converted are described and depicted on the Survey as the (1) Temporary Construction Access Easement area, (2) Access, Utility, Stormwater and Wetland Replication Easement Area, and (3) Stormwater Easement Area (collectively consisting of 4.02 +/- acres), as well as those portions of property within those areas described and depicted on the Survey as Solar Lease Area #1 and/or Solar Lease Area #2 that were not previously removed from the Chapter 61A classification on September 17, 2020 (with such remaining acreage consisting of 0.22 +/- acres).

Therefore, the subject 4.24 +/- acres of land may no longer be valued, assessed and taxed under the provisions of Chapter 61A, and the liability for conveyance or roll back taxes should govern such land in accordance with the Assessment and Taxation Laws of Massachusetts.

Furthermore, the remaining land, except for the 10.18 acres previously removed on September 17, 2020, continues to qualify under the usage, minimum acreage and other provisions thereof. Consequently, such separation shall not impair the right of the remainder of such land to continuance, valuation, assessments and taxation, pursuant to Massachusetts General Laws Annotated, Chapter 61A, Section 17.

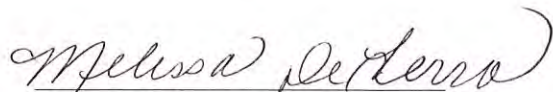
Wherefore, we, Peter DeTerra and Melissa DeTerra, as landowners of the aforementioned property, respectfully give notice of our intent to convert said portion of land to other use, specifically described herein, and request for your approval is requested to remove the Assessment and Taxation of Agricultural Land (61A) from the portion of property as described.

Should you have any questions regarding this request, please contact Kyle Martin at 828.233.8117.

IN WITNESS WHEREOF, the parties have executed and delivered this estoppel certificate as of the Effective Date.

LANDLORD:


Peter DeTerra


Melissa DeTerra



Town of Fairhaven

Board of Health

F2

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone: (508) 979-4023 ext. 125 • Fax: (508) 979-4079

MEMO

To: Wendy Graves
Interim Town Administrator

From: David D. Flaherty, Jr.
Health Agent

RE: **Recommendations for Public Meetings During the COVID Pandemic**

Ms. Graves,

I have put together a few guidelines that the Boards and Committees in Town may use for Public Attendance at their meetings. These are recommendations only based on policies put forth by the Commonwealth of Massachusetts and the Massachusetts Department of Public Health.

- 1) All meeting members and attendees must wear face coverings.
- 2) All meeting members and attendees should maintain 6' of social distancing. Where the distancing is compromised in any way, there should be less than 15 minutes of less than 6' proximity.
- 3) Hand sanitizer should be available to all meeting members and attendees.
- 4) Attendees should have a designated seat and not be standing. Any attendee that requests to make a statement at the respective meeting should do so only in the pre-arranged area or podium provided. If pictures are requested for the press or other reasons, prior accommodations should be approved in writing and done before the meeting begins. This is to avoid the distraction of a photographer compromising the social distancing of the members and attendees during the meeting. Screen shots of the meeting via Zoom are encouraged.
- 5) Attendees are required to sign their name and telephone number on a list provided at the meeting's entrance. This is to facilitate contact tracing in the event it is required.

Again, these are just recommendations and any adjudicatory board or commission may enact temporary rules regarding COVID 19 compliance (see attached). Thank you and feel free to call me with any questions you may have.

Best Regards,


David Flaherty



GUIDANCE FOR TOWN MEETINGS TO ADDRESS COVID-19

As of November 23, 2020

Purpose

These sector specific COVID-19 safety recommendations for Town Meetings are issued to provide municipalities with instructions to help protect against the spread of COVID-19 as in-person meetings resume.

These standards are advisory only and are not exclusive or exhaustive. The public health data for disease prevention upon which these guidelines are based can and does change frequently.

General Standards

These standards apply to all town meetings.

Town officials should communicate to residents that if they are feeling sick, are exhibiting any of the following symptoms (fever, cough, shortness of breath, chills, muscle pain, headache, sore throat, or new loss of taste or smell), or have potentially been exposed to someone with confirmed or suspected COVID-19, then they should not attend town meeting in person. A potential exposure means having household contact or having close contact (within 6 feet) with an individual with confirmed or suspected COVID-19 for prolonged periods of time (over 15 minutes) while the person is symptomatic or 48 hours before symptoms developed.

Persons who are particularly vulnerable to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home.

Town officials are encouraged, to the extent feasible, to hold meetings virtually or outdoors and to ensure that attendees are spaced at least 6 feet apart. If outdoor meetings are not feasible, towns are advised to abide by the following policies in conducting town meeting.

i. Attendance

- Hosting town meeting by remote participation and reduction of quorum as allowed by Chapter 92 of the Acts of 2020, is strongly encouraged including;
- Voting to set the number of voters necessary to constitute a quorum at any town meeting held during the Governor's March 10, 2020 declaration of a state of emergency at a number that is less than the number that would otherwise be required by law, town by-law or town charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required;
- Remote participation, including, but not limited to, by means of a video or telephone conferencing platform, if the moderator in a town having a representative town meeting determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders; and,

- Voting to hold town meeting outside the geographic limits of the town if the select board or board of selectmen determines that it is not possible to adequately conduct town meeting in a location within the town in a manner that ensures health and safety.
- Attendees of town meeting should sign in as they would normally do. Town staff should ensure that they have the correct contact information for attendees, to permit contact tracing if required.

II. **Social Distancing**

Seating

- Seating should be arranged to permit attendees to sit at least 6 feet apart. Members of the same immediate household may be allowed to sit together and less than 6 feet apart
- If there is fixed seating, rows should be blocked off and kept empty to allow for sufficient distancing between rows
- Town officials are encouraged to place tape or other visual distancing markings on seating to delineate 6 ft separations and to post signage indicating the maximum number of persons permitted per row
- Promote ventilation for enclosed spaces where possible. For example, open windows and doors to allow airflow
- Lines at microphones for questions or comments should be taped to keep people six feet apart. Microphones should be disinfected after each speaker

Entering and Exiting

- Town meetings are advised to take steps to encourage orderly entering and exiting of meetings in a manner that encourages social distancing. For example:
 - Signage or floor markings should be posted to have one-way aisles or otherwise direct attendees to follow certain pathways for entering and exiting the meetings
 - If a line forms outside of the meeting, those waiting should be directed to maintain social distancing. Tape or other markings on the ground outside of the meeting should be placed to encourage attendees to maintain social distancing of at least 6 feet
 - Staff should direct people in high traffic areas to help maintain social distancing
 - Town officials or other staff should direct successive, row-by-row exiting

III. **Face Coverings**

- All residents over the age of 5 and staff must wear face coverings or masks in accordance with COVID-19 Order No. 31 and the Department of Public Health's Guidance while inside and while entering and exiting locations of town meeting or otherwise participating in in-person meetings, except where a person is unable to wear a face covering or mask because of a medical or disabling condition
- A person who declines to wear a face covering or mask because of a medical or disabling condition shall not be required to produce documentation verifying the condition
- Individuals addressing town meeting may remove his or her face covering while doing so, provided that he or she is able to maintain a distance of at least 6 feet from other persons present.
- Installation of protective, plexi-glass or other transparent barriers are recommended for podiums and other points of address
- Towns are strongly advised not to arrange for or permit communal gathering pre or post

meeting (e.g., coffee or other food services)

IV. Cleaning and Disinfecting and Hygiene Protocols

- Locations of meetings shall be cleaned and disinfected before and after each meeting, including disinfection of heavy transit areas and high-touch surfaces (e.g., doorknobs, bathrooms, microphones, shared instruments)
- Markings should be placed outside of bathrooms to adhere to the 6 ft distance between each attendee
- If town meeting officials learn that an individual with COVID-19 attended a meeting or otherwise entered the building, the town should conduct a deep cleaning and disinfecting of any areas visited by the infected individual consistent with the Centers for Disease Control guidance: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
- Town meeting officials should ensure that officials and residents have access to handwashing facilities, including soap and running water, and allow workers sufficient break time to wash hands, as necessary. They are also encouraged to make alcohol-based hand sanitizers with at least 60% alcohol available, if possible
- Town Warrants and other paper that is distributed at a meeting should be done so in a manner to ensure social distancing and not be shared between attendees Towns that use electronic voting machines should disinfect the machine between each use

V. Notification of Positive Case

- Town meeting officials should work with the board of health in the event that anyone is exposed to COVID-19 at the meeting. Meeting attendees may need to be identified and contacted by the board of health or Contact Tracing Collaborative.

Discuss

Town Administrator

Search Process



Bring your Budget Binders to the Meeting.

Town of Fairhaven



Fairhaven
Massachusetts

Budgets can be found at :

<https://www.fairhaven-ma.gov/town-administrator/pages/budget-information>

WARRANT
FOR THE ANNUAL TOWN MEETING
SATURDAY, JUNE 12, 2021 AT 9:00 AM
IN THE WALTER SILVEIRA AUDITORIUM
AT THE ELIZABETH I. HASTINGS MIDDLE SCHOOL

COMMONWEALTH OF MASSACHUSETTS BRISTOL, s.s

To the Constable of the Town of Fairhaven in said county:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Fairhaven qualified to vote on town affairs to meet as follows:

On Saturday, the twelfth day of June at 9:00 a.m. in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School, then and there, to act upon the following articles:

ARTICLE 1: MEASURER OF WOOD AND BARK

To see if the Town will vote to instruct the Selectmen to appoint a Measurer of Wood and Bark.

Petitioned by: Board of Selectmen

ARTICLE 2: TOWN REPORT

To receive the Annual Report of Town Officers.

Petitioned by: Board of Selectmen

ARTICLE 3: REPORT OF COMMITTEES

To hear and act upon the reports of any committees, or committee appointed in Town Meeting and to choose any committees or committee the Town may think proper and to raise and appropriate a sum of money for the expense of same, or to take any other action with relation to either of said matters, as the Town may deem necessary and proper.

Petitioned by: Board of Selectmen

ARTICLE 4: SETTING SALARIES OF TOWN OFFICERS-FY22

To see if the Town will vote to fix the compensation of the Town's Elected Officers and that said compensation be effective July 1, 2021.

- A. Board of Selectmen (3 members)
- B. Town Clerk
- C. Moderator
- D. Tree Warden
- E. Board of Health

Or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 5: BILLS OF PRIOR YEAR – Paid from **FY21 funds**

<u>Vendor</u>	<u>Amount</u>	<u>Petitioner</u>
Southcoast Physicians Service	\$122.22	Fire Department
SMG Compass Medical	\$362.21	Fire Department
Corvel Corp	\$41.10	Fire Department
HKT Architects	\$1,333.16	Fire Department

and others that may be brought forward.

Petitioned by: Town Administrator

ARTICLE 6: FY21 GENERAL FUND OPERATING BUDGET ADJUSTMENTS

To see if the Town will vote to amend Article 4 of the October 10, 2020 Special Town Meeting “General Fund Operating Budget-FY21” as follows:

1. \$9,000 be transferred from Surplus Revenue (Free Cash) to Assessors, Contracted Services.
2. \$50,000 be transferred from Surplus Revenue (Free Cash) to Town Hall, Contracted Services.

Petitioned by: Town Administrator

ARTICLE 7: ROADWORK-FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money **not to cumulatively exceed \$340,600 in the aggregate without regards to individual line items to do roadwork, in the order of priority as determined by the Board of Public Works** or take any other action relative thereto:

- A. Bellevue Street – **Reconstruct, hard-surface and install drainage on Bellevue Street from Adams Street to Francis Street a distance of approximately 400 feet.**
- B. Fisherman Road – **Reconstruct, hard-surface and install drainage on Fisherman Road from Balsam Street to Ebony Street a distance of approximately 1,425 feet.**

- C. Massasoit Avenue— **Reconstruct, hard-surface and install drainage on Massasoit Avenue from Adams Street to Francis Street a distance of approximately 400 feet.**

Petitioned by: Board of Public Works

ARTICLE 8: SEWER CAPITAL FEE-FY21

To see if the Town will vote to transfer from the Sewer Retained Earnings of June 30, 2020 Sewer Capital Fee **\$296,868** to the Sewer Capital Improvements Stabilization Fund or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 9: GENERAL FUND OPERATING BUDGET – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY22 General Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 10: WATER ENTERPRISE FUND OPERATING BUDGET – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY22 Water Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 11: SEWER ENTERPRISE FUND OPERATING BUDGET – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY22 Sewer Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 12: TOWN CABLE TELEVISION ENTERPRISE FUND OPERATING BUDGET – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY22 Town Cable Television Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 13: SCHOOL CABLE TELEVISION ENTERPRISE FUND OPERATING BUDGET – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY22 School Cable Television Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 14: GENERAL FUND CAPITAL PLAN FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund Capital Equipment/Projects in the General Fund or take any other action relative thereto:

A. SCBA Replacement	\$491,800
B. ACO Replacement Truck	\$51,479
C. Police Cruiser Replacements	\$120,500
D. Harbormaster/Shellfish Warden Truck Replacement	\$50,300
E. Computer Hardware Equipment Replacement	\$30,000
F. Fire Engine (Replaces Engine 2)	\$625,000
G. Plotter Scanner	\$20,000
H. Dashboard Cameras	\$69,000

Or other projects that may be presented at Town Meeting.

Petitioned by: Board of Selectmen and Capital Planning Committee

ARTICLE 15: WATER ENTERPRISE CAPITAL PLAN – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Water Enterprise account to fund Capital Equipment/Projects or take any other action relative thereto:

A. Akin Street Water Main Replacement	\$150,000
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Petitioned by: Board of Public Works

ARTICLE 16: SEWER ENTERPRISE CAPITAL PLAN – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Sewer Enterprise account to fund Capital Equipment/Projects or take any other action relative thereto:

A. Pump Station Improvement Design	\$270,000
B. Inflow & Infiltration Study	\$250,000
C. New Pick-Up Truck	\$75,000
D. Blower Building Roof	\$75,000

Petitioned by: Board of Public Works

ARTICLE 17: ROADWORK – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$400,000 in the aggregate without regards to individual line items to do roadwork, in the order of priority as determined by the Board of Public Works or take any other action relative thereto:

- A. Bonney Street – Reconstruct, hard-surface and install drainage on Bonney Street from #45 Bonney westerly to the end a distance of approximately 200 feet.

Petitioned by: Board of Public Works & Sherry Bettencourt

- B. Cove Street – Reconstruct, hard-surface and install drainage on Cove Street from Hathaway to Beachwood a distance of approximately 586 feet.

Petitioned by: Board of Public Works & David Rebello

- C. Eaton Road – Reconstruct, hard-surface and install drainage on Eaton Road from Briercliffe Road to Waybridge Road a distance of approximately 210 feet.

Petitioned by: Board of Public Works

- D. Littleneck Road – Reconstruct, hard-surface and install drainage on Littleneck Road from Balsam to Ebony Street a distance of approximately 1,060 feet.

Petitioned by: Board of Public Works

- E. Pleasant Street – Reconstruct, hard-surface and install drainage on Pleasant Street from Washington Street to South Street a distance of approximately 1,150 feet.

Petitioned by: Board of Public Works

ARTICLE 18: STATE AID TO HIGHWAYS – FY22

- A. To see if the Town will vote to authorize the Board of Public Works to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts for the construction, reconstruction and improvements of Town roads, or take any other action relative thereto.
- B. To see if the Town will vote to appropriate and transfer from available funds a sum of money for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to the MGLS and Transportation Department's Chapter 90 Guidelines, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 19: FUNDING CAPITAL STABILIZATION FUND – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, including surplus revenue (Free Cash) to be deposited in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws, or take any other action relative thereto.

Petitioned by: Town Administrator

ARTICLE 20: AMBULANCE STABILIZATION – FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$65,000 to be deposited in an Ambulance Stabilization Fund as authorized by Chapter 40 Section 5B of the General Laws, or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 21: SOCIAL DAY CARE CENTER – FY22

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year **2022** a sum of money not to cumulatively exceed \$175,000.00 from the Special Revenue Fund for Fairhaven Supportive Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

Petitioned by: Council on Aging

ARTICLE 22: PROPAGATION OF SHELLFISH-FY22

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Harbormaster/**Shellfish Warden**

ARTICLE 23: COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS – FY22

To see if the Town will vote to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee to expend or reserve, from the Community Preservation Fund available funds and FY22 Estimated Receipts as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:

PROPOSED FISCAL YEAR 2022 COMMUNITY PRESERVATION BUDGET	
APPROPRIATIONS	
Purpose	Recommended Amounts
Reserve for Future Appropriation	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.	\$65,000
B. Acquisition, creation, and preservation of Historic Resources	\$65,000
C. Acquisition, creation, and preservation of Community Housing	\$65,000
Spending Appropriations	
D.DPW-Skate Board Park Resurface (reserved Open Space \$150,000 & Estimated Receipts \$50,000)	\$200,000
E.FHA-Green Meadow Roof (reserved Community Housing \$60,000 & Estimated Receipts \$5,000)	\$65,000
F.FHC-Academy Building Front Door (reserved Historic \$60,000 & Undesignated Fund Balance \$20,000)	\$80,000
G. FHC-Old Stone School Exterior (Undesignated Fund Balance)	\$15,000
H. FHS-High School Windows Phase 4 (Estimated Receipts)	\$70,313
I.Millicent Library Chimney (Undesignated Fund Balance)	\$136,360
J. Unitarian Church (Estimated Receipts)	\$193,439
K. Whitfield-Manjiro Carriage House Ext (Estimated Receipts \$50,000 & Undesignated Fund Balance \$10,000)	\$60,000
L. Library Sidewalk Walnut Street (Estimated Receipts)	\$92,000
Administrative Spending Appropriation	
M. To fund the Community Preservation Committee's annual expenses for; Personal Service; Purchase of Services; Supplies; Other charges/expenditures (Estimated Receipts)	\$ 15,000

Total Recommended Appropriations	\$927,112

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the existing reserves and recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund Estimated Receipts.

And, whereas Town Meeting may vote to delete any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2022 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$65,000) for open space, not less than 10% (\$65,000) for historic preservation, and not less than 10% (\$65,000) for community housing.

, or take any other action relative thereto.

Petitioned by: Community Preservation Committee

ARTICLE 24: NEW REVOLVING FUND- MOORING FEES

To see if the Town will authorize a “Mooring Fee Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53E1/2, by adding the following paragraph to §2–6 of the Town bylaws: “G. Mooring Fee Revolving Fund. (1) Mooring Fee Revolving Fund. There shall be a separate fund called the “Mooring Fee Revolving Fund” authorized for use by the Harbor Master and the Town Administrator. (2) Revenues. The Town Accountant shall establish the Mooring Fee Revolving Fund as a separate account and credit to the fund all of the mooring fees charged and received by the Harbor Master. (3) Purposes and expenditures. During each fiscal year, the Harbor Master and/or the Town Administrator may incur liabilities against and spend monies from the Mooring Fee Revolving Fund to fund the promotion of small boat use and access to the coastal waterways of the Town. (4) Fiscal years. The Mooring Fee Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.” and to see if the Town will vote to authorize a total amount that may be expended from the Mooring Fee Revolving Fund for Fiscal Year 2022. or take any other action relative thereto.

Petitioned by: Harbormaster

ARTICLE 25: MASSACHUSETTS HISTORICAL COMMISSION GRANT MATCH

To see if the Town will vote to appropriate \$30,000.00 as a local match for a grant from the Massachusetts Historical Commission of \$15,000.00 to update 125 of the Historic Assets Surveys in the Town (of about 293 records) on the Massachusetts Cultural Resource Information System (MACRIS)

Petitioned by: Planning & Economic Development Committee

ARTICLE 26: FEMA GRANT-ENGINE TO ENGINE 2 – 5% MATCH

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$31,250 for required 5% matching funds associated with FEMA Grant for the acquisition of a Fire Engine \$625,000 or to take any other action relative thereto;

Petitioned by: Fire Chief

ARTICLE 27: FEMA GRANT-AIR PACKS 5% MATCH

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$24,585 for required 5% matching funds associated with FEMA Grant for the replacement of Fire SCBA Airpacks \$491,702 or to take any other action relative thereto;

Petitioned by: Fire Chief

ARTICLE 28: PORT AUTHORITY GRANT 25% MATCH-NEW ENGINES ON HARBORMASTER BOAT

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$10,905 for required 25% matching funds associated with Port Security Grant for the replacement of two (2) engines \$43,617 for the Harbormaster Boat or to take any other action relative thereto;

Petitioned by: HarborMaster

ARTICLE 29: FAIRHAVEN PUBLIC SCHOOLS PROCUREMENT OFFICER CONTRACTS

To see if the Town will vote, pursuant to G.L. c. 30B, § 12(b), to authorize it's procurement officer to award contracts for Fairhaven Public Schools student transportation services, Fairhaven Public Schools food services, and Fairhaven Public Schools extended day services for a term not to exceed five years, including any renewals, extensions, or options.

Petitioned by: School Committee

ARTICLE 30: AMENDMENT TO ZONING MAP: FLOOD INSURANCE RATE MAP

To see if the Town will enact the following amendments to the Zoning Bylaw Chapter 198 Section 28, Floodplain and Nasketucket River Basin Districts to update the Flood Insurance Rate Maps (FIRM) and maintain currency with the National Flood Insurance Program (NFIP);

- 1) Add to 198-28.A panels: 25005C0391H, 25005C0392G, 25005C0394H, 25005C0411G, 25005C0413G dated July 6, 2021.
- 2) Delete from 198-28.A panels: 25005C0391F, 25005C0392F, 25005C0394F, 25005C0411F, 25005C0413F dated July 7, 2009.

- 3) In 198-28A revise the date of the Bristol County Flood Insurance Study (FIS) report date to July 6, 2021.
- 4) Add 198-28C as follows: The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- 5) Add 198-28C as follows: If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.
- 6) Add 198-28C as follows: The Town of Fairhaven hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.
- 7) Add 198-28C(3) as follows: The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
- 8) Add 198-28C(4) as follows: Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP): A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.
- 9) Add 198-28C(5) as follows: Permits are required for all proposed development in the Floodplain Overlay District: The Town of Fairhaven requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- 10) Add 198-28C(6) as follows: Assure that all necessary permits are obtained: Fairhaven's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
- 11) Add 198-28C(7) as follows: The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- 12) Add 198-28C(8) as follows: If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to: FEMA Region I Risk Analysis Branch Chief 99 High St., 6th floor, Boston, MA 02110. And copy of

notification to: Massachusetts NFIP State Coordinator MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

- 13) Add 198-28F: Revise date in preamble.
- 14) Add 198-28F.12 as follows: Base flood elevation data for subdivision proposals:
When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- 15) Add 198-28F.13 as follows: Unnumbered A Zones: In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- 16) Add 198-28F.14 as follows: Recreational vehicles: In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- 17) Add 198-28I: Definitions not found in the State Building Code.

The revised bylaw with these changes will read as follows with additions indicated in text that is **bold and underlined** and deletions indicated with strikethroughs (~~aaaa~~) as follows:

§ 198-28 Floodplain and Nasketucket River Basin Districts. [Added 4-3-1971 ATM by Art. 83; amended 3-30-1972 ATM by Art 79; 5-18-1976 ATM by Art. 73; 1-22-1977 STM by Art. 4; 5-13-1978 ATM by Art. 54; 10-7-1982 STM by Art. 14; 5-4-1985 ATM by Art. 19; 5-4-1985 ATM by Art. 27; 1-22-1988 STM by Art. 4; 5-7-1988 ATM by Art. 12; 5-3-1997 STM by Art. 15; 5-2-2009 ATM by Art. 12; 5-3-2014 STM by Art. 7]

A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Fairhaven designated as Zone A, AE, AH, AO, A99, V, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The Map panels of the Bristol County FIRM that are wholly or partially within the Town of Fairhaven are panel numbers ~~25005C0391F, 25005C0392F, 25005C0394F, 25005C0411F, 25005C0413F, 25005C0425F, 25005C0501F, 25005C0502F, 25005C0503F, and 25005C0504F~~ dated July 07, 2009; and ~~25005C0391G, 25005C0393G, 25005C0394G and 25005C0482G~~ dated July 16, 2014 **and 25005C0391H, 25005C0392G, 25005C0394H, 25005C0411G, 25005C0413G dated July 6, 2021.** The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report date ~~July 16, 2014~~ **July 6, 2021**. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

B. The purposes of the Floodplain District are to:

- (1) Ensure public safety through reducing the threats to life and personal injury.
 - (2) Eliminate new hazards to emergency response officials.
 - (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
 - (4) Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
 - (5) Eliminate costs associated with the response and clean up of flooding conditions.
 - (6) Reduce damage to public and private property resulting from flooding waters.
- C. The Floodplain District is established as an overlay district to all other districts. **The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes. If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective. The Town of Fairhaven hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.**
- (1) All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131 § 40 and with the following:
 - (a) Massachusetts State Building Code sections on floodplain and coastal high-hazard areas (currently 780 CMR).
 - (b) Wetlands protection regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
 - (c) Inland wetlands restriction, DEP (currently 310 CMR 13.00)
 - (d) Coastal wetlands restriction, DEP (currently 310 CMR 12.00)
 - (e) Minimum requirements for the subsurface disposal of sanitary sewage, DEP (currently 310 CMR 15, Title 5)
 - (f) Fairhaven Wetlands Bylaw (currently Chapter 192 of the Code of the Town of Fairhaven).
 - (2) Any variance from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
 - (3) **Variances to building code floodplain standards: The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all**

variance actions for the referenced development in the floodplain overlay district.

- (4) Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP): A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.**
- (5) Permits are required for all proposed development in the Floodplain Overlay District: The Town of Fairhaven requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.**
- (6) Assure that all necessary permits are obtained: Fairhaven's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.**
- (7) The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.**
- (8) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:**

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110
And copy of notification to:
Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

- D. An Order of Conditions from the Conservation Commission is required before building permit shall be issued for construction or expansion by 500 square feet or more of a principal building on land less than the specified elevations above mean sea level (MSL) as provided in the Bristol County Flood Insurance Rate Maps as supplied for the Town of Fairhaven, MA, by the U.S. Corps of Engineers or on any barrier beach or sand dune within 300 feet horizontally of the mean high water line.
- E. Without limiting the generality of the forgoing, failure or inability to comply with the following shall be presumed hazardous to health and safety.
- F. For all new structures or for proposed improvements which equals or exceeds 50% of market value of the unimproved structure, or for any proposed improvements the cost of which

together with the cost of improvements made in the previous five calendar years equals or exceeds 50% of the market value of the structure before such improvements, the lowest floor level, including that of the basement, if provided, and structural members supporting the lowest floor must be elevated not less than the specified elevations above mean sea level (MSL) as provided in the Flood Insurance Rate Maps as supplied for the Town of Fairhaven, Massachusetts effective July 7, 2009, ~~and~~ July 16, 2014 **and July 6, 2021.**

- (1) Structural requirements for construction in flood zones are as provided in the Massachusetts State Building Code, which code requirements are not waived nor superseded by the provisions of this Zoning Bylaw. In addition to those code requirements, the following requirements shall also apply within the designated flood zones for the Town of Fairhaven:
 - (a) Structures for all other uses other than dwelling units must also conform to Subsection C(1)(a).
 - (b) All new construction or substantial improvements for any use shall be located landward of the reach of mean high tide.
- (2) Individual sewage disposal systems shall not be subject to inundation in the event of coastal flooding to six-foot elevation above mean sea level.
- (3) Water supplies shall not be subject to more than temporary interruption or contamination, in the opinion of the Board of Health or its agents, in the event of coastal flooding to six-foot elevation above mean sea level.
- (4) Unless protected by sea walls, pilings or other foundations shall extend not less than six feet below grade in sand and not less than four feet below grade in other materials or to such greater depth as the Building Commissioner may require to prevent scouring beneath foundations.
- (5) Foundations shall be designed by a registered civil engineer or architect to withstand hydraulic pressure, and shall be of reinforced concrete, or if of masonry units, shall have a poured cap tied with reinforcing rods to the footings.
- (6) No vegetation on the ocean side of the crest of any primary dune (a hill or ridge of sand piled up by the wind with no other dune between it and the ocean front) shall be destroyed, nor the crest height of such dune be lowered. All disturbed dune areas shall be stabilized with beach grasses or other means.
- (7) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (8) The placement of mobile homes for year round or seasonal use is prohibited in the Floodplain overlay district.
- (9) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (10) In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:
 - (a) Adjacent Communities,
 - (b) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation

- (c) NFIP Program Specialist, Federal Emergency Management Agency, Region I
- (11) All subdivision proposals must be designed to assure that:
- (a) such proposals minimize flood damage;
 - (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (c) adequate drainage is provided to reduce exposure to flood hazards.
- (12) **Base flood elevation data for subdivision proposals: When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.**
- (13) **Unnumbered A Zones: In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.**
- (14) **Recreational vehicles: In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.**

G Nasketucket River Basin District (NRB)

- (1) The purpose of the Nasketucket River Basin District is to preserve, protect and maintain the quantity and especially the quality of the surface water and groundwater of this district which waters comprise and/or contribute to the existing and potential sources of water supply of the Town of Fairhaven and also to protect the public health, safety and general welfare of the Town residents and to conserve the natural resources of the town. The interpretations, orders, decisions, permits, judgments and findings of all parties, Town boards and departments, agents and officials in respect to all matters pertaining to this district, shall be consistent with and in accord with the spirit and intent of the above-stated purpose of this district. No facilities or activities hereafter listed in this section as restricted or prohibited shall be permitted within the Nasketucket River Basin District except by special permit from the Zoning Board of Appeals, upon demonstration by the applicant that the economic use of the property is infeasible under this rule and that water supply contamination will not result from the proposed facility or activity **and after the issuance of a permit by the Conservation Commission under Chapter 192 (Wetlands).**
- (2) List of restricted facilities or activities:
- (a) Fuel or combustible hydrocarbon storage.
 - [1] Underground storage prohibited.

[2] Aboveground storage over 55 gallons prohibited. (An exception to this restriction is the storage of heating oil inside the building to be heated)

- (b) Commercial laundries and cleaners.
- (c) Road salt storage and application.
- (d) Commercial parking lots.
- (e) Gasoline stations and commercial garages (e.g. for motor vehicle sales, repair or service).
- (f) Pesticide applications, storage or use for commercial purposes.
- (g) Fertilizer applications, storage or for commercial purposes.
- (h) Leaching fields, cesspools or surface or subsurface discharges of leachable wastes; (an exception to this restriction shall permit these facilities or activities within 300 feet westerly of New Boston Road, provided that all applicable wetlands, Board of Health and building permits have been previously obtained).
- (i) Storage or stockpiling manure.
- (j) Storage or disposal of hazardous materials or wastes as defined by EPA or OSHA regulations.
- (k) Gravel pits or other excavations of sand, soil, rock or ledge for sale or commercial purposes (excepting normal excavations incidental to building construction, farming operations, water conservation, water retaining ponds, public utilities, installation and maintenance, and highway construction).
- (l) Junk and salvage yards, dumps, disposal sites or landfills for solid or liquid wastes.

(3) The preceding enumerated items [Subsection D(2)(a), fuel storage, subsection D(2)(d), commercial parking lots, Subsection D(2)(e), gasoline stations and commercial garages, Subsection D(2)(g), fertilizer applications, and Subsection D(2)(i) storage and stockpiling of manure] existing on the passage of this chapter may be continued, repaired, or maintained but without enlargement, nor addition to the existing facility, nor without changing the function of the existing structure to a function more hazardous or contaminating (in amount or type) to the basin aquifer or water supply.

H. No person shall remove, fill, dredge or build upon any bank, marsh, swamp or flat bordering on coastal or inland water or any other land subject to tidal action or coastal flooding without a **permit from the Conservation Commission**. Such a permit shall be issued upon confirmation that the requirements of the Wetland's Act (MGL c 131 §§ 40 & 40A) **and the Fairhaven Wetlands Bylaw (Chapter 192)** will be met and granting of the same will not be hazardous to health or safety and not harmful to the shellfish and aquatic resources of the town.³

I. **Definitions not found in the State Building Code**

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP.

³ Editor's note: Former Section 3.8.5, which immediately followed this subsection, as added 4-16-1975 ATM by Art. 60, was renumbered as Section 3.8.3.2 10-7-1982 STM by art. 14 and then deleted 5-4-1985 ATM by Art. 27.

In order for the bylaw or ordinance to be clearly understood, it is necessary to define technical terms or key words. An understanding of these terms is a prerequisite to effective administration of the floodplain management bylaw or ordinance.

Per FEMA Region I, these additional definitions must be included in local bylaws or ordinances.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD – Definitions of Flood Zones

The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

Petitioned by: Planning Board

ARTICLE 31: ADOPTION OF WATER WAYS REGULATION BYLAW-FY22

To see if the Town will vote to authorize the Board of Selectmen to enact comprehensive regulations regarding the waterways of the Town of Fairhaven, by

A.) Deleting Chapter 145 of the Town code and inserting in its place the following:

“Chapter 145 Waterways

§145 – 1 Regulatory Authority

The Board of Selectmen shall have the authority to adopt, and from time- to-time to amend, such comprehensive regulations for the use of the waterways of the Town of Fairhaven as may be recommended to them by the Harbormaster.

§145 – 2 Penalties for Violation

Except as otherwise provided by law, the penalty for a violation of the waterways regulations enacted hereunder, shall be \$ 300.00. Each day that such violation continues shall be deemed a separate violation. The monetary penalty set forth herein shall be in addition to any applicable regulatory penalty, including but not limited to, the suspension or revocation of any license or permit, or the disqualification of the violator from obtaining any license or permit.

§145 – 3 Non-criminal Disposition

Fines assessed hereunder may be recovered by indictment, or on complaint to the District Court, or by non-criminal disposition in accordance with §21D of Ch. 40 of the General Laws.” and

B.) Amending §1 – 6,D. (2) by deleting the phrase:

“shellfish department regulations, mooring and anchorage regulations, boat ramp parking regulations”, and inserting in its place

“waterways regulations of the Board of Selectmen”

and by deleting §§ 1-6D, (10) and (11);

and

C.) Deleting Chapter. 177 Union Wharf Fees

or to take any other action thereon

Petitioned by: Harbormaster

ARTICLE 32: REVOLVING FUNDS – FY22

To see if the Town will authorize and / or re-authorize the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

Revolving Fund	Authorized to Spend	Revenue Source	FY22 Limit
Hazardous Materials	Fire Chief	Disposal fees/charges	\$ 100,000
Sustainability	Sustainability Committee	Fees/charges	\$ 10,000
Hoppy's Landing	Board of Selectmen and/or Town Administrator	Fees/charges from users of Hoppy's Landing	\$ 25,000
Town Hall Auditorium	Town Administrator	Town Hall auditorium rental fees	\$ 2,000
Park Utilities	Board of Public Works	User fees	\$ 2,000
NEW Mooring Fees	Marine Resources	Mooring Fees	\$ 2,000
Mattress Recycling	Board of Health	Fees for mattress disposal	\$ 2,000
Hoarding Remediation	Board of Health	Revenue from textile recovery boxes	\$ 1,000

Or take any other action relative thereto:

Petitioned by: Board of Selectmen

ARTICLE 33: LAND ACQUISITION AND ENGINEERING DESIGN SERVICES FOR PUBLIC SAFETY FACILITY and DISPOSAL OF BRIDGE STREET PIER-FY22

To see if the Town will

- A. transfer from the Capital Stabilization Fund a sum of money to
 - 1) purchase or acquire by eminent domain all or part of the property located at 172 Bridge Street and shown on assessors' map 26 / lot 1, and
 - 2) engage an architect/engineer to design a public safety facility at that location, and

- B. authorize the Selectmen to convey the pier, formerly a public landing, at the west end of Bridge Street in Fairhaven, Massachusetts, along with the boat ramp located on the north side of that pier, together containing about 49 square rods, as shown more fully on Sheet 1A of a plan by F. M. Metcalf, dated July 16, 1914, and recorded at Book 13, Page 6, in the Bristol (South) Registry of Deeds,

or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 34: MUNICIPAL LIGHT PLANT/TELECOMMUNICATIONS FACILITY-FY22

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 thereto.

Petitioned by: Broadband Study Committee

ARTICLE 35: SHORT-TERM RENTALS(STR)

CHAPTER 190 - DRAFT SHORT-TERM RENTAL PROPERTIES

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§ 190-1 Purpose

The purpose of this chapter is to provide for administration and enforcement of the Fairhaven Short-Term Rental Properties Bylaw, which provides for registration of short-term rental units in order to protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public and to maintain the quality of life in residential neighborhoods of the Town. Further, this bylaw is intended to provide for the orderly operation of short-term rentals within the Town and prevent negative impacts on neighborhood character, housing availability, house prices, availability of long-term rental units and impacts on infrastructure services such as sewer, parking, access, fire codes, building code enforcement and snow removal. These regulations are also intended to assist the Board of Health, the Building Department and the Fire Department in the enforcement of state and local health and safety laws and regulations related to short-term rental units and to provide a method for correcting violations when conditions require immediate attention in situations associated with Short-Term Rentals.

§ 190-2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING COMMISSIONER. The Building Commissioner of the Town of Fairhaven or his designee.

COTTAGE COLONY. A group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis.

DWELLING. Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two- or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter.

INSPECTIONAL SERVICES DEPARTMENTS. Consisting of Town of Fairhaven Building, Health and Fire Departments.

OCCUPANCY. The use or possession of or the right to use or possess a short-term rental of not more than 30 consecutive days.

OCCUPANT (GUEST). Any individual residing overnight in a short-term rental.

OPERATOR (HOST). Any Person or entity operating a short-term rental.

OPERATOR'S AGENT. A Person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent.

An "operator's agent" shall include, but not be limited to, a property manager, property management company or real estate agent.

OWNER. Any Person, as defined immediately below, whom alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

PERSON. An individual, partnership, trust or association, with or without transferable shares, joint stock company, a corporation which is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee or referee any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Fairhaven or any of its agencies.

SHORT-TERM RENTAL. A residential primary residential or mixed-use dwelling unit or any bedroom within a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 30 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter, 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or; bed & amp; breakfast establishments licensed under Chapter 198 of the Code of the Town of Fairhaven.

§ 190-3 Short-Term Rental Registration.

Registration is Required.

A. Short Term Rentals shall only be allowed in one or two family or multi-family dwelling units in which the unit or one of the units is an owner-occupied primary dwelling.

B. No owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Fairhaven Building Department. No tenant or lessee of an Owner shall let or sub-let a Short-Term Rental under any circumstances.

C. Limits on number of registrations per Owner. A maximum of 2 Short-Term Rental registrations shall be issued per Owner of a primary dwelling in Fairhaven.

D. Limit on number of days per year: A Short-Term Rental in Fairhaven may be rented a maximum of 60 nights per year.

E. Compliance. A dwelling used as a Short-term Rental shall be in compliance with the provisions of all state and local health and safety laws, bylaws and regulations. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application described in Section D below to the Fairhaven Building Department prior to occupancy. Operators shall comply with all applicable federal, state and local laws, bylaws and regulations, including, but not limited to; Chapter 198-24 Noise, Litter and Smoke Standards, Chapter 198-23 Home

Occupations, the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.

F. Application Required. The Owner of the dwelling shall be required to complete a Fairhaven Short-Term Rental registration application, the form and content of which shall be provided by the Fairhaven Building Department. The Applicant shall also provide proof each Short Term Rental is registered with the Massachusetts Department of Revenue.

G. Abutter Notification: For an initial application to register a property as a Short Term Rental the Applicant is required to send notification informing abutters within 300' and provide proof to the Town of the notification using one of the following methods: Hand delivery; Certified mail, return receipt requested; Certified mail. Proof of abutter notification shall be included with the application.

H. The Fairhaven Building Department shall, in accordance with sections D and E above, issue a certificate of registration which shall expire on the following December 31, provided that the certificate may be renewed each year.

I. Registration Renewal. Short-term rental registrations shall be renewed annually after satisfactory inspection by Inspectional Services Department and upon payment of the renewal fee.

J. Fees. The fee for a Short-term rental registration or a renewal of a registration shall be initially set at \$200 and thereafter may be modified by the Town Manager at a fee hearing.

K. Non-Transferability. Short-term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration

does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

§ 190-4 Publication of Registration Number

The Town-issued registration number shall be included on any listing offering the Short-term Rental for rent.

§ 190-5 Contact Information of Owner, Operator and/or Operator's Agent.

A. An Owner of a Short-term Rental shall provide the Fairhaven Building Department with his/her current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) or who have a direct or indirect interest in any property for which a Short-term Rental Registration in the Town of Fairhaven has been issued or for which a Short-term Rental Registration application is pending.

B. If the Owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.

C. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Fairhaven Inspectional Services Department to complaints regarding the condition or operation of the Short-term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short-term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short-term Rental Registration and shall be posted conspicuously within the rental unit.

§ 190-6 Good Neighbor Information

Short-term rental registrations will be published to the Town's website and shall include the contact information required in section 190-5(C) above. The website shall also include information about these Short-term rental regulations, and instructions and contact information to file a complaint.

§ 190-7 Posting of Notices

The Town shall provide information to each registered Operator summarizing the regulations for Short-term rentals. For each Short-term Rental Registration issued, this will include, but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the application, requirements for trash removal, occupancy requirements, parking, and noise restrictions. The Operator shall:

A. Provide each occupant a copy of the provided information; and

B. Post the information, along with the Short-term Rental Registration, in a conspicuous location within the Short-term Rental; and

C. Post the Short-term Rental registration number on a placard visible from the street in the dwelling's front yard or front door.

§ 190-8 Specific Standards of Short-Term Rental Properties

A. Trash Removal. The Short-term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or once per week, whichever is more frequent.

B. Parking. On-site parking of one space per Short-term Rental bedroom. (ZONING)

- C. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.
- D. Owner-Occupied.
- E. Commercial meetings and uses are prohibited in Short-term Rentals.
- F. Each Short-term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher on each floor.

§ 190-9 Occupancy Requirements

Notwithstanding the provisions of Chapter 59-3, the maximum number of Occupants in a Short-Term Rental shall be two per each bedroom, plus an additional two total.

§ 190-10 Keeping of Register

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the

Occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two (2) years and shall be made available upon request to Fairhaven Inspectional Services Department.

§ 190-11 Ineligible Units

The following are not eligible to be rented or offered to rent as Short-term Rentals:

- A. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
- B. Family Apartments or Accessory Affordable Apartments;
- C. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-term Rental;
- D. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unsafe orders, or cease and desist orders.
- E. Properties designated as Problem Properties under MGL Chapter 160.

§ 190-12 Failure to Pay Municipal Taxes, Fees, Assessments, and Charges.

The privilege of receiving or holding a Short-term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of G.L. c. 40, §57, for denial, suspension, amendment, or revocation of a Short-Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

§ 190-13 Inspections

Short-term Rentals shall be subject to a mandatory initial inspection and reasonable inspections thereafter by the Fairhaven Building Commissioner and/or Police, Fire, Health or other duly authorized authority from the Town.

§ 190-14 Complaint Process, Violations

- A. Complaint. A complaint alleging that a Short-term Rental is in violation of this Chapter or any applicable law, code or regulation may be filed with the Fairhaven Inspectional Services Department. The complaint must contain the Short-term Rental address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.
- B. Written notice of any violations of this chapter shall be treated as a complaint and may also be given by Inspectors. The notice shall specify the nature of the violation to the Occupant and

Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.

C. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short-term Rental Registration application then on file with the Fairhaven Building Department. A written change-of address notice signed by the Owner/s and delivered to the Fairhaven Building Department may be filed at any time.

D. Review of Complaint. The Inspectional Service Department shall investigate complaint(s) within a reasonable timeframe and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Commissioner or designee shall serve notice of the violation upon the Owner of the Short-term Rental. The Building Commissioner shall keep records of all complaints received and determinations made.

E. Offering an Ineligible Unit as a Short-term Rental. Any person who offers a unit as a Short-term Rental, where such unit is not an eligible Dwelling Unit or is not registered, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-term Rental.

F. Failure to Obtain a Registration. Any person who offers an eligible Dwelling Unit as a Short-term Rental without a valid Short-term Rental Registration, or any person who offers an eligible Dwelling Unit as a Short-term Rental while the unit's registration is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

G. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

H. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Fairhaven Building Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Commissioner shall notify the complainant of the place, date and time of the hearing. The hearing shall be conducted by a Hearing Officer designated as such by the Town Administrator and shall occur no later than three (3) weeks after the date the Fairhaven Building Department receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearing Officer has issued a decision.

I. Decision. Within seven days after the conclusion of the hearing, the Commissioner or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefor. If the Fairhaven Building Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification.

J. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspectors.

K. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

§ 190-15 Registration Suspension, Modification and Revocation

In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Fairhaven Building Commissioner, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Fairhaven Inspectional Services Department, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

§ 190-16 Judicial Appeals

Any person aggrieved by a final decision of the Hearing Officer and Fairhaven Building Commissioner with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

§ 190-17 Penalties

If any Occupant, Operator or Owner violates any provision of this chapter, the Owner may be subject to a fine in accordance with the following: \$150 1st Offense, \$300 2nd Offense and each subsequent offense. Each day that a violation exists constitutes a separate offense.

§ 190-18 Enforcement

The Town may enforce the provisions of this chapter by any or all of the following: the noncriminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

§ 190-19 Regulations

The Fairhaven Building Commissioner may adopt regulations, policies and procedures for the implementation of this chapter.

§ 190-20 Severability

Each provision of this Chapter shall be construed as separate. If any part of this Chapter shall be held invalid for any reason, the remainder shall continue in full force and effect. In the event of a conflict between this Chapter and any other Chapter of the General Code of Fairhaven, this Chapter 190 shall control.

§190-21 Annual Reporting

The Town Manager shall publish annually in the Town of Fairhaven Annual Report on the statistical data relating to Short-term Rentals.

PROPOSED GENERAL BYLAW AMENDMENT TO IMPOSE A 3% COMMUNITY IMPACT FEE ON SHORT TERM RENTALS

To see if the Town will enact the following amendments to the Town Bylaw Chapter that would allow the Town to adopt a general bylaw amendment that would impose a three percent (3%) Community Impact Fee, per Section 3D (b) of M.G.L. Chapter 64G, to be paid monthly on the total amount of rent for each transfer of occupancy of any professionally managed short-term rental units and on short-term rental units located within a two-family or three-family dwelling that includes the operator's primary residence. By statute, thirty five percent (35%) of all community impact fees received pursuant to this Order shall be dedicated to either affordable housing or local infrastructure projects within the Town. The Town of Fairhaven already has a six percent (6%) Hotel Room Occupancy Tax that automatically applies to Short Term Rentals as of July 1, 2019 based on the new law (Section 3D (b) of M.G.L. Chapter 64G).

1) That the Town of Fairhaven accepts the provisions of Section 3D (a) of M.G.L. Chapter 64G, and hereby imposes a 3 percent (3%) community impact fee on the total amount of rent for each transfer of occupancy of a professionally managed short-term rental unit that is located within the Town. All community impact fees received pursuant to this Order shall be paid to the Department of Revenue monthly by the operator.

2) That the Town of Fairhaven accepts the provisions of Section 30 (a) of M.G.L. Chapter 64G, and hereby imposes a 3 percent (3%) community impact fee on the total amount of rent for each transfer of occupancy within a two-family or three-family dwelling that includes the operator's primary residence short-term rental unit that is located within the Town. All community impact fees received pursuant to this Order shall be paid to the Department of Revenue monthly by the operator. To see if the town will vote to create Bylaw Chapter 190 in order to allow and regulate Short-Term rentals and to see if the Town will create community Impact Fee of 3% on Short-Term rentals to pay for the regulation and enforcement.

Petitioned by: Planning & Economic Development Committee

ARTICLE 36: AMENDMENT TO BPW BY-LAW SOLID WASTE & RECYCLING CURBSIDE

To see if the town will vote to add a section to the Town of Fairhaven By-laws or to take any other action relative thereto.

- a. Customers shall place solid waste and recycling curbside prior to 7:00 am on the designated collection day but no earlier than 5:00 pm on the day prior to the designated collection day.
- b. Customers shall remove all acceptable solid waste containers from the public layout (street or sidewalk) as soon as practicable or, in any event, no later than 7:00pm on the designated collection day for the area.

Petitioned by: Board of Public Works

ARTICLE 37: AMENDMENT TO THE TOWN'S PLANNING BY-LAWS CHAPTER 194 STORMWATER MANAGEMENT

To see if the town will vote to **amend** Chapter 194 Stormwater Management, illicit discharge, soil erosion, sediment control or take any other action relative thereto.

§ 198-31.1 Stormwater management.

[Added 5-1-1999 ATM by Art. 9]

This section shall apply to all new special permits subject to § 198-29 for additions or renovations which increase the impervious area of property applied for after January 12, 1999, as provided for in MGL c. 40A, § 6. Further this section shall also apply to such special permits granted prior to January 12, 1999, as provided for in MGL c. 40A, § 6, if the building permits authorized under such special permit are not issued prior to November 1, 1999. No lot created after May 1, 1999, may be built upon without compliance with this section. The requirements of this section may be met for lots created after May 1, 1999, by approval of a subdivision plan that includes a stormwater management plan, as described herein, by the Fairhaven Planning Board. This section shall also apply to all new special permits subject to § 198-29 that disturb one (1) or more acres of land regardless of whether they increase the impervious area of a property.

A. Standards.

- (1) Stormwater management for each development shall be designed consistent with or more stringent than the requirements of the Massachusetts Stormwater Handbook, shall comply with Chapter 194: Stormwater Management, Illicit Discharge, Soil Erosion, Sediment Control Bylaw and Adhere to the standards and requirements of Regulations issued there under and shall accomplish the following:
 - (a) Flooding. The design and construction of each subdivision or special permit project shall be done in a manner such that post-development runoff will not exacerbate or create flooding conditions, or alter surface water flow paths, resulting in impacts to adjacent properties to the site during the two-, ten-, twenty-five- and one-hundred-year twenty-four-hour storm events.
 - [1] No increase will be allowed in the peak rate of runoff off of the site for any of the above design storms.
 - [2] No increase will be allowed in the volume of runoff off of the site up to the ten-year, twenty-four-hour design storm.
 - (b) Water quality. The first flush of stormwater runoff shall be treated prior to discharge off of the site. The treatment system(s) shall be designed to accommodate the first flush from the entire development site.
 - [1] Stormwater management systems for New Development and Redevelopment projects shall meet minimum requirements of the *General Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems in Massachusetts (MS4 Permit)* including:
 - (a) New Development Projects shall provide removal of 90% of the average annual (not per storm) load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 60% of the average annual (not per storm) load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Average annual pollutant removal requirements are achieved through one of the following methods:
 - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting

and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

- ii. Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site; or
- iii. Meeting a combination of retention and treatment that achieves the above standards.

(b) Redevelopment projects shall provide removal of 80% of the average annual (not per storm) post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the average annual (not per storm) load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Average annual pollutant removal requirements are achieved through one of the following methods:

- i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
- ii. Retaining the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site; or
- iii. Meeting a combination of retention and treatment that achieves the above standards.

(c) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless infeasible and are exempt from Section 1.b. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of Section 1.b.

[2] Any development in Nasketucket River Basin Zoning Overlay District shall incorporate physical treatment processes to remove nitrogen at an efficiency rate of 30% or greater.

- [3] Identify the immediate down gradient waterbody(s) that stormwater runoff from the project site discharges to, EPA's waterbody assessment and TMDL status of the waterbody(s), <http://www.epa.gov/region1/npdes/stormwater/ma.html> and the LIDs and BMPs included in the project to address the pollutant(s) of concern.
- (c) Reproduce, as nearly as possible, the hydrologic conditions in the ground and surface waters prior to the development. Low Impact Development (LID) site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites. Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices. Provide an explanation as to why LID techniques were included or excluded from the project.
 - (d) Reduce stormwater pollution to the maximum extent possible using best management practices (BMPs).
 - (e) Have a long-term maintenance plan.
- (2) The Planning Board is authorized to vary from these standards due to topographic features of the lot.
- B. Submittal requirements.
- (1) It shall be the responsibility of the applicant for all subdivisions greater than three lots and for all special permits for new construction, and for special permits for additions or renovations which increase the impervious area of a property requiring approval of the Planning Board to submit 10 copies of a stormwater management plan (SMP) detailing the existing environmental and hydrological conditions of the site, proposed alterations of the site, and all proposed components of the drainage system and any measures for the detention, retention or infiltration of water, for the protection of water quality and protection from flooding. The SMP shall contain sufficient information for the Planning Board to evaluate the effectiveness and acceptability of those measures proposed by the applicant for controlling flooding and pollution from stormwater runoff. The SMP shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, plans showing construction details of all systems and structures, and citations to supporting references, as appropriate, to communicate the information as required by this section.
 - (2) The submittal of a stormwater management plan shall include an order of conditions or a determination of nonapplicability from the Fairhaven Conservation Commission issued under the Fairhaven Wetlands Bylaw.
 - (a) Site characteristic information to be included in the stormwater management plan (SMP).
 - [1] Predevelopment conditions shall include:
 - [a] The existing watersheds on the property, as well as upgradient areas contributing runoff to the property;
 - [b] Location of all surface waters and wetlands on the site or on lots adjacent to the site;
 - [c] The delineation of the one-hundred-year flood elevation as indicated on the Federal Emergency Management Act (FEMA) maps. If FEMA maps do not exist or if the waterbody or watercourse

one-hundred-year flood elevation is not indicated on the map, the elevation shall be calculated utilizing an appropriate methodology such as NRCS TR-55 or TR-20 or HEC2. (Note: The floodplain location determined by the FEMA maps are approximate. When a specific elevation is given, the location of the floodplain shall correspond to that elevation.);

- [d] The principal vegetation types sufficient to determine an appropriate curve number;
 - [e] The topography described at one-foot intervals; areas of steep slopes over 15% shall be highlighted;
 - [f] The soil types on the site and the hydrological soil groups based on the most current Natural Resource Conservation Service soils map of the site (available at the NRCS office in Wareham);
 - [g] The location of any public or private water supplies within 150 feet of the property as well as on the property;
 - [h] Soil logs signed by a DEP certified soil evaluator for each proposed stormwater control system site. (Documentation should be for a minimum of four feet below the bottom of the stormwater system and be submitted for both flood control stormwater systems and pollution reduction stormwater systems.);
 - [i] Maximum groundwater levels as observed in the soil at the proposed stormwater control system locations;
 - [j] The flow path(s), design points for each watershed; and
 - [k] Areas of ponding or swamping.
- [2] Postdevelopment conditions shall include:
- [a] Changes in topography at one-foot intervals;
 - [b] Areas where vegetation will be cleared or otherwise altered. (For residential development assume 90% of all area excepting buildings to be managed turf.);
 - [c] The proposed watersheds on the property, as well as upgradient areas contributing runoff to the property;
 - [d] The proposed development layout including: locations of roadways, common parking areas, and undisturbed lands; and locations of drainage systems and stormwater treatment facilities;
 - [e] Areas to be utilized in overland flow, i.e., grass swales and filter strips, showing: proposed vegetation; the soil susceptibility to erosion (using the NRCS classification);
 - [f] The flow path(s) for the two-, ten-, twenty-five- and one-hundred-year twenty-four-hour storm event; and
 - [g] Design points for each watershed.
- (b) Water quantity/duration/quality information to be submitted in the SMP.

- [1] Predevelopment conditions in narrative form or calculations shall include: peak discharge rate, based on the two-, ten-, twenty-five- and one-hundred-year twenty-four-hour storm event using NRCS TR-55 or TR-20; and volume of the surface runoff for ten-year twenty-four-hour storm event using NRCS TR-55 or TR-20.
 - [2] Post development conditions in narrative form or calculations shall include: peak discharge rate, based on the two-, ten-, twenty-five- and one-hundred-year twenty-four-hour storm event using NRCS TR-55 or TR-20; volume of the surface runoff for the ten-year twenty-four-hour storm event using NRCS TR-55 or TR-20; design point(s) for each watershed; detention/retention time, discharge rate, and approximate time of concentration through the BMP for the water quality storm; a description of and calculations for the proposed outlet structure(s); both the principle outlet and emergency spillway; and a discussion regarding whether the proposed stormwater system meets or exceeds the established performance standards as well as an evaluation of the pollutant removal efficiency of each proposed treatment facility or group of facilities.
- C. Design standards. The design, construction and maintenance of the stormwater system, and the submittal of information to evaluate the system, shall be consistent with the standards and specifications set out below.
- (1) Performance standards and design specifications.
 - (a) Control of stormwater runoff shall meet the design criteria for both flood (volume and peak discharge) control and nonpoint source pollution reduction as indicated in Subsection A above. All assumptions, methodologies and procedures used to design stormwater systems shall accompany the design.
 - (b) Stormwater design methodology considerations for stormwater management.
 - [1] Runoff calculations for flood control shall be provided utilizing the rational formula, the NRCS TR-20 or TR-55, as appropriate for the site. The appropriate methodology shall be determined from the restrictions on each method described in Basic Hydrological Calculations for Conservation Commissioners Runoff, Land Subject to Flooding, and Flow in Pipes and Channels, (1987). The Rational Method cannot be used to determine volume.
 - [2] The appropriate pre- and postdevelopment worksheets as shown in Basic Hydrological Calculations for Conservation Commissioners Runoff, Land Subject to Flooding, and Flow in Pipes and Channels, (1987), shall be submitted with the subdivision plan or special permit application.
 - [3] The flow length for predevelopment sheet flow to determine the time of concentration (T_c) or travel time (T_t) shall not exceed 50 feet.
 - [4] Design points.
 - [a] The design points shall be at the:
 - [i] Edge of wetlands;
 - [ii] Property line; or

- [iii] Existing storm drain system.
- [b] For each predevelopment design point there shall be a corresponding postdevelopment design point.
- (2) General standards and specifications. The design, construction and maintenance of stormwater systems shall be consistent with the following:
 - (a) Discharging runoff without treatment directly into rivers, streams, watercourses or wetlands is prohibited.
 - (b) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered.
 - (c) Land outside the parcel subject to development review shall not be used in the stormwater management plan (i.e., the location of the detention pond) unless a recordable easement has been granted for such use and a copy of the easement has been submitted to the Planning Board as part of the SMP.
 - (d) The site shall be graded so that surface water shall be directed into the stormwater management system.
 - (e) Intermittent watercourses such as swabs shall be vegetated.
 - (f) Prior to discharging any stormwater runoff into a stormwater system, the following conditions must also be met:
 - [1] The system shall be installed according to applicable standards and specifications of this section;
 - [2] All components of the system shall be stabilized; and
 - [3] All upland areas contributing stormwater runoff to the system shall be stabilized (nonerosive).
 - (g) All basins/ponds designed for stormwater runoff control shall:
 - [1] Be designed in accordance with current NRCS standards and specifications unless otherwise indicated in Subsection **C(4)**, Specific standards and specifications below;
 - [2] Have a two-stage design when pollution reduction and flood control are incorporated into one stormwater management system. The upper stage shall provide enough storage to control the postdevelopment peak discharge rates for the two-, ten-, twenty-five- and one-hundred-year, twenty-four-hour storm events to the predevelopment levels; the lower stage shall provide enough storage to meet the pollution removal efficiencies as described Subsection **C(4)**, Specific standards and specifications below;
 - [3] Have energy dissipaters at the outlets of all inflow and outflow pipes;
 - [4] Have outflow pipes designed to minimize clogging (i.e., through the use of trash racks);
 - [5] Have an emergency spillway to allow for the passage of water without damage to the water quality structure for storms greater than their largest design capacity;

- [6] Have side slopes at a no steeper than a four horizontal to one vertical grade unless otherwise called for by the Fairhaven Conservation Commission to minimize a stormwater system's impact on wetland or bordering wetland resource areas (Side slopes must be stabilized and planted with vegetation to prevent erosion. A ten-foot wide bench at 0% slope shall surround any permanent pool.); and
- [7] Except for the sediment forebay, shall have no permanent pool depth in excess of 2 1/2 feet.
- (h) All water quality stormwater systems shall be designed in accordance with the runoff volume indicated in Subsection A above. Runoff greater than this design criteria shall be controlled using the peak discharge/volume control criteria in Subsection A above.
- (i) Infiltration basins using redundant sediment removal techniques (i.e., sediment forebay, grassed swale and filter fabric) may be designed and utilized to act as stormwater systems for both water quality and volume control, provided all other standards and specifications are met.
- (j) Volume control structures shall not be placed upgradient of any pollution stormwater system.
- [1] Volume control shall be by infiltration;
- [2] Infiltration areas designed and constructed to control the volume of runoff shall be located in areas with a NRCS hydrological soil group of A, B or C;
- [3] Infiltration for volume control shall be designed and constructed with the bottom of the infiltration area at or above the maximum high groundwater elevation; and
- [4] The calculations to determine the size of the volume control structure shall assume the surface of the structure to be impervious;
- (k) Forebays.
- [1] All water quality basin/ponds shall have a sediment forebay. These forebays shall:
 - [a] Consist of a separate cell;
 - [b] Be sized to contain 0.25 inches per impervious acre of contributing drainage;
 - [c] Be less than a twelve-foot distance from the bank to the center of the forebay;
 - [d] Be four feet deep; and
 - [e] Have nonerosive exit velocities for the two-year design storm.
- [2] If the water quality basin is to be deeded to the town, the forebay shall be constructed to meet Board of Public Works requirements.
- [3] The forebays may have a headwall depending on the Board of Public Works recommendations.
- (l) Where stormwater basins are designed with a permanent pool depth, a post-and-rail fence with pressure-treated or locust posts, with a backing of plastic coated wire fencing shall be used when

the basin is in close proximity to residential units, and shall further inhibit access by a planting of thick shrubs such as rugosa rose (*Rosa rugosa*) surrounding the basin.

- (m) All water quality stormwater systems shall be designed to accept a return storm of 0.5 inches off the impervious area 11 days after the water quality storm.
- (n) Conveyance of stormwater:
 - [1] The entire drainage system of storm drainage lines shall be capable of conveying the twenty-five-year storm, including catch basins, manholes and culverts.
 - [2] Water velocities in pipes and gutters shall be between two and 10 feet per second. Water velocities in nonpaved areas (e.g., swales, ditches) shall not be more than published values for maximum permissible velocities based on surface cover type and soil types.
 - [3] Water velocities in catch basins shall not exceed 0.5 feet per second. Catch basins shall be designed (inlet capacity and spacing) such that the flow in the gutter during a twenty-five-year design storm is not more than three feet in width as calculated utilizing methodologies described in "Drainage of Highway Pavements, Hydraulic Engineering Circular No. 12" as published by the United States Department of Transportation, Federal Highway Administration. In any event, water shall not be allowed to run for more than 300 feet on paved surfaces.
 - [4] Catch basins shall be constructed of at least six inches precast reinforced concrete. Catch basin grates shall be in the gutter to facilitate snow removal.
 - [5] The standard depth of catch basins shall be a minimum 2.5 feet below the invert of the outlet. Manholes shall be constructed at each junction point of storm drain lines. Catch basins shall not serve as manholes.
 - [6] Storm drains shall be of at least 12 inches diameter inside, with at least 24 inches of cover, and shall be of reinforced concrete Class IV pipe if having less than 48 inches of cover within a street right-of-way. Aluminum pipe of at least comparable strength may be substituted in appropriate locations if approved by the Fairhaven Board of Public Works (BPW). All drain pipes except subdrains shall be reinforced concrete or ADS. Waivers from these standards shall be allowed upon recommendation of the Board of Public Works.
 - [7] Easements and provisions for vehicular access shall be provided along the entire length of storm drain lines.
- (o) Cross culverts.
 - [1] Culverts and stormwater outlet structures shall have reinforced concrete headwalls designed in accordance with good practice.
 - [2] At cross culverts (where a roadway bisects a stream or manmade watercourse), drainage easements shall be established upgradient of the culvert and delineated on the definitive plan based on the projected one-hundred-year headwater elevation.
 - (3) Selecting a water quality BMP. Three designs for water quality BMPs, micropool extended detention basins, wet extended detention ponds, and infiltration basins are listed in Subsection

C(4), Specific standards and specifications below. One of these BMPs may be appropriate for the site:

- (a) Micropool extended detention basins (EDB) with a forty-eight-hour detention time will not adequately remove bacteria. No EDB proposed within 1,000 feet of a sensitive receptor for bacteria shall be approved. In Fairhaven, these areas are:
 - [1] All coastal waters excluding inner New Bedford Harbor.
 - [2] Zone 2 of public water supply wells at Mill Pond pumping station.
- (b) Due to the high failure rate of conventional infiltration practices (including porous pavement), they are not an accepted method of stormwater management unless redundant pretreatment for sediment removal is utilized. No underground infiltration practices, such as leaching catch basins, shall be allowed.
- (c) Oil/grit separators are not needed for the type of pollutants associated with subdivisions. They shall not be approved for residential subdivisions. Oil/grit separators may be required for special permits granted by the Planning Board.
- (d) Other water quality BMPs may be approved, provided that the pollutant removal rate meets or exceeds the requirements of Subsection A above.
- (4) Specific standards and specifications for water quality BMP's.
 - (a) Micropool extended detention basin (EDB). In order to provide an estimated removal efficiency of 80% for suspended solids, 30% total phosphorus, and 15% total nitrogen, EDBs shall be designed in accordance with Subsection C(1), Performance standards and design specifications, plus the specific criteria stated below. The design of EDBs shall include:
 - [1] Minimum contributing watershed area of 10 acres;
 - [2] A minimum of forty-eight-hour detention time for the water quality storm;
 - [3] A sediment forebay at the inlet;
 - [4] A micropool located near the outlet structure to reduce resuspension of sediments;
 - [5] A minimum of 3:1 length to width ratio with the inlet structure placed a maximum distance from the outlet structure; and
 - [6] The establishment of, and the methodology with which to maintain, wetland vegetation on the bottom of the basin.
 - (b) Wet extended detention ponds/basins (WP). The minimum design criteria below plus Subsection C(1), Performance standards and design specifications, will provide an estimated removal efficiency of 80% for suspended solids, 65% total phosphorus, and 40% total nitrogen. The design of WPs shall include:
 - [1] A minimum contributing watershed of 25 acres, or measures to maintain a permanent pool of water;

- [2] A permanent pool volume within the permanent pool equal to 40% of the water quality (first flush) volume;
 - [3] A sediment forebay volume of 13% of the water quality (first flush) volume;
 - [4] An extended detention storage volume of 47% of the water quality (first flush) volume;
 - [5] A detention time for the water quality (first flush) volume of 48 hours;
 - [6] A maximum depth of 2.5 feet;
 - [7] A marsh component to be established along the pond edges;
 - [8] A minimum of 3:1 length to width ratio with the inlet structure placed at a maximum distance from the outlet structure.
- (c) Infiltration basin (IB). A design based on both the minimum design criteria for IBs listed below and the design criteria in Subsection C(1), Performance standards and design specifications, will provide an estimated removal efficiency of 80% for suspended solids and 90% for bacteria. The design of IBs shall include:
- [1] Three redundant pretreatment mechanisms (such as a sediment forebay or detention pond) adequate to remove and store 80% of the TSS.
 - [2] Adequate volume to infiltrate the first flush of runoff.
 - [3] Compliance with the specifications found in the State of Rhode Island Stormwater Design & Installation Manual, September 1993, when not specified elsewhere in this section.
- [a] Section 6.3(a), (b)(1)(2)(4), Site Suitability, utilizing the Bristol County Soil Survey, or more recent unpublished updates available at the NRCS office in Wareham.
 - [b] Section 6.4 Infiltration Rates.
 - [c] Section 6.6 (a through i) Design Requirements.
 - [d] Section 6.7(a)(1-11) Separation Distances.
- D. Inspection and maintenance.
- (1) After the stormwater management system has been constructed and before the performance guaranty for the development has been released, the applicant shall submit an "as-built" plan detailing the actual stormwater management system as installed. The consulting engineer for the Town shall inspect the system to confirm its as-built features. This engineer shall also evaluate the effectiveness of the system in an actual storm. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the definitive plan, it shall be corrected before the performance guaranty is released. Examples of inadequacy shall be considered but not limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins. The cost of having the town's consulting engineer review and evaluate the as-built plans and the stormwater management system shall be borne by the developer.

- (2) All stormwater management systems shall be maintained in accordance with the following regulations.
 - (a) The applicant shall submit 10 copies of a maintenance plan for stormwater management. Maintenance plans for each basin include a maintenance schedule, an outline of responsible parties and owners, all pertinent agreements to be executed to ensure proper maintenance and an estimate of future yearly maintenance costs.
 - (b) To facilitate maintenance, each water quality basin/pond shall be constructed with:
 - [1] Direct maintenance access by heavy equipment to the forebay;
 - [2] A hardened bottom in the forebay made of stone or concrete to make sediment removal easier; and
 - [3] A fixed sediment depth marker installed in the forebay to measure sediment deposition over time.
 - (c) Routine maintenance and inspections shall conform to the following:
 - [1] Stormwater management systems shall be inspected annually and cleared of debris, sediment and vegetation when they affect the functioning and/or design capacity of the facility;
 - [2] Where lack of maintenance is causing or contributing to a water quality problem, immediate action shall be taken by the property owner to correct the problem within 14 days of written notice by the Planning Board;
 - [3] All actions required to maintain the stormwater management system for the purpose it was designed and constructed must be performed within 30 days following the maintenance inspection;
 - [4] Accumulated sediment shall be excavated as needed or at the request of Planning Board; and
 - [5] Any vegetation uprooted by sediment removal shall be replaced.
 - (d) To ensure future maintenance and avoid undue costs to the town:
 - [1] Each basin design shall have a design life of 20 years, as documented in a peer review publication, third party testing or other independent means.
 - [2] The applicant shall provide cost estimates per year for future maintenance of the stormwater conveyance and detention/infiltration system. This cost estimate shall include semiannual sediment removal from all catch basins and street sweeping, and cleaning of sediment forebays and detention ponds when necessary. The Board of Public Works shall be required to approve all cost estimates prior to Planning Board approval.
 - [3] The applicant shall provide to the Planning Board assurances that there is in place a mechanism such as a bond, letter of credit, escrow account or similar security to ensure the maintenance, inspection and repair of the stormwater system for a period of at least 20 years.

Petitioned by: Board of Public Works

ARTICLE 38: STREET ACCEPTANCE ROBERT STREET

To see if the Town will vote to accept the layout of a parcel of land shown as Robert Street on a plan entitled "Street Layout and Acceptance Plan for Robert Street", scale: 1" = 30', dated October 2, 2019 and prepared by GCG Associates, Inc., Wilmington, MA., said Robert Street is 40 feet in width and contains 15,745 square feet +/-.

Beginning at a point at the intersection of the northerly sideline of Robert Street and the westerly sideline of Castle Avenue, as shown on plan here after referenced; thence

South 01° 53' 45" East, along the westerly sideline of Castle Avenue, forty and zero hundredths feet (40.00) to a point; thence

South 88° 46' 30" West, along the southerly sideline of Robert Street, three hundred twenty-eight and twenty-six hundredths feet (328.26) to a point; thence

Along a non-tangent arc to the right with a radius of thirty and zero hundredths feet (30.00) a distance of one hundred forty-four and seventy-one hundredths feet (144.71) to a point; thence

North 88° 46' 30" East, along the northerly sideline of Robert Street, three hundred twenty-eight and thirteen hundredths feet (328.13) to the point of beginning.

The above description for Robert Street is a 40' wide way and contains 15,745 square feet +/-

Above described parcel being shown as Robert (40' Wide Right of Way) Street on "Street Layout and Acceptance Plan for Robert Street" Scale 1"=40' Dated 10/02/2019 prepared by GCG Associates, Inc. Said plan to be recorded at the South Bristol Registry of Deeds.

Or to take any action thereon.

Petitioned by: the Board of Public Works

ARTICLE 39: HISTORIC TOWN HALL LAMPS

To see if the town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the purchase and installation of four (4) decorative street lamps on three (3) sides of Town Hall. One (1) on Walnut Street, one (1) on William Street, and two (2) on Center Street. Cost not to exceed \$25,000.00 or take any action relative thereto.

Petitioned by: Historical Commission

ARTICLE 40: AUTHORIZE BOARD OF SELECTMEN TO PETITION TO IMPOSE A CHECKOUT BAG CHARGE

To see if the Town will vote to authorize the Selectboard to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.10 for all new checkout bags distributed in the Town of Fairhaven, which legislation would have the underlying purposes of 1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, 2) allowing consumers to have the choice of not paying for

unwanted or unneeded new checkout bags, 3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and 4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Selectboard approves amendments to the bill prior to enactment by the General Court; and provided further that the Selectboard shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or to take any other action relative thereto.

~~AN ACT TO REPEAL~~ THE TOWN OF FAIRHAVEN TO ESTABLISH A FEE

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Fairhaven shall charge for each such bag equal to or greater than \$0.10 per checkout bag, as established by regulations to be duly promulgated by the Fairhaven Board of Health.

(b) All monies collected pursuant to this section shall be retained by the retail establishment.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3. (a) The Health Agent for the Fairhaven Board of Health or his/her designee shall have authority to enforce this law and any regulations promulgated there under. This law may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the Town of Fairhaven General Bylaws.

(b) The Fairhaven Board of Health may adopt and amend rules and regulations to effectuate the purposes of this law.

SECTION 4. If any provision of this law is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This act shall take effect three months after its passage

Petitioned by: Sustainability Committee

ARTICLE 41: ZONING BY-LAW CHANGE CHAPTER 198-33

To see if the town will vote to enact the following amendments to the Zoning Bylaw chapter 198-33 to change and/or add definitions from Massachusetts General Law to the definitions section (198-33) and other locations within the Fairhaven Codebook where the revised definitions reside.

Petitioned by: Planning Board

ARTICLE 42: ZONING BY-LAW CHANGE Chapter 198-29.6 – SOLAR PHOTOVOLTAIC ENERGY FACILITIES

To see if the town will vote to amend the bylaws Chapter 198-29.6 – Solar Photovoltaic Energy Facilities (SPEF) to allow solar power for export in the business and Industrial Districts as an accessory use with a special permit.

Petitioned by: Planning Board

ARTICLE 43: DISCONTINUE PORTION DEAN ST & LIVESEY PARKWAY

To see if the town will vote to discontinue that portion of Dean Street east of its intersection with Adams Street, and that portion of Livesey Parkway (formerly known as Spruce Street) south of its intersection with Morton Street, both as appearing on assessors map 22A; or to take any other action thereto.

Petitioned by: Board of Selectmen

ARTICLE 44: CHANGE TREE WARDEN FROM ELECTED TO APPOINTED

To see is the Town will vote to amend the town bylaws by adding the following section:

The tree warden shall be appointed by the board of selectmen, and shall exercise the duties of tree warden and of insect pest control. Such tree warden shall be qualified by training and experience in the field of arboriculture and licensed with the department of food and agriculture in accordance with the provisions of section ten of chapter one hundred and thirty-two B of the general laws. The term of such appointment shall be for three years.

Petitioned by: Board of Public

ARTICLE 45: TRANSFER FROM SURPLUS REVENUE-FY22

To see is the Town will vote to transfer a sum of money from Surplus Revenue for the reduction of the tax levy, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 46: CITIZENS PETITION-CHANGE THE NAME OF THE BOARD OF SELECTMEN TO SELECT BOARD

To change the name of The Board of Selectmen to Select Board or take another action relative thereto.

Petitioned by: Ann Richard

ARTICLE 47: CITIZENS PETITION-INCREASE BOARD OF SELECTMENT FROM THREE (3) TO FIVE (5)

To see if the Town will vote to accept the following article:

In accordance with the Articles of the Constitution of the Commonwealth, the Fairhaven Board of Selectmen is hereby directed to petition the General Court for passage of the act relative to the Town Board of Selectmen, providing as follows:

Section 1: Notwithstanding any general or special law to the contrary, the number of members on the Fairhaven Board of Selectmen shall be increased from three (3) to five (5). The Board of Selectmen shall annually elect a chairperson from among its members.

Section 2: At the first Annual Town Election to occur following the passage of this act by the Massachusetts General Court, three (3) Selectmen shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term, the candidate receiving the second highest number votes shall serve a two (2) year term and the candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Selectmen expire, successors shall be elected for terms of three (3) years.

Section 3:

This act shall take effect upon its passage.

Or take any other action relative thereto.

Petitioned by: Donna McKenna

ARTICLE 48: CITIZENS PETITION-CREATE A NEW NINE MEMBER CHARTER COMMITTEE

To see if the Town will vote to create a new nine-member committee, to be known as the Fairhaven Charter Committee, to be appointed by the Moderator, which committee shall be charged with the review of all aspects of local government organization and structure, including, without limitation, regional relationships and the operation of all Town departments, boards, committees and commissions, elected and appointed, and make a report or recommendations to the 2022 Annual Town Meeting, or such later town meeting as the Moderator may approve, with the goal of presenting a proposed charter at the 2022 Annual Town Meeting, which special legislation would be forwarded to the General Court for review and approval, in accordance with the Home Rule Amendment, Section 8, and further to raise and appropriate or transfer from available funds a sum of \$10,000.00 to pay for the expenses of such Committee, or take any other action relative thereto.

Petitioned by: Kyle Bueno

ARTICLE 49: CITIZENS PETITION-ESTABLISH AN ETHICS COMMITTEE

To see if the Town shall vote to establish an ethics committee which shall be elected by the town voters each year at the time of the Spring Election. This will be a three member board and anyone serving on this board cannot have any dealings with the town from which they receive financial gain. Members of this board cannot serve on any other board elected or appointed. For the purposes of the first election the person with the highest vote total will serve for three years, the person who receives the second highest vote total will serve for two years, and The Ethics Board will have the following responsibilities and powers. They can investigate any conduct which appears to be unethical or illegal. They can ask for the records from any town board which would include minutes of meetings, e-mails, and any other correspondence which is asked that pertains to their inquiry. If malfeasance is found they can go directly to town meeting with a recommendation with options that include a: call for censure, a vote of no confidence, and an impeachment of a town official. Furthermore as representatives of the town they can ask for the Attorney General to investigate any activity which through their inquiry they found to be illegal or in violation of the open meeting law. Furthermore if they feel that a committee or member of a committee is operating in violation of the bylaws of the town they will contact that board and ask that immediate action to remedy the violation be taken. Any citizen can file a complaint with the Ethics Committee and if requested it will be mandated to be put on their agenda at the next scheduled meeting. The committee will determine within thirty days what course of action if any will be taken regarding the complaint. The Ethics Committee will also prepare a code of ethics to be voted by the annual Spring town meeting in 2021. Or to take any other action relative thereto.

Or take any other action relative thereto.

Petitioned by: Mary Freire-Kellogg

ARTICLE 50: CITIZENS PETITION-ESTABLISH TERM LIMITS FOR ELECTED BOARD MEMBERS

To see if the Town will vote to adopt into Town bylaw: Term Limits for Elected Board Members

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the Article to vote on the following Article. To see if the Town shall vote to establish-TERM LIMITS for Elected Board Members

We the registered voters of Fairhaven petition the town meeting to vote on the Article to see if the Town shall vote to adopt a by law to be enacted immediately, commencing with the spring election of 2021, and to take any other action relative thereto, as follows:

RECEIVE

The term for any elected town official shall be limited to a maximum of two consecutive terms. The total length of service for any elected official shall not exceed six years in any particular office. Any elected official who has already served a maximum term of six years in any particular office at the time

such by-law is enacted, shall be prohibited from further serving in the same position, for an

additional term after the expiration of his/her current term of office.

To be voted by the annual Spring town meeting in 2021. Or to take any other action relative thereto.

Or take any other action relative thereto.

Petitioned by: Mary Freire-Kellogg

**ARTICLE 51: CITIZENS PETITION-AMEND TOWN BYLAW CHAPTER 115
“RIGHT TO FARM”**

To see if the Town will vote to amend Town bylaw Chapter 115 "Right to Farm, Section 3 and Chapter 405 “ANIMALS” Section 2 to clarify the permitting requirement for animals is. Waived on all parcels greater than 5 Acres in the Town of Fairhaven as these parcels are determined to be zoned as Agricultural in Chapter 155 Section -3 in the current Fairhaven Bi-Laws.

Or take any other action relative thereto.

Petitioned by: Mary Freire-Kellogg

**ARTICLE 52: CITIZENS PETITION-AMEND TOWN BYLAW CHAPTER 516
“RECALL ELECTIONS”**

To see if the Town will vote to amend Town bylaw Chapter 516: "Recall Elections", Section 2 to reduce the registered voter signature requirement from twenty (20) percent to ten (10) percent as follows:

"The recall petitions shall be returned and filed in the office of the Town clerk within Thirty days following the date the petitions were issued, signed by at least

10 percent of the total number of registered voters duly recorded on the registration list of the Town clerk as of the preceding Town election."

Or take any other action relative thereto.

Petitioned by: Mary Freire-Kellogg

**ARTICLE 53: CITIZENS PETITION-AMEND TOWN BYLAW CHAPTER 516
“RECALL ELECTIONS”**

To see if the Town will vote to amend Town bylaw Chapter 516: "Recall Elections, Section 2 to reduce the registered voter signature requirement from twenty (20) percent to ten (10) percent, and to increase the time frame for obtaining those signatures, as follows:

"The recall petitions shall be returned and filed in the office of the Town clerk within ~~(14)~~ ~~fourteen days~~ (30) thirty days following the date the petitions were issued, signed by at least ~~(20)~~ ~~percent~~ (10) percent of the total number of registered voters duly recorded on the registration list of the Town clerk as of the preceding Town election."

Or take any other action relative thereto.

Petitioned by: John Farrell

ARTICLE 54: CITIZENS PETITION-REZONE PORTIONS OF 267 HUTTLESON AVENUE

We the undersigned registered voters of the Town of Fairhaven, hereby petition your Board to insert in the warrant of the next Annual or Special Town Meeting an article for the Rezone of the following described property Portions of 267 Huttleson Avenue from (Existing Zoning) Multi-family to Proposed Zoning: Business.

Petitioned by: GB Knowles

ARTICLE 55: CITIZENS PETITION-STREET LIGHT REQUESTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the installation and maintenance of the following street light or take any other action relative thereto:

A. One light pole at 16 Saltmarsh Road, pole # 179/11. Move light from pole #179/12 to pole #179/11

Petitioned by: Robert Hobson

B. One light pole at 10 Saltmarsh, pole # 179/13

Petitioned by: Robert Hobson

ARTICLE 56: REHAB NEW WING ROGERS SCHOOL

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehab the new wing at Rogers School, or take any other action relative there to.

Petitioned by: Board of Selectmen

ARTICLE 57: LAND ACQUISITION NORTH STREET

To see if the town will raise and appropriate, borrow or transfer from available funds a sum of money to purchase or take by eminent domain all or part of 0 North Steet, further identified as Lot 43 on Assessors Map 15, or take any other action relative there to.

Petitioned by: Board of Selectmen

ARTICLE 58: OTHER BUSINESS

To act upon any other business which may legally come before this meeting.

And you are hereby directed to serve this warrant by posting an attested copy thereof on or near the front or main entrance of the polling place in Precinct 1, Town Hall; and on or near the entrance of the polling place in Precinct 2 and 3, Elizabeth I. Hastings Middle School, School Street; and on or near the entrance of the polling place in Precinct 4, Fire Station meeting room, 146 Washington Street; and on or near the front or main entrance of the polling place in Precinct 5 and 6, Recreation Center, 227 Huttleston Ave; seven days at least prior to the date of the meeting.

HEREOF FAIL NOT, and make due return of this warrant to the Town Clerk at the time and place of the meeting aforesaid.

Given under our hands this ____ day of ____ in the year two thousand twenty one.

Selectmen of Fairhaven,

Daniel Freitas

Robert Espindola

Keith Silvia

A true copy, ATTEST:

Constable of Fairhaven



G1

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Town Administrator Screening Committee

Bernard Roderick [REDACTED] >

Tue, Mar 30, 2021 at 10:10 AM

To: "selectmen@fairhaven-ma.gov" <selectmen@fairhaven-ma.gov>

Cc: Bernard Lynch <blynch@communityparadigm.com>, Eric Dawicki <[REDACTED]@com>, "Farrell, John"

[REDACTED] >, Brian Bowcock [REDACTED] >, Cathy Melanson

<[REDACTED]>, Dan Freitas <dfreitas@fairhaven-ma.gov>, Colin Veitch <cveitch@fairhavenps.net>, John

Farrell [REDACTED] >, Cathy Melanson [REDACTED] >, Bernard Roderick

[REDACTED] >

Gentlemen:

Please accept this email as notification that the Town Administrator Screening Committee has met its charge. Having concluded its obligation, the committee voted on March 29, 2021 to remove itself from the process.

Respectfully,

Bernard F Roderick

Chair of the Town Administrator Search Committee

Fairhaven Board of Selectmen
40 Center street
Fairhaven, MA 02719
02719

Matthew Coes
4 Hedge street
Fairhaven, MA

Gentlemen,

Please accept this resignation of my appointment to the Fairhaven Bikeway Committee effective March 12, 2021. I will be leaving town soon and will no longer be able to serve.

In the 10+ years that I have served the town in various roles on the Bikeway Committee, we have had a great number of successes, including a MassDOT award for our Safe Routes to School program, numerous safety improvements on the town's paths and streets, a large road construction grant and excellent cooperation with many town Boards and Committees.

It has been a pleasure to serve the Town of Fairhaven and its people, the Fairhaven Bikeway Committee in excellent hands and ready for 10 more years of progress.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Coes', is written over the word 'Sincerely,'.

Matthew Coes

2021 MAR 26 P 3:53

RECEIVED