FAIRHAVEN BOARD OF SELECTMEN

Meeting Agenda Monday, May 10, 2021 6:30 p.m. RECEIVED TOWN CLERK

Town Hall - 40 Center Street - Fairhaven

2021 MAY -6 P 4: 32

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

AIRHAVEN,
MASS.

Log on to: https://zoom.us/j/96603671569?pwd=b3RyZHE3NENKUjEzMjhzV1VoYTlhUT09

Meeting ID: 966 0367 1569 Passcode: 109145 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 April 26, 2021 Open Session
- 2. Approve minutes of April 26, 2021—Executive Session

B. TOWN ADMINISTRATOR'S REPORT

C. COMMITTEE LIAISON REPORTS

D. ACTION

- 1. Approve Waterways Rules and Regulations
- 2. Approval of year end budget transfers
- 3. Representative appointment:
 - a. Southeastern Massachusetts Metropolitan Planning Organization (MPO) nomination
 - b. Joint Transportation Planning Group (JTPG)
- 4. Appoint Fire Chief Todd Correia- oil spill coordinator
- 5. Appoint to Local Emergency Planning Committee
 - a. Fire Chief Todd Correia
 - b. Building Commissioner Chris Carmichael
- 6. Request to join Historical Commission: Michael Kelly
- 7. Event Permit: One Day Beer and Wine License, Saturday, June 26, 2021, Buzzards Bay Swim
- 8. Event Permit: 15th Annual Watershed Ride, Sunday, October 3, 2021

E. APPOINTMENT

 7:00 pm Rogers Reuse Committee: discuss plans for funding and lease of 1950's addition to SMEC

F. POSSIBLE ACTION/DISCUSSION

- 1. Discuss Board of Selectmen Policy Goals and Objectives Meeting
- 2. Discuss and vote recall election, correspondence and Town Bylaw Requirements
- 3. Town Administrator Search Consultant quotes
- 4. American Rescue Plan Act (ARPA)
 - a. Committee
 - b. Consultant

- 5. Approve General Fund Operating Budget
- 6. Closing and signing of the warrant for the Annual Town Meeting
- 7. Approve Articles for the June 12, 2021 Annual Town Meeting

G. CORRESPONDENCE

- 1. Guidance from the Board of Health on public meetings
- 2. Resignation on Bikeway Committee: Lois Callahan (effective 5/31/2020)
- 3. Resignation on Fairhaven Cultural Council: Kristine Daniels
- 4. Resignation on Sustainability Committee: Kathryne Moniz
- 5. Resignation on Historical Commission: Kathryne Moniz

H. EXECUTIVE SESSION

- 1. Discuss strategy with respect to litigation pursuant to MGL Ch. 30A, Section 21(a) (3): Mary Freire- Kellogg
- 2. Strategy with respect to litigation: MGL Chapter 30A, Section 21(a)3: West Island Realty

I. NOTES AND ANNOUNCEMENTS

1. The next regularly scheduled meeting of the Board of Selectmen is Monday, June 1, 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 April 26, 2021

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

Present via Zoom: Administrative Assistant Vicki Oliveira and 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:

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

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

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

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

Resident John Farrell announced that he was recording the meeting.

Minutes

Mr. Espindola made a motion to approve minutes of April 12, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator's Report

Ms. Graves updated the Board she recently attended the Roger Reuse Clean up day on April 17, 2021 and reported it was well attended.

Ms. Graves told the Board Town employees participated in 2 training sessions on leadership and customer service. There are plans to hold more workshops in the fall.

Ms Graves stated the complete streets has been approved by Mass DOT. Thank you to Planning Director Paul Foley for his hard work.

Ms. Graves told the Board the tax title auction has been scheduled for Tuesday, August 3, 2021.

Ms. Graves and Town Accountant Anne Correiro have recently reviewed the town's revenue through March 31, 2021 and the numbers were much higher than originally estimated. Thank you to the Staff in the Collector's office for their hard work in sending out reminder letters to residents who had unpaid bills.

Ms. Graves and Ms. Carreiro attended a webinar for Massachusetts Municipal Association American Rescue Plan Act.

Mr. Espindola asked Ms. Graves several questions regarding various topics.

Ms. Graves told Mr. Espindola the Board will be reviewing the Operating Budget at their next meeting.

Ms. Graves updated Mr. Espindola about the Storage room in Town Hall and reported that the Fire Chief has been notified to do an inspection and Department Heads were asked to start cleaning out any unnecessary files following the records retention schedule.

Ms. Graves told Mr. Espindola that the list of Town Legal costs, including the insurance provider, is being compiled by the town's insurance underwriter

Ms. Graves told Mr. Espindola the Broadband Request for Proposal is in the process of being scheduled with the consultant.

Ms. Graves said the Union Wharf land swap will be worked on with the Harbormaster.

Ms. Graves told Mr. Espindola she is in working on scheduling a date for the Board of Selectmen policy goals.

Mr. Espindola said he is worried about having Ms. Graves search for a consultant for the Town Administrator Screening process due to any conflict of interest violations.

Committee Liaison Reports

Mr. Espindola thanked Ms. Graves for volunteering at the Rogers School cleanup day.

Mr. Espindola said the Broadband Study Committee will be holding a webinar hosted by committee member Alyssa Botelho.

Mr. Espindola said the Bikeway Committee has openings for new members.

Mr. Espindola said members of the planning Board attended a training workshop offered by SRPEDD.

Mr. Espindola said the Economic Development Committee has used some funds to generate drawings for residents to see what the mixed use properties will look like.

Mr. Espindola will hold his monthly virtual office hour next week at 5:30 pm instead of 6:30 pm.

Mr. Espindola encouraged residents who are interested in serving on a Board or Committee to contact the Selectmen's office.

Mr. Silvia said Historical Commission Chairman Wayne Oliveira, Gary Lavalette and some members of the Fire Department fixed the flagpole at Fort Phoenix recently.

Mr. Silvia thanked the volunteers who turned out at Rogers School to help clean the grounds.

Resident Phil Washko asked if the Town Administrator Screening Process will be on the next agenda. Mr. Freitas said we will see how the next agenda unfolds.

Fitness in The Park

Mr. Freitas said this is a request that the Board receives each year. Mr. Espindola made a motion to authorize the Fitness in the Park at Cushman Park conditioned on approval of the Health Agent. Mr. Silvia seconded. Vote was unanimous. (3-0)

Request to Join Commission on Disability

Mr. Freitas read letters of request from residents Diane Hahn and her son Zachary Hahn who would like to join the Commission on Disability. Ms. Hahn thanked the Board for considering her request. Mr. Espindola made a motion to appoint Diane Hahn and Zachary Hahn to the Commission on Disability. Mr. Silvia seconded. Vote was unanimous. (3-0)

<u>Transfer of a Package Store/ All Alcohol License & Pledge of Said License: Lambodohar Corp., D/B/A F.J. Moriarty Liquors</u>

Chairman Freitas opened the public hearing at 7:02 pm for the Transfer of a Package Store/All Alcohol License and Pledge of said License. Attorney Ian Hedges met via Zoom to ask the Board to include a change in hours on the license to include Sundays for the hours of 10a.m. to 10 p.m. The previous owner did not open on Sundays and the new owners wish to start opening Sundays. The Board did not have a problem with the request. There were no questions, comments, or concerns from the public. Mr. Espindola made a motion for the transfer of the Package Store/All Alcohol License and Pledge of said for Lambdohar Corp. d/b/a F.J. Moriarty Liquors, 101 Middle Street, Dipti Shukla, Proposed Manager. Mr. Silvia seconded. Vote was unanimous. (3-0)

Melanson Audit: FY20 Financial Statements & Audit Presentation

Melanson Auditor Zachary Fentross met via Zoom to review the Town's Annual Financial Statements for the Year ended June 30, 2020. (Attachment A). Mr. Fentross was happy to report that the Town is in a good favorable position. Resident John Farrell asked the Board how many years has the Melanson firm has been handling the town's audits. Town Accountant Anne Carreiro explained back in 2012 the town put out a Request for Proposal (RFP) and at that time the contact was awarded to Melanson. Currently Melanson has 2 years left on the contract with the Town. Mr. Espindola would like to form a committee to review if it is time to consider changing audit firms in the future.

Annual Town Meeting Preparation

Town Moderator Mark Sylvia met via Zoom with the Board to discuss the upcoming Annual Town Meeting to be held on June 12, 2021. Mr. Freitas read a letter from the moderator

requesting that town meeting be held virtual due to the COVID pandemic and to reduce the quorum. Mr. Sylvia said this the same request he made last year and feels he does not want to put any resident at risk and he is not comfortable with the idea of holding the town meeting on the football field.

Selectman Silvia said that he has heard some concerns over the older residents who are not comfortable with the virtual technology. Mr. Sylvia noted there are multiple training sessions for any resident who may need help.

Mr. Espindola made a motion to hold the June 12, 2021 Annual Town Meeting by remote participation. Mr. Freitas seconded. Vote was passed. (2-1)

Mr. Espindola made a motion to reduce the quorum for the June 12, 2021 Annual Town Meeting to 40. Mr. Freitas seconded. Vote was passed. (2-1)

Elevation Retail Host Community Agreement

Mr. Freitas reviewed the Community Host Agreement for recreational marijuana with Elevation Retail with the Board. Mr. Espindola said the he and Ms. Graves worked with Elevation Retail owner Andre Arzumanyan on the final contract. (Attachment B).

Mr. Espindola made a motion to have the Chairman sign the Host Agremment with Elevation Retail on behalf of the Board. Mr. Silvia seconded. Vote was unanimous. (3-0)

Greater New Bedford Voke Tech Incoming Superintendent Michael Watson

At 8:00 pm the Board met with incoming Superintendnt Michael Watson from Greater New Bedford Regional Vocational Technical High School (GNBV) along with Fairhaven GNBV School Committee representatives Randy Durrigan and Wayne Oliveira. Mr. Watson told the Board he has been meeting with community leaders, as well as business owners before he assumes the role as Superintendent on July 1,2021 to introduce himself to the community.

Solar Farm 61a, 279 Mill Road-Right of First Refusal

Mr. Freitas read the notice of intent from Peter and Melissa Deterra for 279 Mill Road to remove from 61A status. Mr. Espindola expressed that he would like to see a memo from the conservation agent stating the all the town departments have been notified regarding this matter. (Attachment C).

Mr. Espindola made a motion to not exercise the right of first refusal. Mr. Freitas seconded. Vote was unanimous. (3-0)

Tree warden

Newly elected Tree Warden Don Collasius met with the Board to discuss several issues within the Tree Department. Mr. Collasuius is requesting to have tree laborers start at higher level than the current rate or to have the position re classified. Mr. Collasius the Tree Department each year returns a large amount of its budget back to the general fund because it can not hire the proper workers. Mr. Collasius is suggesting a wage that is still 25% less than industry standards and feels this is a short-term fix for a long-term problem.

Ms. Graves explained that the town completed a wage and classification several years ago and the tree laborers were not part of the classification. The charge to have the position reevaluated will be \$650 and the results should be done in approximately 2 weeks. Ms. Graves does not feel the laborers should start at a higher step because it could cause dissention among the other employees. Town Accountant Anne Carreiro told the Board that this wage and classification does need to be done and was requested by the previous tree warden but there are municipal employees with many years of service that were not started at top step. Ms. Graves told the Board if the position gets reclassified in this fiscal year, then the pay would be retroactive to July 1, 2020. As Acting Town Administrator, Ms. Graves has the authority to determine the starting level of the tree laborers.

Mr. Espindola made a motion to defer to the Town Administrator until the wage and classification is completed. Mr. Silvia seconded. Vote was unanimous. (3-0)

FY22 Health Insurance Rates

Ms. Graves told the Board the town's health insurance rates will be increasing by 9% due to the annual projections. The Town's rates are based on the usage because the town is self-insured. Ms. Graves read the projected amounts to the Board. (Attachment D). Mr. Espindola made a motion to approve the health insurance rates as presented. Mr. Silvia seconded. Vote was unanimous. (3-0)

Donation of Pontoon Boat and Trailer

Ms. Graves told the Board that JCR Marine d/b/a West Island Marine is donating a pontoon boat and trailer to the Marine Resources Department for the purpose of propagation. Harbormaster Tim Cox told the Board the boat he currently has for propagation is in bad shape. Mr. Cox will verify with the town's insurance to insure the boat and trailer are covered.

Mr. Espindola made a motion to accept the donation of the pontoon boat and trailer from West Island Marine for the Shellfish Department for propagation. Mr. Silvia seconded. Vote was unanimous. (3-0)

Approve articles for the June 12, 2021 annual town meeting

Ms. Graves reviewed the articles for Town meeting, the following votes were taken:

Mr. Espindola made a motion for adoption of Article 1: Measurer of Wood and Bark. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 2: Town Report. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 3: Report of the Committees. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 4: Setting Salaries of Town Officers-FY22. Mr. Silvia seconded. Vote was unanimous. (3-0)

A. Board of Selectmen	\$20,601
B. Town Clerk	\$66,961
C. Moderator	\$800
D. Tree Warden	\$7,321
E. Board of Health	\$5170

Mr. Espindola made a motion for adoption of Article 18: State Aid to Highways FY22. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 20: Ambulance Stabilization. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 21: Social Day Care Center. Mr. Freitas seconded. Vote passed. Mr. Silvia abstained. (2-0-1)

Mr. Espindola made a motion for adoption of Article 22: Propagation of Shellfish FY22. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 25: Mass Historical Commission Grant match. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 25: Mass Historical Commission Grant match. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 26: FEMA Grant- engine 2 - 5 % match Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 27: FEMA Grant - air packs 5% match. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 28: Port Security Grant match-new engines on Harbormaster boat. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 29: Fairhaven Public Schools contracts. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 32: Revolving Funds. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Mr. Espindola made a motion to yield to petitioner of Article 36: Amendment to BPWs by law-solid waste and recycling curbside. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 37: Chapter 194 stormwater management amendment to by law. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Silvia made a motion to yield to petitioner of Article 38: Street acceptance: Robert Street Mr. Freitas seconded. Mr. Espindola abstained. Vote passed. (2-0-1)

Mr. Espindola made a motion to yield to petitioner of Article 41: Zoning by law change chapter 198-33. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 42: Zoning by law change Chapter 198-29.6 - Solar Photovoltaic Energy Facilities. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 43: Discontinue portion Dean St & Livesey Parkway. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 44: Tree Warden from elected to appointed. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Espindola made a motion for adoption of Article 46: Changing the name to Selectboard. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Espindola made a motion to yield to petitioner of Article 47: Increase Board of Selectmen from 3 to 5. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 48: Create nine-member committee known as the Fairhaven Charter Committee. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Freitas made a motion to pass over Article 49: Establish an ethics committee. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Espindola made a motion to yield to petitioner of Article 50: Establish term limits for Elected board members. Mr. Silvia seconded. Vote passed. (2-1)

Mr. Espindola made a motion to yield to petitioner of Article 51: Amend Town bylaw chapter 115 "Right to Farm". Mr. Silvia seconded. Vote passed. (2-1)

Mr. Freitas made a motion to pass over Article 52: Amend Town bylaw Chapter 516 "Recall Elections". Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Freitas made a motion to pass over Article 53: Amend Town bylaw Chapter 516 "Recall Elections". Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 54: Rezone portions of 267 Huttleson Avenue. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 55: Street Lights, One light pole at 16 Saltmarsh Road, pole # 179/11. Move light from pole #179/12 to pole #19/11. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 55: Street Lights One light pole at 10 Saltmarsh, pole # 179/13. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to yield to petitioner of Article 56: Amend Town bylaw Chapter 50-13 Part 2. Mr. Silvia seconded. Vote was unanimous. (3-0)

Notes and Announcements

Resident Diane Hahn asked the Board if it would be possible to have the opening statement regarding the Governor's orders updated.

Mr. Silvia stated he would like to have the Tourism Director at the next meeting to discuss some recent complaints he has received.

Mr. Espindola reminded the public that when a committee member is recused, that person doesn't deliberate on the topic.

Mr. Espindola reminded the Board that all board members cannot be included in the same correspondenc regarding votes as to not violate any open meeting laws.

Mr. Espindola reminded residents that there are always opportunities to volunteer on various boards and committees.

At 9:15 pm Mr. Espindola made a motion to enter into executive session, not to reconvene to open session per MGL 149 sec 52c and c.66 sec. 15- to investigate charges of criminal misconduct. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Silvia in favor, Mr. Espindola in favor, Mr. Fretias in favor.

Respectfully submitted,



Vicki L. Oliveira

Administrative Assistant

Attachments:

A. Management Letter

B. Host Community Agreement/Elevation RetailC. Notice of Intent: 279 Mill Road

D. Health Insurance rates





MRC request for aganda: Waterway Rules and Regulations

1 message

MICHAEL McNAMARA <

Mon, May 3, 2021 at 8:54 AM

To: "vloliveira@fairhaven-ma.gov" <vloliveira@fairhaven-ma.gov>, "Ksilvia@fairhaven-ma.gov" <Ksilvia@fairhaven-ma.gov>, "bespindola@fairhaven-ma.gov"

"bespindola@fairhaven-ma.gov"

"bespindola@fairhaven-ma.gov" <dfreitas@fairhaven-ma.gov>, "dfreitas@fairhaven-ma.gov" <dfreitas@fairhaven-ma.gov>, TIM Cox <shellfish@fairhaven-ma.gov>, Tim Cox <tim@fairhaven-ma.gov>

Dear Ms. Graves & Board of Selectmen, (please see attached letter):

The Fairhaven Marine Resource Committee has approved the current draft of the Waterway Rules and Regulations. This draft has been presented to you at the Selectman's meeting on January 25, 2021 and vetted by a public review held with Foth Engineering at the Marine Resource Committee March 10, 2021. As a result, we respectfully request these rules to be placed on the next Bord of Selectman's meeting's agenda, for a vote to approve, so they may move forward at town meeting.

The Harbormaster has asked for a specific vote within these rules regarding section 3.8:

"All moorings must be inspected every three years with an inspection report containing, at minimum, the detail outline in the Mooring Inspection Information example provided within these regulations. This report, with detail of compliance, must be submitted to the Harbormaster. Vessels over the size of 26 feet, as well as all commercial moorings and moorings for commercial vessels, must be inspected by a certified mooring inspector approved by the Harbormaster."

The Harbormaster prefers that all moorings must be inspected by a "Certified Inspector" while the committee has reached a compromise that vessels under 26' may self-certify, provided they submit a detailed mooring inspection report to the Harbormaster. This compromise has taken into consideration the economic effects of commercial inspection (cost to boaters) as well as ease of owners to self-inspect in the shallow waters used to moor small craft, while recognizing the greater demands on moorings from larger and commercial vessels.

It should be known that this committee has put forth a significant collaborated effort to produce this document which provides in thorough detail, the rules and knowledge necessary to manage Fairhaven's greatest resource, our coastal waters. We respectfully request a vote to approve, with section 3.8 as written.

Respectfully yours,

Michael McNamara

Chairman - Fairhaven Marine Resources Committee



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bespindola@fairhaven-ma.gov

dfreitas@fairhaven-ma.gov

2 attachments



MRC- Waterway Rules and Regs Vote .doc 284K



Draft New Waterway Rules.Regs 2.22.21.B.docx 3481K

CDBG: SUBORDINATION AGREEMENT

Planning Director Paul Foley explained to the Board the Town needs to be the subordinate to the bank loan for this property on Main Street.

Mr. Espindola made a motion to have Town Counsel look over the CDBG Subordination agreement before the Board signs. Mr. Silvia seconded. Vote was unanimous. (3-0)

2020 TOWN REPORT COVER PHOTOS SUBMISSIONS

The Board reviewed the submissions for photos for the cover of the annual town report. Kin Brittain and Marianne Pallatroni each had one of their photos chosen by the Board.

SWEARING IN CEREMONY: FAIRHAVEN FIRE DEPARTMENT

Town Clerk Carolyn Hurley swore in to oath veteran Firefighters Deputy Chief Joy Nichols and Lieutenant Josh Benoit before a small group of their families. Acting Chief Correia told the Board; Ms. Nichols is the first woman in Fairhaven to be named Deputy Chief.

The Board congratulated Deputy Chief Nichols and Lieutenant Benoit and wished them much success in their careers on the Fairhaven Fire department.

LIBRARY DIRECTOR CAROLYN LONGWORTH

Chairman Freitas read a resolution (Attachment B) for retired library director Carolyn Longworth that stated the "from this day forward the Shallow Pond adjacent to Egypt Lane forever be named "Carolyn's Pond" in recognition of Carolyn's many contributions to Fairhaven and her residents." The Board presented Ms. Longworth with flowers and chocolates and thanked her for her many years of service to the Town and residents.

WATERWAYS RULES AND REGULATIONS UPDATE

Harbormaster Tim Cox and Marine Resources Committee (MRC) Chairman Mike McNamara met with the Board to provide an update on the proposed draft waterways rules and regulations. Mr. McNamara told the Board the MRC will be holding a public hearing in the future to gather feedback from town residents. Mr. Espindola suggested having Town Counsel review the document prior to a public hearing. The Board thanked Mr. Cox and the MRC for their hard work on the draft.

Mr. Espindola made a motion to have Town Counsel review the draft rules and regulations and post the document on the town webpage. Mr. Silvia seconded. Vote was unanimous. (3-0)

TREE WARDEN COMMUNICATION ISSUES

Tree Warden G.B. Knowles met via Zoom with the Board to discuss some recent complaints that Selectman Silvia has received regarding tree pruning issues. Mr. Knowles explained the Board that because of COVID the routine pruning has fallen behind and he is doing the best he can under the current circumstances. When there is a storm, those safety issues take presidents over routine maintenance. If he has staff that are out, it is unsafe to send anyone out on a job by themselves. The Board suggested that the Tree Warden may be able to look into combing with

Town of Fairhaven Waterways Regulations

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Attachments

Attachment A Fee Schedule

1 Town of Fairhaven Waterways Regulations

INSERT DATE OF REGULATIONS

Insert language to revoke existing bylaws, rules and regulations. BOS have authority to approve/amend regulations as recommended by Harbormaster – Town Council to Advise

1.1 Preamble

In order to better promote fair and adequate public access and to provide the efficient and effective management of the harbors and waterways, the Town of Fairhaven hereby adopts the following regulations.

1.2 Authority

Pursuant to the general authority under Massachusetts General Laws (MGLs) Chapter 102, Section 21, et seq., Chapter 91, Section 10A, and Chapter 43B, Section 13, and all other applicable legal authority, the Town of Fairhaven by and through the Harbormaster is authorized to issue temporary, annual permits to the public for the mooring of vessel and related structures under such terms, conditions and restrictions that may be deemed necessary. Pursuant to the foregoing authority, the Harbormaster hereby establishes the following regulations to become effective on INSERT DATE, for the temporary placement and use of moorings within the tidal waterways of the Town of Fairhaven.

2 Purpose

The purpose of these Regulations is to standardize mooring practices, anchorages, shellfishing, aquaculture, and float installations, maintain adequate space for moorings, and to fully utilize the limited area in Fairhaven waters while maintaining safety practices. Copies of these regulations are available from the Harbormaster office at the Fairhaven Town Hall.

2.1 Terms of Reference

"BUOY" shall mean mooring float that specifically serves to suspend the mooring chain while also taking the strain off the pennant that eventually leads to a vessel

"CERTIFIED INSPECTOR" shall mean any person approved as an inspector of tackle by the Harbormaster.

"CHAIN" shall mean marine grade galvanized or stainless steel link chain used to connect to the mooring.

"COMMERCIAL MOORING" shall mean any mooring placed in Fairhaven waters for which a rental fee may be charged or that is used by a commercial vessel.

"COMMERCIAL FISHING VESSEL" shall mean a Fairhaven based vessel that is used primarily as a commercial fishing vessel and whose primary operator's legal residence is in Fairhaven, Massachusetts.

"DOCKING LICENSE" is a license issued under the provisions herein.

"DOCKING SLIPS" shall mean space made available to boat owners to secure their boat.

"FACILITY" shall mean any business in Fairhaven providing marine services, slips, mooring or any summer seasonal storage and operates by permit issued by the Town of Fairhaven, MA.

"FAIRHAVEN BASED VESSEL" shall mean a vessel based primarily in Fairhaven, whose owner's legal residence is in Fairhaven, Massachusetts.

"FLOAT" any structure placed in Fairhaven waters, suitable to walk on, dive from, tie up to, whether seasonal or year round, occupying water surface.

"HARBORMASTER" shall mean the duly appointed official of the Town who has responsibility and authority for the performance of duties as set forth in MGLs Chapters 88, 91, 91A, and 102 and as set forth in the By-laws, Regulations, and Orders of the Town of Fairhaven. The term Harbormaster shall also mean duly appointed deputy and assistant Harbormasters.

"HEADWAY SPEED" shall mean the slowest speed at which a vessel may be operated at and still maintain steering.

"HELIX ANCHOR" shall mean an embedded anchor which is screwed into the bottom to a specified level of torque.

"HOT WORK" is any work process that involves heat, spark, or flame that is capable of starting fires or explosions. Examples include, but are not limited to, welding, cutting, grinding, soldering, heat treating, hot riveting, torch- applied roofing, abrasive blasting, and powder driven fasteners.

"IMMEDIATE FAMILY" shall mean a parent, sibling, spouse, or child over the age of 18.

"FAIRHAVEN WATERS" shall mean all waters within Town boundaries.

"LEGAL RESIDENCE" shall be established, for the purposes of these regulations, by the address shown on the following 5 items:

- · Driver's license;
- Paid utility bill;
- Paid rental/mortgage bills;
- · State/Federal fishing catch reports (only required for Small Boat Basin)
- Town of Fairhaven real-estate tax bill

"MARINA" a berthing area with docking facilities under common ownership or control with berths for five or more vessels including commercial marinas, boat basins, and yacht clubs. A marina may be an independent facility or be associated with a boat yard.

"MARINE RESOURCES ADVISORY COMMITTEE" is an advisory board to the Board of Selectmen involving matters relating to tidal waterways and associated public facilities such as marine ramps, docks, wharves, piers and moorings.

"MOORING" any device installed in the waters, with tackle, chain, floats, shackles, anchor, buoy, pennant, and associated swivels, shackles, thimbles, and eye splices, etc., of the Town of Fairhaven to hold a permitted vessel or structure, in a location. An existing mooring is a mooring that has been in place during the previous season and was used during the previous season. Moorings not used last year are considered new mooring sites and will require the approval of the Harbormaster before a sticker is issued. The Harbormaster's Office shall denote "new" or "existing" on the application.

"MOORING AREAS" shall mean those portions of Fairhaven waters which shall be designated as such by the Harbormaster.

"MOORING TACKLE" shall mean all components of a mooring system from the vessel end of a pennant to the mooring anchor at the sea floor.

"MOORING YEAR" will date annually from April 1 through March 31 and is the period for which a mooring space or float is assigned.

- "MUNICIPAL MOORING" shall mean any mooring placed in Fairhaven waters for municipal use.
- "PENNANT" shall mean the line (rope) which attaches your boat, typically with an eye splice at the bitter end, to the chain secured to the mooring tackle.
- "PERMIT HOLDER" shall mean the holder of a mooring space, float and/or out-haul assigned to him or her by the Harbormaster for the habitual mooring of his/her vessel.
- "PRIMARY OPERATOR" shall mean a person who holds and actively uses a valid state or federally issued commercial fishing license.
- "RECREATIONAL MOORING" shall mean any mooring placed in Fairhaven waters for the permit holder's personal use as the habitual mooring for his/her vessel.
- "SHACKLES" shall mean marine grade iron, galvanized or stainless steel mechanical fastener used to join chain, swivels or pennant.
- "SHELLFISH WARDEN" shall mean the duly appointed official of the Town who has responsibility and authority for the performance of duties as set forth *MGL Chapter 130 Section 98*. They are a person, or persons, qualified by training and experience in the field of shellfishery management. They shall enforce all statutes, ordinances, by-laws, rules and regulations relative to shellfish.
- "SUMMER SEASONAL IN-AND-OUT SERVICES" shall mean any business that provides a service that allows a boat owner to remove or put in his/her boat each time of use within the coastal waters of Fairhaven, MA.
- "SWIVELS" shall mean marine grade iron, galvanized or stainless steel mechanical fastener used to allow rotation between chain and other mooring tackle which relieves twisting and binding of tackle components.
- "TOWN" shall mean the Town of Fairhaven, Bristol County, Massachusetts, acting through its Harbormaster or its Board of Selectman.
- "UNION WHARF" shall mean Union Wharf, owned by the Town of Fairhaven, MA.
- "VESSEL" includes ships of all kinds, barges, house vessels, sailing vessels, watercraft and power vessels of any type or kind by whatsoever means propelled, every structure designed, adapted or capable of being navigated, towed or operated on water from place to place for the transportation of merchandise, people or for any other purpose.

2.2 Waterways Users Fee

Boat owners using the waters of Fairhaven, MA will be subject to a waterways user fee. The waterways user fee is a fee used to help offset the cost of operating services provided by the Town of Fairhaven, MA. Services include, but are not limited to, dredging, maintenance

projects, fire, emergency, police security, boater education, environmental protection, enforcement and harbor management services. Additional services may be provided as the need arises.

All boats using the waters of Fairhaven, MA for more than 14 days per year (calendar year) are subject to the waterways user fee in Fairhaven, MA. Exceptions to the waterways user fee are boats that are on trailers put in and taken out for each occasion of use, boats less than 16 feet in length, boats belonging to the Town of Fairhaven or used by the Town of Fairhaven, or any other boat used for law enforcement by government agencies. The fee schedule is based on a per-foot charge on boats' overall length as determined by the Harbormaster. This waterway user fee is a yearly fee and is due by June 30 of each calendar year, or immediately after the 14-day benchmark is met if after June 30 of the current calendar year. The Board of Selectmen, in consultation with the Harbormaster, may amend these fees from time to time.

Facilities providing services such as mooring space, docking, slips or summer in-and- out services shall, as a condition of their permit to operate as a business in Fairhaven, MA, notify all of their customers of this required fee to the Town of Fairhaven, MA, when signing a contract or agreements that allows them to keep their boat in the Town of Fairhaven qualifying them for the waterway users fee under the guidelines as described herein.

Payment is to be made in person or via U.S. Mail to the Town of Fairhaven, Office of the Tax Collector. For those paying in person, a waterways user fee sticker application will be made available by the Office of the Tax Collector. The Office of the Tax Collector will, upon payment, provide a sticker which is to be affixed to the port side stern area of the boat. If payment is made via mail, the boat owner must provide the following information:

- Name of owner.
- · Address of owner.
- Telephone number.
- Registration numbers / documentation numbers
- · Year manufactured.
- Length.
- Color.
- Place boat kept during the season.
 - In addition, the boat owner must provide a self-addressed stamped envelope to receive a sticker via the mail.
 - Checks will be considered receipt of payment for those made via mail. (Do not send cash as a payment.) The Town of Fairhaven's Office of the Tax Collector is located at 40 Center Street, Fairhaven, MA 02719.

Violators will be subject to a fine in the amount of 120% of the waterway user fee due the Town of Fairhaven, not to exceed \$300. Once paid, the waterway user fee will be considered paid and a waterways user fee sticker will be provided. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with § 21D of Chapter 40 of the MGLs.

DISPOSITION BYLAW

Any person aggrieved by any decision of the Harbormaster hereunder may file an appeal with the Fairhaven Board of Selectmen by delivering such appeal, in writing, to the Town Hall within 15 days of the decision of the Harbormaster. Such ruling shall state specifically the nature of the decision and the reason the person is aggrieved.

Commented [SS1]: Maritime Lawyer to review tax versus fine. (ED)

3 Mooring Regulations

3.1 Use of Mooring

Per bylaws as adopted by the Town of Fairhaven, mooring permits are issued to specific people for specific vessels. Each mooring is permitted yearly as a temporary mooring, per Commonwealth of Massachusetts Law by the duly appointed Harbormaster of Fairhaven.

The Harbormaster may approve use of moorings not being used by vessel identified to a registered mooring for no more than five (5) days on no more than three (3) separate occasions per registered year. Notification must be made by email to toox@fairhaven-ma.gov or via telephone notification not later than forty-eight (48) hours prior to use unless otherwise considered an emergency.

The quantity of moorings in Fairhaven shall be determined by the Harbormaster, with a minimum of 60% of the total population dedicated to recreational moorings.

3.2 Ownership of Mooring Site

Because the land beneath the tidal waters of the Town of Fairhaven is owned by the Commonwealth of Massachusetts and is held for the public trust as part of the public domain, all mooring permits are of a temporary nature and no person has a property right in any mooring location without an express grant by the Commonwealth or express act by the legislature. Burden for establishing such grant or act remains upon person claiming same.

3.3 Mooring Permit Categories

There shall be three categories of moorings subject to permitting: (i) recreational; (ii) commercial; and (iii) municipal.

Only one new recreational mooring permit will be granted to a new applicant for the personal, non-commercial use of the permittee per calendar year. No person may place a vessel other than the "vessel-of-record" on a recreational mooring without prior written authorization of the Harbormaster. A holder of an existing recreational mooring permit will not receive a new annual permit if they have not paid all applicable state and local taxes and waterways fees to the Town of Fairhaven.

A commercial mooring permit may only be granted to a duly organized, and existing business entity with a principal place of business located in the Town of Fairhaven for use as a rental mooring or a commercial vessel. No person or business entity may apply for a commercial mooring permit in furtherance of a passive business endeavor. A holder of a commercial mooring permit may not rent a commercial mooring to a vessel owner who has not paid all applicable state and local taxes and waterways fees to the Town of Fairhaven. A commercial mooring permit is not transferable by sale or assignment. A commercial permittee shall comply with all federal, state, and local laws.

The Town reserves the right to designate moorings for Town use, at the discretion of the Harbormaster.

Commented [SS2]: Maritime legal review needed (ED)

3.4 Mooring Location

All mooring locations must be approved by the Harbormaster. For new installations, the permanent mooring system, including anchor and ground tackle shall be in accordance with the minimum mooring tackle specifications established herein. A mooring system set without prior authorization of the Harbormaster may be removed immediately by the Harbormaster at the owner's sole expense. Upon issuance of a mooring permit, the Harbormaster shall assign a mooring location to an The Harbormaster may require the removal and reinstallation at the permit holder's expense of any moorings that are found to be greater than 1 meter from the required location.

3.4.1 Mooring Installer Requirements

Mooring positions are to be set using a survey grade, sub-meter accuracy GPS and charting system.

Mooring location fixes are to be taken directly over the point of placement without the use of offsets.

For improved accuracy, fixes on moorings are to be taken with the mooring line pulled tight and perpendicular to the ground, with the GPS antenna directly over the point.

3.5 Application for Mooring Permit

Any person or business who desires an annual permit for the placement on a temporary basis of a recreational or commercial mooring to secure a vessel, float, raft, or related structure held by a permanent bottom-anchored mooring system must submit a written application to the Harbormaster, together with a non-refundable application fee which must be renewed annually. The application fee is for the processing of the application and is separate from any mooring permit fee required herein. No part of a mooring system, including anchor or ground tackle, may be set prior to the issuance of a permit by the Harbormaster for the placement or maintenance of said mooring at a location established and approved by the Harbormaster. Any mooring system set without prior authorization of the Harbormaster may be removed immediately by the Harbormaster and the expense associated therewith will be the responsibility of the applicant/owner and the permit application shall be forfeited.

All moorings in the Town of Fairhaven must be registered yearly via an application process available at the Harbormaster's office during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday. Applications for new or existing moorings may be obtained at the Harbormaster's Office. All applications shall be filled out completely by the owner. Reference to previous applications are not permitted. The name of the vessel and its location must be filled out to get sticker.

Applicants shall declare their mooring an existing or new mooring.

3.5.1 Existing Mooring Applications

When an existing mooring application is completed and turned in, the Harbormaster's Office will provide the applicant with a numbered mooring sticker. The sticker number will be put on the application. Then that application shall be forwarded to the Harbormaster via his/her mail box.

The Harbormaster's Office will instruct the applicant to affix the sticker to their mooring ball above the water line.

3.5.2 New Mooring Applications

New mooring applications, again, require the applicant to fill out the form with desired mooring location(s) and all other information requested. The Harbormaster's Office will denote "new" on the application and then inform the applicant that their application will be sent to the Harbormaster for approval. The Harbormaster will then make a determination.

Stickers will only be given to existing moorings and new moorings that have been approved.

3.5.3 Waiting List

If in the judgment of the Harbormaster, there is not an available mooring location to accommodate an applicant's vessel or preference of location, and specific needs, then the Harbormaster shall place the applicant's name, application date, and vessel dimensions upon the appropriate waiting list. For the purposes herein, the Harbormaster shall maintain a waiting list for the assignment of all mooring locations. Applicants shall pay an initial fee upon the filing of a mooring application. The waiting list will be published on the Town of Fairhaven website.

3.5.4 Mooring Assignment

Subject to the physical constraints of an available mooring location, the Harbormaster will first offer a mooring location available for permanent or temporary assignment to the first person on the appropriate waiting list. If the available mooring location is not suitable in the judgment of the Harbormaster to accommodate the first-named applicant's vessel or specific needs, then the Harbormaster shall offer the mooring location to the next-named, qualified applicant. The applicant so-bypassed shall retain his/her relative position on the appropriate waiting list. An applicant who refuses an initial mooring assignment or who does not notify the Harbormaster of his/her acceptance and/or refusal of said location within 72 hours after receipt of the Harbormaster's notice shall retain his/her relative position on the permanent waiting list. An applicant who refuses a second mooring assignment or who does not notify the Harbormaster of his/her acceptance and/or refusal of said location within 72 hours after receipt of the Harbormaster's notice shall forfeit his/her relative position and shall be placed at the end of the permanent waiting list. Non-use of mooring will result in an applicable charge set forth in the fee schedule.

3.6 Renewal of Mooring Permit

Recreational and commercial mooring permits shall expire on March 31 and must be renewed by March 31 of the following year. A recreational and commercial permit holder must complete a new application with the Harbormaster's office by March 31 of each year noting any change in

the information pertaining to the "vessel-of-record" and permanent mooring system on file, including, with respect to a recreational permittee, whether the "vessel-of-record" will be used on the mooring during the upcoming summer season. There will still be an application fee for moorings unused (see fee schedule). After Harbormaster review, a permittee will be deemed to have renewed his/her application for a temporary mooring permit for the upcoming calendar year upon the payment of the annual mooring permit fee (see fee schedule). No mooring system, including anchor or ground tackle, may be altered to accommodate a vessel other than the "vessel-of-record" without the prior authorization of the Harbormaster. A mooring system so altered to accommodate a vessel other than the "vessel-of-record" without the prior authorization of the Harbormaster may be removed immediately by the Harbormaster at the owner's sole expense and the mooring permit for that location will be revoked, and the mooring location will be reassigned.

3.6.1 Temporary/Seasonal Mooring Use

A permittee shall notify the Harbormaster if the "vessel-of-record" will not be on the mooring during all or part of the summer season because the vessel will be moored at a slip or on a dock, or for any other reason, including loss, layup, or sale of the vessel. If a mooring permittee fails to notify the Harbormaster by May 1 of any year that the "vessel-of-record" will not be on the mooring during the upcoming summer season, the non-use fee will be charged. Upon notice of an impending hurricane, a vessel using a mooring on a temporary/seasonal "permitted use" basis must vacate that location upon demand of the permit holder or Harbormaster.

3.6.2 Transfer

No recreational or commercial mooring permit or location may be sold, transferred, rented, swapped, assigned, relocated or bartered except as permitted and licensed herein. The holder of a recreational mooring permit may transfer his/her permit to an immediate family member upon the prior authorization of the Harbormaster. For the purposes of this regulation, an immediate family member shall include a parent, sibling, spouse, or child over the age of 18. If a recreational permittee sells, charters, or otherwise transfers or loses possession of the "vessel-of-record" identified in the relevant mooring permit, then the permittee may replace the vessel with another within two consecutive calendar years if the replacement vessel is judged by the Harbormaster to be suitable for that mooring location and system, and the permittee files an amended mooring application with the Harbormaster containing the pertinent information for the replacement vessel being proposed for that mooring location. If the Harbormaster determines that the replacement vessel is not suitable for the existing mooring location, then the permittee must file an application for a new mooring permit, as outlined herein.

3.6.3 Non-Renewal and Reassignment

If a mooring permit is not renewed for any reason, and the mooring location is reassigned by the Harbormaster, the former permit holder, or their heirs, may sell the mooring system, including anchor and ground tackle, to the new permittee. If the mooring system is not sold, then it must be removed immediately by the former permit holder, and if not, then the Harbormaster may remove the mooring tackle, and the costs associated therewith will be the obligation of the former permittee/owner.

3.6.4 Forfeiture of Mooring Permit

If a mooring is vacant, abandoned, or if there is a non-use of a personal mooring for a period exceeding two {2} years, the mooring permit will not be renewed and tackle will be removed at the Owner's expense.

3.7 Mooring Anchors and Ground Tackle

All mooring systems shall meet the minimum requirements set forth in Schedules A and B. These specifications may not be varied without the prior authorization of the Harbormaster.

Mooring tackle should meet the following requirements. Responsibility lies with the mooring permit holder to meet or exceed these guidelines, and to provide a mooring adequate for his/her boat in the location where the mooring is located. The mooring permit holder and the boat owner are responsible for the safety of the mooring, and the Town assumes no responsibility for damages.

3.7.1 Helix Anchor Systems

Helix anchors are preferred mooring systems and shall be installed to a minimum of torque equivalent to the required holding capacity for the vessel. Helix anchors may use high performance shock absorber type systems in lieu of chain systems. All proposed helix systems shall be reviewed by the Harbormaster for authorization. No portion of the helix anchor shall protrude from the sea floor more than one foot.

3.7.2 Steel Dead Weight Systems

A maritime expert deemed acceptable by the Harbormaster shall submit documentation of adequate holding capacity of the steel dead weight system for the vessel and mooring system in order to obtain authorization of the Harbormaster for the mooring system.

3.7.3 Minimum Hardware and Pennant Requirements

All shackles, swivels, fastenings and other hardware shall be galvanized; proportional in size to the chain used; and seized or wired properly to prevent pins from backing out. The maximum length of all pennants shall 3.5 times the height from the water line to the chock. Pennants shall be spliced and shackled to the bitter end of the chain above the mooring buoy. Thimbles shall be used in all splices. Adequate chafing gear shall be used on all pennants.

All moorings shall be constructed so that the chain passes through the mooring buoy. Mooring pennants must be connected to the chain above the float. Thimbles shall be used in all slices, fastenings, shackles, etc. Chafing gear at least I foot long shall be used on each pennant. Shackles shall be properly wired to prevent pins from backing out. Above specifications are minimum. In exposed areas, where appropriate, extra weight may be necessary.

Mooring Specifications

North of hurrie	rane barrier, J	Pro ack's Cove, Round	Cove, Nas		y Noth of Gi	bert St.	
Vessel Length	Mushroom	Pyramid/Trainw heel	Concrete Block	Bottom Chain Size	Top Chain Size	Hardware size	Penanat Line Size
up to 15'	75 bs	100 lbs	150 bs	3/8"	3/8"	3/8"	7/16°
16-20'	150 bs	200 lbs	400 bs	1/2"	3/8"	1/2"	7/16"
21-25'	250 bs	-300 lbs	800 bs	5/8"	1/2"	1/2"	1/2"
26'-30'	400 lbs	500 lbs	1500 lbs	3/4"	5/8"	5/8"	3/4" x 2
31'-40'	500 lbs.	1000 bs	2000 (bs	1"	3/4"	1"	3/4" x 2
41'-50'	1000 lbs.	1500 bs	3000 lbs	1"	3/4"	1"	1" x 2
Over 50'		As	specified b	y the Harbo	rmaster		
Floats and Docks	As specified by the Harbormaster						
Pennant	Mooring pennant lenth to be a minumum of 25% of the length of vessel. Maximum length is 50%.						
CHAIN LENGTH	lenght is 50%. Top chain length to be equal to depth of water at mean high water plus 5 (five) feet. Bottom chain length must be equal to 2 (two) times the depth of water at mean high water. Total mooring length of chain plus pennant, to be a minimum of 4 (four) times the depth of water at mean high water.						

		E	posed A	rea			
South of hurric Ramp South of		neral Anchorage	A, Wilburs	point to We	st Island, No	orth Cove, Se	aview
Vessel Length	Mushroom	Pyramid/Trainw heel	Concrete Block	Bottom Chain Size	Top Chain Size	Hardware size	Penanat Line Size
up to 15'	150 lbs	200 lbs	500 bs	1/2"	3/8"	3/8"	7/16"
16'-20'	250 bs	350 lbs	800 bs	5/8"	1/2"	1/2"	1/2" x 2
21-25'	500 bs	750 lbs	1500 lbs	5/8"	5/8"	5/8"	5/8" x 2
26'-30'	750 lbs.	1000 bs	2000 lbs	3/4"	3/4"	3/4"	3/4" x 2
31'-40'	800 lbs.	1,500 lbs	3000 lbs	1"	1"	1,	3/4" x 2
41'-50'	1500 lbs.	2,000 lbs	4000 lbs	1"	1"	1"	1" x 2"
Over 50'		As	specified b	y the Harbo	rmaster		4 + -
Floats and Docks	As specified by the Harbormaster						
CHAIN LENGTH	Top chain length to be equal to 2 (two) times the depth of water at mean high water. Bottom chain length must be equal to 2 (two) times the depth of water at mean high water. Total mooring length, chain plus pennant, to be a minimum of 5 (five) times the depth of water at mean high water.						
Pennant	Mooring pen lenght is 50%	nant lenth to be a	m inumum	of 25% of t	he length o	vessel Max	lmum
Mooring Construction	Moorings are to be constructed so that chain runs through a float, at the surface. Mooring pennants must be connected to the chain above the float. Thimbles shall be used in all splices, fastenings, shackles, etc. Chafing gear at least 1 (one) foot long shall be used on each pennant. Shackles shall be properly wired to prevent pins from backing out.						
Note:	All specifications above are minimum requirements.						

Example: Minimum mooring inspection information								
Mooring component	Nominal Size	Length	Maximum wear measured (maximum allowable wear 30%)	Within Spec? Yes / No	Notes			
Pennant	5/8"	15'	9/16" cleat eye	Y	chafe gear shows wear			
Shackle	5/8"	n/a	1/2"	Υ				
Mooring Float	18"	n/a	none detected	Υ	> 1/2 floats above water surface			
Top Chain	1/2"	30'	7/16"	Υ				
Shackle	1/2"	n/a	7/16"	Υ				
Swivel	5/8"	n/a	3/8"	N to Y	center worn to 3/8"= replaced			
Shackle	5/8"	n/a	1/2"	Υ				
Bottom Chain	5/8"	25'	1/2"	Υ				
Shackle	3/4"	n/a	5/8"	Υ				
Mooring Eye	1"	n/a	7/8"	Υ				
Mooring Type	350lb. Mushroom	n/a	n/a	Υ	Moderate corrosion			

Inspection form to be completed by Inspector

3.8 Inspection, Care, and Maintenance

The inspection, care, and maintenance of mooring tackle, including mooring, chain, buoy, pennant, and associated swivels, shackles, thimbles, and eye splices, are the responsibility of the permittee. All moorings must be inspected every three years with an inspection report containing, at minimum, the detail outline in the Mooring Inspection Information example provided within these regulations. This report, with detail of compliance, must be submitted to the Harbormaster. Vessels over the size of 26 feet, as well as all commercial moorings and moorings for commercial vessels, must be inspected by a certified mooring inspector approved by the Harbormaster. Reports must be forwarded to the Harbormaster, at the expense of the permittee. The permittee will be notified at the time of annual renewal when the mooring tackle is due for inspection. An inspection must also be performed before any reassignment. After reassignment, an initial inspection shall be made with an inspection report of compliance or noncompliance submitted to the Harbormaster within seven days after inspection.

3.9 Use by "Vessel-Of-Record"

No person will secure a vessel on a mooring except the "vessel-of-record" without prior written authorization of the Harbormaster.

3.10 Emergency Provisions

In an emergency, the Harbormaster may assign a vessel to a vacant mooring as long as the assignment does not interfere with the use of that mooring by the "vessel-of-record."

3.11 Mooring Buoys and Markings

All mooring locations shall be identified with mooring buoys of distinctive colors and markings approved by the Harbormaster. All mooring permit numbers are permanently assigned. The number will not change from year to year. Mooring buoys shall be commercially made and

Commented [SS3]: Harbornaster Cox would like ALL mooring to be inspected by a CERTIFIED mooring inspector.

marked with the mooring registration number assigned to that mooring location. All markings on mooring buoys shall be block characters of at least 1 inch in height and must contrast in color with the background permanently attached or painted thereon and visible and legible whether or not the mooring is in use. Other mooring ball systems may be used only upon approval of the Harbormaster. Kegs are not allowed as mooring buoys.

3.12 Swim Floats and Rafts

All swim floats or rafts require a mooring permit (one permit per anchor). Applications for such structures shall be subject to the same permitting procedures contained herein and shall be subject to these regulations and all other applicable federal, state, and local laws, regulations, and rules.

3.13 Miscellaneous

The Harbormaster may allow dry sailing of small boats from floats or rafts on a case-by-case basis.

3.14 Mooring Stakes/Trolley Poles

All mooring stakes and any type of pulley or trolley system require a mooring permit. Applications for such structures shall be subject to the same permitting procedures contained herein and shall be subject to these regulations and all other applicable federal, state, and local laws, regulations, and rules.

3.14.1 Winter Stakes/Sticks

Without prior authorization of the Harbormaster, winter stakes shall be installed no later than November 15 of each year at all mooring locations. Winter stakes must be set in such a way that they do not lay flat on the water surface and shall be readily visible above the water at all times when installed with a minimum of 18 inches visible above the water line. Winter stakes must have the mooring registration number assigned by the Harbormaster visible and legible. Winter stakes must be removed from all mooring locations between by June 1. If a winter stake is not removed by June 1, it may be removed immediately by or at the direction of the Harbormaster and the costs associated therewith shall be the responsibility of the permittee. If an otherwise non-conforming winter stake is not removed within 14 days of notice by the Harbormaster, or the costs of removal are not paid within 14 days of demand, then the winter stake and mooring location shall be deemed abandoned and the winter stake disposed of in accordance with applicable law and the mooring permit for that location will be revoked. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster shall remove such winter stake, and the obligation to do so and the liability arising therefrom, shall remain that of the permittee.

3.15 Permit Fees

Annual mooring permit fees are due and payable on March 31 of each calendar year. An additional late mooring registration fee, according to the fee schedule, is required to continue a mooring permit if the annual mooring permit renewal form and fee is not received by the Town by March 31 of any year. Permit fees and late penalties, if unpaid for more than 90 days from the

due date of March 31 in any year will cause the Harbormaster to revoke the mooring permit. Any mooring system not removed within 30 days thereafter may be removed by the Harbormaster at the owner's sole expense.

3.16 Right of Appeal

Any person aggrieved by a refusal to permit such temporary mooring, or by any condition or restriction imposed relative to such mooring, may have the right of appeal to the Board of Selectmen under MGLs.

3.17 Mooring Use during Storm Conditions with Winds of 40 mph or More

In storm conditions, all vessel owners with a mooring are urged to remove their vessel from their mooring in high wind conditions. They are encouraged to check with their insurance company to see if they will pay for all or part of the haul fee. They are also urged to check that their liability insurance will cover any damages to their vessel or damage done to another vessel or property if it was to break free from their mooring.

INSERT TEXT ON INDEMNIFICATION / LIMITS ON LIABILITY WITHIN MOORING APPLICATION – TOWN COUNCIL TO PROVIDE

Non-permitted vessels tied to moorings in Fairhaven waters may be removed by the Harbormaster at the expense of the vessels owner. The owner will be responsible for towing and storage charges. All charges must be satisfied before the vessel is released.

Owners of moorings that allow another vessel to use their mooring during storm conditions may have their permit revoked and not reinstated the following year.

Owners are encouraged to haul their vessel under storm conditions.

4 Anchorage within Fairhaven Waters

4.1 Anchorage - Non Storm Conditions

Anchoring north of the Hurricane Barrier to the Fairhaven Bridge/Route 6 is prohibited under all conditions within the waters of Fairhaven. This area is to the east of the channel within New Bedford Harbor, as shown on charts. This order is due to existing uses and bottom conditions that have demonstrated an inability to hold secure vessels at anchor.

Anchoring is prohibited south of Crow Island and north of Steamship Authority due to existing vessel traffic associated with Union Wharf, Fairhaven Shipyard, and the Steamship Authority.

Anchorage is prohibited south of the Fairhaven Bridge, within existing mooring fields under all conditions.

Vessels that anchor without specific permission of the Harbormaster may be removed at the owner's expense. All towing and storage charges must be paid before the vessel is released.

4.1.1 Exemptions

Vessel may apply for an exemption from this rule by contacting the Harbormaster. The Harbormaster may allow a vessel to anchor for a short time while waiting to be pulled from the water by a Fairhaven ship yard. When a vessel is exempted, the vessel must have someone onboard at all times while anchored. The person onboard must be qualified to take control of the vessel if it starts to drift.

4.2 Anchorage During Storm Conditions with Winds of 40 mph or More

Person wishing to seek anchorage within the New Bedford Hurricane Barrier do so at their own risk. Anyone seeking anchorage understands that the prescribed areas as determined by the duly authorized Fairhaven Harbormaster are for the purpose of establishing order and does not imply that using said areas will protect any property or parties using anchorage areas.

It is further understood that this policy represents waters normally covered by the duly authorized Harbormaster of Fairhaven, MA and does not intend to make policy for water normally covered by the City of New Bedford and its agents.

Anchorage is prohibited south of the Fairhaven Bridge, within existing mooring fields under all conditions.

4.2.1 Storm Anchorage

All vessels anchoring shall maintain at least five boat lengths from any other vessel anchored. Allow for slack in anchor line when calculating distance between vessels.

All vessels shall have enough scope on their anchor lines to ensure the vessel does not rise above the anchor. All anchored vessels shall use a correctly sized anchor with a second line attached to the anchor. Lines shall be connected in such a manner to produce a bridal type connection to the bow of the vessel. Owners shall use properly sized lines in excellent condition.

Owners shall call the Harbormaster Office and register their name and name of the vessel with location (longitude and latitude, if possible) with a contact number.

Anyone anchoring their vessel shall not trespass on private property to gain access to their vessel.

Anyone using the Pease Street ramp understands they will not be allowed to tie up at the ramp.

Call Army Corps of Engineers for barrier information (508) 759-4431 or VHF Channel 16.

5 Union Wharf

5.1 General

All vessels, persons, and vehicles using the Union Wharf shall be governed by the rules and regulations contained herein and all other applicable laws, by-laws, rules and regulations, and orders, if any, concerning the operation of vessels and the use of piers, including, without limitation, those promulgated by the United States Coast Guard, the Environmental Protection Agency, the Department of Environmental Protection, the Commonwealth of Massachusetts, the Town of Fairhaven, and any other court or agency acting within its jurisdiction.

All vessels, persons, and vehicles using Union Wharf shall be responsible for the security of their own property. The Town, its officials, agents or employees shall not be responsible for the loss of or damage to life, persons or property occurring at Union Wharf and facilities owned, controlled, or operated by the Town from any cause whatever.

5.2 Use of Union Wharf

The use of Union Wharf shall be under the direct supervision and control of the Harbormaster. Union Wharf is primarily for the general use and benefit of commercial fishing vessels, and for the passive enjoyment by the general public. Except as set forth in Article 4-5, below, no vessel shall dock at Union Wharf without first obtaining a valid docking license from the Town of Fairhaven. Any use of Union Wharf, other than by a valid docking license or the passive enjoyment by the general public, is strictly prohibited on Union Wharf, unless expressly authorized by the Town.

All users of Union Wharf shall be subject to all applicable laws and the rules and regulations of the Town of Fairhaven, including the laws and regulations of the Town of Fairhaven regarding personal conduct and behavior, and any rules or terms and conditions attached to an approved docking license. The owners, operators and occupants of such boats shall not permit acts contrary to good order, public safety or public health, including public profanity or obscene language or indecent exposure or behavior. No one using any of the Town's wharves, floats or piers shall cause any unnecessary noise, loud talking or playing of music or other devices between the hours of 10:30 p.m. and 7:30 a.m. Abusive language, actions, threats and/or illegal activities are subject to enforcement by the Harbormaster and/or the Police Department. Owners and Captains of any vessel berthed at Union Wharf are responsible for the conduct of their crew at all times.

The consumption of alcoholic beverages at or on Union Wharf is prohibited.

When stretching wire on Union Wharf, a line and a block will be used. Wires are not to cause damage to any parts of the Pier, such as poles, ladder, utility boxes, or cap rails. No wire will be stretched after 9:00 a.m. from April 30 until October 1, unless expressly authorized by the Harbormaster.

No rope, line or other equipment shall be allowed to pass across any channel or dock in such a way that it would be likely to obstruct or interfere with navigation or the use of the facilities.

The Town will not be responsible for any loss or damage to boats or vessels at the Town wharves, floats, piers or moorings. Owners will be held responsible for damage caused by them or their vessels to structures and pilings and related facilities owned by the Town of Fairhaven.

The Town reserves the right, in its sole discretion, to use spaces not in use by annual docking license holders during the period the space is vacant.

All vessels using Union Wharf shall be maintained in a safe, sound and seaworthy condition and capable of getting underway under its own power except in cases of temporary incapacity during emergency repairs. The owner or operator of any vessel incapable of getting underway on its own power for a period greater than twenty-four hours shall notify the Harbormaster.

The Harbormaster has the right to determine if any vessel in Town waters is unseaworthy, dangerous or in such a badly deteriorated condition as to render it unsafe. Docking and berthing privileges may be denied to any vessel, which in the opinion of the Harbormaster, is not in a safe, sound and seaworthy condition or which poses a hazard to the safety of Union Wharf, vessels, the public, or the environment. Any such vessel tied to Union Wharf may be directed to leave Union Wharf by the Harbormaster. Upon making such a determination, the Harbormaster shall give notice to the owner by posting notice of such determination on the vessel, and (a) if the address of the owner is known, then by mail, email, or hand-delivery to the owner, or (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town. If after 10 days following the publication or written notice as provided in the preceding sentence, the owner has failed to remedy the conditions leading to the determination, the Harbormaster may take appropriate steps for removal of the vessel. At any time, the Harbormaster, notwithstanding the foregoing, may act immediately in event of an emergency to take appropriate steps for immediate removal of any vessel that presents an eminent threat to life or property, provided, however, that as soon as practicable after taking such action, notice of the action taken shall be provided in the manner set forth in this section. If, after 30 days from the date of notice or publication, the owner of a removed vessel shall fail to reimburse the Town for removal cost, the vessel may then, at the discretion of the Harbormaster, be sold at public action to cover the costs of removal. This shall not be deemed to apply to vessels in immediate distress as a result of current emergencies, as determined by the Harbormaster.

Servicing of vessels, including but limited to hot works/welding*, electronic and hydraulic repairs, replacing gear, and engine repairs, at wharf side, shall be allowed at the discretion of the Harbormaster provides other wharf operations are not adversely affected. *Hot work requires a permit from the Fairhaven Fire Department. Personnel applying for a permit must comply with 527 CMR 41.

The owners or captains of all vessels using Union Wharf shall make available to the Harbormaster the names of at least two qualified persons who can be contacted in the event of the need to move vessels. Upon order of the Harbormaster, all vessels must be moved within 30 minutes.

The owner or operator of any vessel docked at Union Wharf should provide the Harbormaster with a set of main door hatch keys and ignition keys. Vessels will be entered by the

Harbormaster for inspection or for emergency service, and otherwise only with the permission of the owner. No other person will be given keys or allowed on the boat without the owner's written permission.

5.3 Docking License

5.3.1 Requirement for Docking License

All vessels wishing to utilize Union Wharf shall obtain in advance from the Town an annual docking license for the use of Union Wharf. An application for a docking license is available at the Fairhaven Town Hall in the office of the Harbormaster.

5.3.2 Eligibility for a Docking License

Only the primary operator of a commercial vessel, which is seaworthy and covered by adequate insurance, as outlined in these Regulations, shall be eligible for a docking license.

5.3.3 License Term, Payment, Priority, Waiting List

Users are charged on a per-day basis. The initial deposit is refundable upon expiration of the docking license. Any unpaid fees or costs to the town will be paid from the user's initial deposit.

Bills will be sent to vessel owners on the 1st of every month. Failure to pay a bill within 30 days of its issuance may result in the revocation of License, and the assigning of that License to a different vessel. Any outstanding fees will be withdrawn from the owner's initial deposit.

All users or owners of vessels who fail to pay their docking fees when due shall be considered in violation of these regulations and be charged 1 ½% interest per month, and for all costs of collection, including but not limited to court costs, attorney fees, and sheriff fees. Any vessel docking at Union Wharf after its Primary Operator fails to pay the docking fees when due shall be fined \$50.00 for every 24-hour period thereafter.

Docking licenses shall be valid for a period of one year, from July 1 through June 30. Applications and renewal applications shall be submitted no later than April 1 prior to the license period, and full payment of the initial deposit shall be submitted no later than June 1 prior to the license period. In the event a docking license is issued after June 1, the initial deposit shall be paid immediately upon issuance of the docking license, or upon demand by the Harbormaster, whichever comes first.

A docking license shall be issued only after receipt of a complete Application Form. The renewal of licenses shall receive priority over new applications. The issuance of new applications shall be on a first-come first-serve basis. In the event that there are more applications than available berths, the Harbormaster shall maintain waiting lists (Small Boat Basin, North Side, and Large Vessels), which shall be available for public inspection at the office of the Harbormaster. New licenses shall be issued in accordance with the waiting list. Persons on the waiting lists shall be notified of an available berth by certified mail sent to the address on the application, and the Harbormaster shall give the person no less than 30 days to respond to the

notice. The Harbormaster may, in his/her sole discretion, require updated information from the person on the waiting list before issuing a docking license.

The Town reserves the right to deny or revoke a docking license for the Small Boat Basin if the Town determines, in the sole discretion of the Harbormaster, that the person holding the docking license is not actively using his/her commercial fishing license. The Harbormaster shall take into consideration such information as the fishing history of the vessel for the previous two years, trip landing records for the vessel for the previous two years, the number of days-at-sea that the vessel is authorized to use during each year and any such other information the Harbormaster may deem relevant to his/her determination.

Any changes in any line of the application on file will be cause for the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel to immediately correct the application on file. Changes such as ownership, name, responsible parties and or contact numbers but not limited to are examples. Failure to not do so will not relieve the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel of the burden of payments due the Town of Fairhaven, MA. Upon signature of the application by the duly authorized person/agent of the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel accepts the responsibility of payment for any money owed for dockage, legal cost, removal and storage charges that may be charged to the fishing vessel.

Vessel owners may use the balance of their deposit for the following year.

The daily fee and initial deposit amount is listed on Fee Schedule. Said deposit and fees shall be made payable to the Town of Fairhaven.

5.3.4 Terms of Docking License

A docking license shall entitle the registered owner to the use of and access to the Wharf in common with other license holders, subject to the rules and regulation of the Town and any terms and requirements attached to an approved docking license. Agreement to the rules and regulations set forth in this document are understood by the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel by signing of the application as required, the use of the dock authorized or not, payment for use of 1 day at Union Wharf. Failure to sign the application and or agree to the rules and regulations will be cause to terminate use of the Union Wharf immediately.

The following terms and requirements, as they may be amended, are hereby incorporated into each docking license issued under these regulations:

"ASSIGNED BERTHS": The Harbormaster reserves the right to assign and to re-assign from time to time a particular berth for a licensed vessel. An approved license shall create a license to use Union Wharf in common with others as provided herein, and shall not be considered either a tenancy or a bailment.

"AMENDMENT OF TERMS AND CONDITIONS; RULES & REGULATIONS": The Town reserves the right to alter or amend the terms and conditions of a license, and to issue rules and regulations from time to time by:

- Written notice to licensee; or
- Publication of notice by posting at Union Wharf.

"AUTHORITY": The applicant's signature on the license application shall be deemed his/her representation that he/she is the owner of the vessel, or is an authorized agent or principal of the owner, with authority to bind the owner to the terms of the license, and that they have read the Waterways Regulations and agree to comply.

"CHANGE OF OWNERSHIP:" Any change in the vessel's use, ownership, primary operator, or mailing address shall be promptly reported to Harbormaster. Failure to promptly report such change shall be considered a violation of these regulations. In the event that such change affects the eligibility of the vessel to hold a docking license, the license shall be immediately void and the vessel shall immediately cease use of Union Wharf and vacate the vessel's assigned berth.

"COMPLIANCE WITH LAW": Licensee shall comply with, and the same are incorporated herein, all Federal, State, and local statutes and regulations.

"DOCKING OF VESSEL": The captain or owner of any vessel berthed at Union Wharf shall be responsible for causing such vessel to be at all times tied and secured or anchored with proper care and equipment in such manner as may be required to prevent breakaway and resulting damage. All vessels docked at Union Wharf shall be manned during all storm or hurricane warnings, or at the reasonable request of the Harbormaster.

"EMERGENCY REMOVAL": In the event of hurricane or other severe weather warning, the Harbormaster may direct the licensee to remove the vessel from the Berth licensed herein. In the event of failure to remove the same, the Harbormaster may remove the vessel at owner's expense without liability for any damage which results from any cause.

"FUEL AND HAZARDOUS ACTIVITIES": Fuel storage of any kind shall be prohibited unless contained within the fuel tank of the vessel. Except in an emergency, no boat shall fuel at the Town's wharves, floats or piers without the permission of the Harbormaster. Fueling of vessels at Union Wharf shall be prohibited, except by companies or individuals that have been permitted by the Department of Fire Services and that comply with all state and federal regulations. Any company or individual must meet the requirements of 527 CMR 42.9.

Open fires, including cooking, recreational, and open burning shall be prohibited on any part of the pier or on any vessel.

"INSURANCE": All vessels berthed at Union Wharf shall at all times maintain Protection and Indemnity (P&I), and Water Pollution Liability Insurance with a minimum available coverage as follows: \$300,000 for Small Boat Basin; \$1,000,000 for North Side and Large

Vessels. The Town of Fairhaven shall be named as additional insured for all insurance policies. Insurance certificate shall state that insurance company will notify the Town if and when the policy lapses. Notwithstanding anything contained in these terms and conditions, and any applicable rules and regulations, the prescribed P&I policy must not contain any exclusion for wreck removal costs.

"LICENSEE'S LIABILITY; INDEMNITY OF TOWN": Licensee covenants to exercise due care in occupation of its assigned Berth and to vacate the Berth in good condition, wear and tear occasioned by normal use only excepted, at the termination of the within license. Licensee shall be responsible for, and agrees to reimburse the Town for, all damages, injuries, losses, costs and expenses, including attorneys' fees, which may be suffered or incurred by the Town to extent that any such damage results from the actions or omissions of licensee, or his/her employees, guests, invitees, agents or contractors in use of the Berth and Wharf facility pursuant to this license. Licensee shall indemnify, defend and hold the Town harmless from and against all claims, actions, proceedings, damages, and liabilities, including attorneys' fees, arising from or connected with the use and occupancy of the Berth and use of the Wharf facility by the licensee his/her employees, guests, invitees, agents, and contractors, including without limitation (i) any environmental damage caused by spillage or disposal of fuel, oil, sewage or other hazardous materials, and (ii) personal injury or property damage claimed by any employee, agent, guest or invitee of the licensee or of the licensed vessel.

If for any reason a fishing vessel has been deemed not in compliance with the rules and regulations and actions authorizing the removal of the Fishing Vessel are undertaken/implemented, the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel herby upon signing the application to use Union Wharf, indemnifies the Town of Fairhaven and or their duly appointed agents for any damages that may be incurred due to the removal of the fishing vessel. This includes damages incurred by the fishing vessel, Corporation, Shareholders of the Corporation or any other entity involved with the fishing vessel and or any other vessels nearby during the removal and storage process. Any damages incurred during the storage and recovery of the vessel shall be included in the indemnity of the Town of Fairhayen.

"LIMITATION OF TOWN'S LIABILITY": Licensee acknowledges that he or she has inspected the assigned Berth and is satisfied that the Berth is adequate for safe mooring of the vessel. This contract is not a bailment of the licensee's vessel, but is a license for the use and occupancy of the Berth and other Wharf facilities hereunder. Town's employees will make reasonable efforts to contact and notify licensee of dangerous conditions requiring licensee's attention, but the Town assumes no responsibility for tending mooring lines or moving vessels from the berths to which they are assigned. The Town shall not be liable or responsible for the care and protection of the vessel (including gear, equipment and contents) nor for any loss or damage of whatsoever kind or nature to the vessel, its contents, gear, or equipment, howsoever occasioned.

"LICENSEE'S RESPONSIBILITY": Licensee acknowledges that the Town is not a bailee, but acknowledges that Town will have a lien against the vessel, its tackle and equipment with respect to all charges incurred hereunder and shall have the right and authority to retain

possession of the vessel until all such charges are paid, and in the event such charges are not so paid or if licensee fails to claim and remove the vessel from the Berth or other area of the Wharf facility after the end of the term of this license or after the Town's reasonable request to do so, the Town is hereby authorized by licensee to sell the vessel at public or private sale upon reasonable notification to licensee at licensee's home address as listed in this license. If the Town is unable to sell the vessel, the Town may dispose of the vessel in a reasonable manner with no liability on the Town's part to licensee. Further, the parties agree that if notice is given by mailing, as aforesaid, and there is no response within thirty (30) days, the Town may treat the vessel and its equipment as if they have been abandoned and proceed to sell or otherwise dispose of the vessel as set forth above.

"MAINTENANCE": Only ordinary, light maintenance shall be permitted on the vessels docked at the Wharf. Licensee must notify the Town in advance of the employment of any outside commercial labor on the vessel. Prior to the Town approving such labor, the Town must be provided with certificates of insurance protecting the Town to its satisfaction.

"MAINTENANCE OF WHARF": Licensee shall immediately notify the Harbormaster of the necessity of repairs to piers or of any dangerous conditions requiring attention. Licensee shall not alter piers or berthing fingers in any way without the prior written permission of the Harbormaster.

"NO SUBLET": Licensee shall not sublet or assign the Berth licensed herein.

"NO SWIMMING": There shall be no swimming or diving from Union Wharf or from any vessel docked at Union Wharf. Minors must be supervised by an adult at all times. Notification must be given to the Harbormaster if Commercial Diving is required.

"NO TRESPASS" orders when issued by the duly authorized agent the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel agree to remove the fishing vessel within 3 (three) business days. Failure to do so will be cause to have the fishing vessel removed. If within the 3 (three) day period the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel wish to appeal they must do so in writing during the 3 (three) day period to the Board of Selectmen. During the appeal period any action to remove the fishing vessel will cease. However if the appeal is denied the fishing vessel will be removed 1 (one) business day later.

"RESIDENCE": No vessel berthed at the Wharf shall be used as a residence, unless specifically authorized in writing by Harbormaster.

"RIGHT TO APPEAL" any decision of the duly authorized agent of the Town of Fairhaven is provided to the Owner(s)/ Corporation or Shareholders or any other entity involved with the fishing vessel by the Town of Fairhaven within the 3 business day period in regards to a NO TRESPASS order or within 7 days of any other action taken by the Town of Fairhaven, MA and or their duly authorized agents by filling such an appeal in writing to the "Board of Selectmen" Town of Fairhaven, MA within the provided timeframes indicated.

"SHIFTING VESSEL IN OWNER'S ABSENCE": The licensee hereby authorizes the Harbormaster to remove the vessel from the Berth whenever the Harbormaster deems it necessary for safety or for maintenance of Union Wharf. Licensee releases and saves the Town and its servants, agents and employees harmless from any liability or damage arising out of such activity. Licensee will provide the Town with a set of main door, hatch and ignition keys for such use.

"STORAGE ON PIERS": Licensee shall keep the berthing space and adjacent pier area clean and litter free and nothing shall be stored thereon without the prior written permission of the Harbormaster. No person shall leave any boat or vessel, or any fishing equipment, fish or any other personal property, or waste, upon Union Wharf for any period longer then reasonably necessary during the loading or unloading of a vessel. The decks, floats, structures, and waterways of Union Wharf and other Town-owned and operated docking and berthing facilities shall not be obstructed for any purpose other than the berthing of, access to, and loading and unloading of vessels. There is a 3 hour maximum time limit. Storage or repair of traps, nets, gear, bait or other supplies beyond 48 hours is prohibited except with the permission of the Harbormaster and in areas designated for storage or repair. Licensees shall be required to clean up any debris on completion. Nets must be in a container with the name of the vessel indelibly labeled on container. All users of Union Wharf are responsible for removal of any gear, trash and general cleanup of the area around their vessels.

"TERMINATION FOR VIOLATION": If licensee violates any of the terms or conditions herein stated or the rules and regulations promulgated hereunder, the Town may cancel this License Agreement upon 10 days written notice to licensee mailed by regular mail to the home address listed in the license application, and licensee shall forthwith remove the vessel from the Wharf facility. In the event that Town determines that licensee's failure to comply with the terms of this agreement and/or laws or any rules and regulations results in an emergency condition, environmental or otherwise, the Harbormaster may direct the owner or operator to remove the vessel immediately. In the event that licensee does not promptly comply with the direction to remove the vessel, the Town may exercise the remedies set forth in the EMERGENCY REMOVAL paragraph above.

"USE": Licensee shall use the vessel only as a commercial fishing vessel.

"WAIVER OF TERMS AND CONDITIONS": No failure of the Town, Harbormaster, or his/her employees to enforce any of the terms and conditions of this License Agreement is or shall be considered to be a waiver of such term or condition in the absence of an express written waiver by the Town or Harbormaster.

5.3.5 Docking of Unlicensed Vessels, Removal of Unauthorized Vessels

Unlicensed vessels otherwise in compliance with the provisions of these regulations with regard to vessel type and use may dock at Union Wharf at the discretion of the Harbormaster on a day to day basis. The owner or operator of an unlicensed vessel shall request prior permission from the Harbormaster and before being allowed to dock shall pay the Daily user fee for unlicensed vessels as set forth in Attachment A. Failure to pay the daily user fee prior to the commencement of any subsequent 24-hour period shall render the vessel an unauthorized vessel.

Unlicensed vessels which are docked at Union Wharf with the permission of the Harbormaster shall be subject to all the regulations and licensing terms set forth herein.

Unauthorized vessels shall be removed promptly by the owner or operator at the request of the Harbormaster on-duty. If the vessel is not removed, it will be subject to ticketing or towing charges payable by the owner of the vessel. The Town is not in any way responsible for unauthorized vessels docked at Union Wharf or in licensee berths.

5.3.6 Appeal

Any person aggrieved by a decision of the Harbormaster with respect to the issuance, non-issuance, or revocation of a docking license, within seven calendar days, give written notice of an appeal of the decision to the Board of Selectmen. Said notice shall state, with reasonable particularity, the grounds upon which the person appeals. The decision of the Board of Selectman shall be final.

5.3.7 Pollution Prevention

Garbage, sewage, and refuse shall be properly disposed of. Persons using Union Wharf shall wash down the surface after unloading fish and at other times as required, or as directed by the Harbormaster.

Waste oil, bilge liquids, spent antifreeze, and other hazardous materials shall be properly stored and disposed of in accordance with Massachusetts Hazardous Waste Regulations (310 CMR 30.000).

5.3.8 Fees

Unless otherwise provided by law or by-law, the Board of Selectmen shall establish all fees under these regulations.

5.3.9 Penalties

Violations of any provisions of these regulations, may be penalized by a non-criminal disposition as provided (TOWN COUNCIL TO CONFIRM) under MGLs, Chapter 40, Section 21D. Each day on which a violation exists shall be deemed a separate offense.

Licensees and other users of Union Wharf who fail to pay the required fees and/or fail to comply with other requirements for use of Union Wharf shall forfeit use privileges at Union Wharf forthwith and may be subject to collection procedures. In addition to the remedies set forth in these regulations and licensing terms the Town may refuse to issue any future license to the violator.

5.3.10 Miscellaneous

If any provision of these regulations is held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

5.4 South Side Small Boat Basin

The following additional regulations apply to the south side small boat basin / lobster boat basin:

- Vessel owner must be a resident of the Town and show proof of residence upon request.
- All vessel owners must notify the Harbormaster when vacating their assigned berth for a period in excess of 14 days. The Town reserves the right, in its sole discretion, to use spaces not in use by annual license holders during the period when the space is vacant.
- · Slip holders cannot sub-lease their slips.
- Slip holders must register a primary vessel to their slip. If they own a second vessel they
 may place that vessel in that slip if approved by the Harbormaster. Approval must be
 obtained before a second vessel is put in place.
- Vessel to be approved must be registered to the slip owner, actively fishing and have proof of pollution and liability insurance at the proper levels and show proof thereof to the Harbormaster.
- If a slip holder wishes to use another vessel for a short period due to maintenance issues and or workability issues they may only do so with the approval of the Harbormaster. All approved vessels must have pollution and liability insurance at proper levels. Proof thereof must be shown to the Harbormaster. All Approved vessels must be used by the slip owner requesting use of their slip and not another person. This period of approval will be in 14 day increments. Any extension of that period is subject to approval of the Harbormaster. Proof of need must be provided by the requesting party.
- All requests for approval must be submitted to the Harbormaster at a minimum of 24 hours before the event, not counting weekends.
- All vessels using the Union Wharf Lobster Basin South facing slips must dock stern in.
 The stern must be able to back in to a distance no greater than 2 feet from the dock at the stern.
- All vessels must dock in their assigned slips in such a manner as the vessel will not interfere with the operation of other vessels using Union Wharf Lobster Basin slips. This includes town owned vessels using the finger docks at Union Wharf.
- All vessels that are to be docked at the Union Wharf Lobster Basin slips must be approved by the Harbormaster without exception. The Harbormaster shall consider the rules and regulations as established for the Union Wharf Lobster Basin. However, in addition to the rules and regulations, the Harbormaster must consider the effect of the vessel on the daily operation of other vessels using Union Wharf Lobster Basin slips including town owned vessels using the docks. This includes beam of the vessel the draft of the vessel regardless of its length. In addition the Harbormaster must assess the wear tear effect on the slip in regards to size of the vessel and the size of the slip being used.

The ability of the vessel to properly utilize the slip in regards to its ability to properly dock in the slip in regard to overhang past the dock is a major factor. If the Harbormaster determines that the vessel is detrimental to the dock site and or the daily operation in the Union Wharf Lobster Basin he/she may not allow the vessel to use the slip. This is a subjective evaluation by the Harbormaster and if the vessel is denied use of the slip the Harbormaster must explain in writing the reason(s) why it was denied.

Length limits are determined by the overall length and not at the waterline. If there is a
question of length the Harbormaster and or his/her agents must be allowed to go aboard
to measure the overall length of the vessel.

5.5 North and West Side of Union Wharf

The following additional regulations apply to the North and East sides of Union Wharf:

5.5.1 General Use Regulations

- Vessel must be a large active fishing vessel commercially licensed 60 feet or larger up to 105 feet, if space available. Exception is berths on that portion of the North side of Union Wharf between the public safety marina and the pre-existing berths for large fishing boats. Vessels must demonstrate commercial usage within 6 months recency by way of catch report or log.
- Fishing boats, charter boats, tug boats, cargo boats and other boat used for commercial or educational purposes and of the design and dimensions to allow for the vessel to safely berth at the assigned slip shall be eligible to berth on that portion of the North side of Union Wharf between the public safety marina and the pre-existing berths for large fishing boats.
- Transient vessels are required to have the same insurance coverages as applicants for annual berths.
- Transient vessels are limited to no more than 60 days per year, and no more than 15 consecutive days during a calendar year.

5.5.2 Union Wharf North Side - Application and Selection Process

The owner of a vessel eligible to moor at Union Wharf North shall complete a written application on a form provided by the Harbormaster. The Harbormaster will make an initial determination whether the application is complete and whether the applicant is qualified under the terms of these regulations. The determination of the Harbormaster may be appealed by the applicant to the Board of Selectmen in writing which must be received by the office of the Board of Selectmen no later than 3 days following notice to the applicant of the Harbormaster's determination.

In the event of an emergency and to prevent imminent harm to persons or property, the Harbormaster may waive these application requirements for a period of up to 7 days, and may allow a vessel to moor on Union Wharf North during the period of waiver.

Open slips shall be filled on a "First Come/First Served Basis" from those applicants who have completed their applications and have maintained their eligibility under the terms of these regulations, and who enter into an agreement with the Town as set forth in these regulations.

Should the number of qualified applications submitted by the initial deadline for applications exceed the number of slips available, following any appeals to the Board of Selectmen under the first bullet point above, the Harbormaster will conduct a lottery with each qualified application given a number in the order in which they are drawn. In a descending order, the available slips will be awarded to the applicants until the slips are fully allocated, after which the remaining applications shall be placed on a waiting list also in descending order. Applications received after the initial deadline will be placed on the waiting list in the order received. Annually in December of each year, each applicant on the waiting list who wishes to remain on the waiting list for the upcoming calendar year shall notify the Harbormaster in writing of his/her desire to remain on the waiting list. If an applicant fails to so notify the Harbormaster by December 31, the Harbormaster will remove the applicant from the waiting list.

All applications shall be reviewed for completeness, and initially approved by the Harbormaster, before being submitted to the town administrator for final approval by the Board of Selectmen. In order for an application to be approved, the application must meet all the following criteria:

- The application must be filled out completely and signed by the owner or operator of the
 vessel. The applicant must provide proof of ownership of the vessel, or of authority from
 the owner to act as operator of the vessel.
- The applicant must be a resident of the town and show proof of residence upon request.
- The applicant must show proof of insurance coverage, with the Town as an additional insured, for General Liability in the amount \$1,000,000.00 and for Pollution Coverage in the amount of \$1,000,000 applicable for the duration of the proposed agreement.
 Insurance certificate shall state that insurance company will notify the Town if and when the policy lapses.
- The applicant must not have any recent or existing violations of maritime rules or regulations. An application may be denied if the applicant's history of maritime violations shows a pattern of failure to comply with rules and regulations intended to protect the public health, safety and welfare.
- The applicant must be in good standing and current with the "Waterways Usage Fee" as outlined in the Town of Fairhaven Bylaws, Chapter 145-16.
- The applicant will be required to sign a hold harmless and indemnification agreement in a form approved by the Town releasing and holding the town harmless for any claims arising from or related to the use of the wharf, and indemnifying the Town for any claims for damage arising from or related to the applicant's use of the wharf.

5.5.3 Terms of Agreement

Upon the submission of an approved application to the Town Administrator, the Board of Selectmen may enter into an agreement with the applicant. At the discretion of the Board of Selectmen an agreement may be seasonal or annual. It shall commence on the day it is signed by the Board of Selectmen and shall continue for the duration of the agreement, or the end of the then current calendar year, whichever is first.

5.5.4 Annual Agreement Change and Renewal Terms

Unless otherwise provided by its terms, each annual agreement shall renew for a period of 12 months commencing January 1 of the following year, subject to the following requirements. No later than December 1 of the current term of the agreement the owner or operator shall provide to the Town Administrator proof of insurance for the following year, a statement by the Harbormaster that he/she has no violations in the Town, and that he/she is in good standing and current with the "Waterways Usage Fee." No later than December 31 of the current term of the agreement the owner or operator shall pay the dockage fees for the following year. Notwithstanding the foregoing, the Town of Fairhaven reserves the right to change the terms of the agreement prior to renewal.

5.5.5 Termination of Agreement

- The Board of Selectmen reserves the right to terminate the agreement at any time with 30 days written notice to the vessel owner if it determines that termination is in the best interest of the public health, safety or welfare.
- The Board of Selectmen reserves the right to terminate the agreement, and the Applicant will forfeit all fees paid to the Town of Fairhaven, if the Harbormaster determines that the slip or dockage area has been abandoned. A slip or dockage area shall be considered abandoned by the Harbormaster, if the slip or dockage area has not been used by the applicant for a period of 60 days, not including a period of time necessary for repair or maintenance; or regardless of duration, if the vessel is subject to an agreement for mooring or storage at another facility, other than for repair or maintenance; or regardless of duration, if the applicant is no longer the owner or operator of the vessel.
- The Town of Fairhaven reserves the right to terminate the agreement immediately if there is reason to believe that the party is acting in a manner or conducting business that is in violation of these regulations or of the terms of the agreement, or of a Town of Fairhaven Bylaw or regulation, or any state or federal regulation or law.

5.5.6 Dockage Fees and Payment Terms

Dockage Fees: Dockage fees shall be set annually by the Board of Selectmen. Vessel owners shall be notified 30 days prior to the automatic renewal period of any fee changes.

Payment: All payments must be paid within 30 days of invoice. No agreement shall renew until the dockage fees for the following year have been paid in full.

6 Dinghy Permits Guidelines

6.1 Dinghy Type Vessels

Permitted vessels types are dinghy, canoes, and kayaks.

6.2 User Stickers for Dinghy Type Vessels

All dinghy-type vessels stored at either Pease Park Boat Ramp, Sea View Boat Ramp, or Hoppy's Landing shall be stored on the rack provided by the Town with a dinghy permit affixed to the vessel, indicating storage is permitted. Permits may be purchased at the Selectmen's Office during regular business hours.

Annual dinghy permit fees are provided in the Fee Schedule, which is provided in Attachment A. Violations are subject to fines, as established by the Town of Fairhaven.

6.3 Waiting List

If the number of applications exceeds the dinghy spaces available, then the Harbormaster shall place the applicant's name, application date, and vessel dimensions upon the appropriate waiting list. For the purposes herein, the Harbormaster shall maintain a waiting list for the assignment of all dinghy spaces.

6.4 Renewal of Dinghy Permit

Dinghy permits shall expire on December 31 and must be renewed by January 1 of the following year. A dinghy permit holder must inform the Harbormaster by December 31 of each year of any change in the information pertaining to the dinghy. If the permit is not renewed by December 31st of any year, it will be considered forfeited and the dinghy must be removed within 30 days of notice of forfeiture. If not removed, the Town will remove and Owner will be fined.

6.5 Use of Dinghy Racks

Permit holders may utilize locks for securing the dinghy to the rack. The Town does is not responsible for theft, or any loss or damage to the dinghy. TOWN COUNCIL TO REVIEW

7 Shellfish

7.1 Authority

The following rules and regulations are hereby adopted by authority of MGLs Chapter 130, Section 52 by the Board of Selectmen, Town of Fairhaven. Under the above authority, all persons are prohibited from taking eels, clams, quahogs, oysters, scallops, or seaworms from the coastal waters or flats of the Town of Fairhaven. Permits and licenses are issued subject to the regulations set forth herein.

NOTE: applies to all shellfishing regardless of type of permit or license. Commercial scallop regulations and special regulations covering temporary closings due to pollution, planting, or experimental programs may be established as needed.

7.2 Non-Commercial Regulations

AGE LIMIT: Any person over the age of 12 years may obtain a shellfish permit but no child under the age of 12 years shall take shellfish, eels, or seaworms unless accompanied by an adult holding a permit in which case, said adult will be held responsible for all acts of said child.

BASKETS: While engaged in shellfishing all shellfish must be stored in baskets. No basket larger than 1 peck shall be used for non-commercial shellfishing.

BAY SCALLOPS (Argopecten Irradiens /Cape Scallop): Scallops may be harvested from November 1 to March 31 between the hours of 7 a.m. and 4 p.m., providing the air temperature is above 28 degrees Fahrenheit. Limit one (1) bushel per week. The harvesting of scallops from April 1 to October 31 is prohibited.

CLOSED AREAS: Shellfish shall not be removed from any area closed by the Division of Marine Fisheries (DMF). Written permission shall be made available for inspection upon demand by any police officer, constable, or any other duly authorized officer or agent of the Board of Selectmen. Areas within the rotation system shall be closed from time to time to allow for propagation. Rotation areas will be clearly marked and information on closed areas may be obtained by contacting the Shellfish Warden or the Selectmen's office.

DRY DIGGING: The dry digging of shellfish is prohibited between and including December 8 to March 31.

EELS/SEA WORMS: May be harvested any day throughout the season. A recreational permit entitles the holder to set up 3 eel traps for recreational use. Traps must be marked with permit number and the floats must also have the permit number affixed to it. The taking of eels less than 6 inches is prohibited.

EXHIBIT FOR INSPECTION: All persons taking or carrying away or having in their possession, shellfish of any kind, in boat or container, shall exhibit such shellfish for

inspection upon demand of any Shellfish Warden, Police Officer, or any other duly authorized officer or agent of the Board of Selectmen.

FINES: See Section 7.5 – Penalties

LICENSE DISPLAY: Licenses must be in the possession of the license holders and in plain view on outer clothing or posted on boat or drivers' flag, in visible manner while engaged in shellfishing.

LICENSE/PERMIT RESTRICTIONS: No person holding a commercial license shall be granted a recreational permit and no person holding a recreational permit shall be granted a commercial license.

NON-TRANSFERABLE: Permits are not transferable and may be suspended or revoked for any violation of the rules and regulations, MGLs, Chapter 130, or amendments thereto and subject to rules and regulations of the Town of Fairhaven.

NORTH COVE: North Cove will now be split with the Western side restricted for exclusive use of recreational permit holder only. Commercial shellfishing on this side of cove is prohibited! Commercial shell fishermen may use the Eastern part of North Cove, buoys set into the middle of the cove will set line, along with a sign set on marsh.

OYSTERS (Crassostrea Virginica): Oysters may be harvested from October 1 through March 31.

PERMITS (All shellfish): Shellfish permits are valid from January 1 thru December 31

PERMIT, NON-RESIDENTS: This permit may be sold to any resident of the state, who can show to the satisfaction of the licensing authorities, that he/she is domiciled within the Commonwealth of Massachusetts.

PERMIT, RESIDENT RECREATIONAL: Permits may be issued to a member of a family who proves to the satisfaction of the Shellfish Warden or designee that he/she actually physically resides in, or owns, real estate having an assessed value in the Town of Fairhaven, such as summer residence.

PERMIT, RESIDENT SENIOR CITIZENS: This permit may be issued to those persons that have attained the age of 62 and can show to the satisfaction of the Shellfish Warden or designee that they are domiciled, or own taxable property in the Town of Fairhaven.

PERMIT, VETERAN: This permit may be issued to those persons that can show to the satisfaction of the Shellfish Warden or designee that they have served in the U.S. military.

REQUIRED SHELLFISH CONTAINERS: Recreational, senior citizens, and non-resident permit holders shall be required to utilize a standard 1 peck wire basket while taking quahogs, clams, or oysters. Only one (1) basket per permit holder is permitted.

LIMITS: One (1) peck per week per license. (Subject to fines as noted in Section 7.5, under "FINES.").

SCUBA DIVING: The taking of shellfish by use of scuba and snorkel equipment shall be limited to the following conditions: shellfish permits or license shall be displayed on a standard diver's flag in a visible manner. Shellfish may be harvested by hand only, and the use of any suction and or air tank device, for the purposes of disrupting the sea bottom to expose shellfish shall be prohibited. Divers flags shall be displayed on a boat or surface float, and shall extend a minimum distance of 3 feet from the surface of the water. Divers shall remain in an area within 100 feet of such displayed divers flag, while at or near the surface of the water.

SEED: All seed shellfish shall be broadcast back onto the area in which they were taken, all seed shellfish above the water line shall be covered before leaving an area and all holes filled.

SHELLFISH GAUGES: Gauges for quahog, clam, and oyster measurements shall be used at all times when engaged in shellfishing.

SHELLFISH SIZE LIMITS: Quahogs (Mercenaria mercenaria) must have 1-inch hinge measured by gauge. Clams (Mya arenaria) shall not be taken when they are less than 2 inches in the longest diameter. Oysters (Crassostrea virginica) shall not be taken when they are less than 3 inches in diameter. Scallops shall not be taken unless that have a well-defined annual growth ring. The taking or possession of seed shellfish is prohibited.

SHOVEL/SPADING FORK: The use of a shovel or spading fork for the harvesting of shellfish is prohibited.

SOFT SHELL CLAM (Mya arenaria / Steamer Longneck,Long Clam): Clams may be harvested the first 7 days of April, May, September, October, November, and December.

SURRENDER: Shellfish permits/licenses may be suspended and surrendered upon demand to Shellfish Wardens, Police Officers, or any other duly authorized officer or agent of the Board of Selectmen. Any person required to surrender their permit/license, may, within 48 hours of such surrender, appeal to the Board of Selectmen in writing for a hearing.

TIME OF USE: In accordance with MGLs Chapter 130 Section 68, no person shall dig, take or carry away shellfish or shells between one-half hour after sunset and one-half hour before sunrise, by any method whatever, from any waters, flats, or creeks licensed under these Regulations.

7.3 Commercial Regulations

BAGS: For enforcement reasons, burlap bags are not acceptable, clear onion bags must be used for the transportation of shellfish through Fairhaven waters.

BASKETS: While engaged in shellfishing all shellfish must be stored in baskets. No basket larger than one (1) bushel shall be used while engaged in commercial shellfishing.

CATCH REPORTS: A copy of a commercial license holders Massachusetts catch report mist be submitted to the Selectmen's office prior to January 31 of any calendar year.

CLOSED AREAS: Shellfish shall not be removed from any area closed by the DMF. Written permission shall be made available for inspection upon demand by any police officer, constable, or any other duly authorized officer or agent of the Board of Selectmen.

Areas within the rotation system shall be closed from time to time to allow for propagation. Rotation areas will be clearly marked and information on closed areas may be obtained by contacting the Shellfish Warden or the Selectmen's office.

DESIGNATED AREAS: Limits 1 1/2 bushels, of which 1 bushel may be littleneck. All areas outside the rotation system, with the exception of Little Bay will remain the 3-bushel limit. Persons shellfishing commercially within the rotation areas will not be allowed to take their limit in these areas and then proceed to fish outside the rotation area for the remainder of the 3-bushel limit. The rule would act in reverse, whereas a person shellfishing commercially will not be allowed to take part of their limit outside the rotation areas and then proceed to complete the 3-bushel limit from within a rotation area. (Subject to fines as noted in Section 7.5, under "FINES.").

DRY DIGGING: The dry digging of shellfish is prohibited between and including December 8 to March 31.

EAST COVE: No commercial harvest of shellfish from East Cove is permitted.

EELS/SEAWORMS: All traps shall be identified with a Styrofoam buoy marked with the colors assigned at time of license issuance, and shall have the permit number clearly displayed on the buoy. Wooden buoys or plastic bottles are prohibited. Traps shall not be set in any established navigable channel. Eels less than 6 inches shall not be taken. Holders of a commercial eel permit shall be required to submit a state catch report indicating the number of pounds harvested during the previous 12 months.

EXHIBIT FOR INSPECTION: All persons taking or carrying away or having in their possession, shellfish of any kind, in boat or container, shall exhibit such shellfish for inspection upon demand of any Shellfish Warden, Natural Resources Officer, Police Officer, or any other duly authorized officer or agent of the Board of Selectmen.

FINES:

- 1st offense: Harvesting/Shellfishing in (Posted Closed area) \$200.00 and/or suspension of license.
- 1st offense: violation of any other written shellfish regulation \$50.00 and/or suspension of license for 30 days.
- 2nd offense: violation of any written shellfish regulation \$100.00 and/or suspension of license for 60 days.
- 3rd offense: violation of any written shellfish regulation \$150.00 and/or suspension of license for 90 days.
- In the event of a 4th offense, or a license holder shows total disregard for these rules and regulations, The Board of Selectmen may revoke and cancel the license or permit for a period of time not to exceed 2 years.

LICENSE DISPLAY: Licenses must be in the possession of the license holders and in plain view on outer clothing or posted on boat or drivers' flag, in visible manner while engaged in shellfishing.

LICENSE/PERMIT RESTRICTIONS: No person holding a commercial license shall be granted a recreational permit and no person holding a recreational permit shall be granted a commercial license.

NON-TRANSFERABLE: Permits are not transferable and may be suspended or revoked by the Board of Selectmen for any violation of the rules and regulations, MGLs, Chapter 130, or amendments thereto and subject to rules and regulations of the Town of Fairhaven.

NORTH COVE: North Cove will now be split with the Western side restricted for exclusive use of recreational permit holder only. Commercial shellfishing on this side of cove is prohibited. Commercial shell fishermen may use the Eastern part of North Cove, buoys set into the middle of the cove will set line, along with a sign set on marsh.

PERMIT, RESIDENT COMMERCIAL: Permits may be issued to a member of a family who proves to the satisfaction of the Shellfish Warden or designee that he/she actually physically resides in, or owns, real estate having an assessed value in the Town of Fairhaven, such as summer residence.

PERMIT, VETERAN: This permit may be issued to those persons that can show to the satisfaction of the Shellfish Warden or designee that they have served in the U.S. military via a DD-214 or Identification that denotes a veteran status.

ROUND COVE: Round Cove will now be split into two areas. The dividing line between the two areas is a line drawn from the most southernmost tip of Bella Vista Island over to Cherry

Stone Road. Commercial shellfishing on the North side of this line is Prohibited. Commercial shell fishermen may use the area from Cherry Stone Road to Bluepoint Road.

SCUBA DIVING: The taking of shellfish by use of scuba and snorkel equipment shall be limited to the following conditions: shellfish permits or license shall be displayed on a standard diver's flag in a visible manner. Shellfish may be harvested by hand only, and the use of any suction and or air tank device, for the purposes of disrupting the sea bottom to expose shellfish shall be prohibited. Divers flags shall be displayed on a boat or surface float, and shall extend a minimum distance of 3 feet from the surface of the water. Divers shall remain in an area within 100 feet of such displayed divers flag, while at or near the surface of the water.

SEED: All seed shellfish shall be broadcast back onto the area in which they were taken, all seed shellfish above the water line shall be covered before leaving an area and all holes filled.

SHELLFISH GAUGES: Gauges for quahog, clam, and oyster measurements shall be used at all times when engaged in shellfishing.

SHELLFISH SIZE LIMITS: Quahogs (Mercenaria mercenaria) must have 1-inch hinge measured by gauge. Clams (Mya arenaria) shall not be taken when they are less than 2 inches in the longest diameter. Oysters (Crassostrea virginica) shall not be taken when they are less than 3 inches in diameter. Scallops shall not be taken unless that have a well-defined annual growth ring. The taking or possession of seed shellfish is prohibited.

SHOVEL/SPADING FORK: The use of a shovel or spading fork for the harvesting of shellfish is prohibited.

TIME OF USE: In accordance with MGLs Chapter 130 Section 68, no person shall dig, take or carry away shellfish or shells between one-half hour after sunset and one-half hour before sunrise, by any method whatever, from any waters, flats, or creeks licensed under these Regulations.

7.3.1 Commercial Scallop Regulations

To take scallop from the waters, within the limits of the Town of Fairhaven, from November 1 to March 31, subject to all the laws of the Commonwealth governing the taking of scallop and regulations made by the Board of Selectmen including the following:

- These licenses will be issued at the Harbormaster's discretion based on availability of scallops.
- The fee for this license is in accordance with Fee Schedule (see Attachment A).
- This license is non-transferable.
- Residents of Fairhaven exclusively are eligible for "commercial scallop license"

- Scallops may be harvested from November 1 to March 31 between the hours of 8 a.m. and 4 p.m., Monday through Friday providing the air temperature is above 28 degrees Fahrenheit. Limit 3 bushels per day. The harvesting of scallops from April 1 to October 31 is prohibited.
- Only adult scallop with a well-defined growth ring may be taken.
- No drag over 36 inches in width is to be used. One drag ONLY per rope.
- This license and catch shall, on demand, be shown to any Shellfish Warden, Deputy Shellfish Warden or Harbormaster of the Town or other appropriate officer. This includes the inside of any vessel, bag, box or vehicle perceived or known to be used by license holder.
- Catch shall be landed at an approved Fairhaven site. Approved sites are Pease Park Boat Ramp, Sea View/Goulart Boat Ramp, Hoppy's Landing Boat Ramp, and Union Wharf.
 Other docking sites may be approved by the Shellfish Warden. These may include private docks or marinas. Approval must be obtained in writing from the Shellfish Warden.
- All starfish, winkles, and their egg strings taken while scalloping are to be placed on shore at the high water mark.
- Quantity of scallops taken daily to be reported to the Harbormaster/Shellfish Warden by calling (508) 979-4023 x124. Leave message with name, date, and amount.
- Rules are subject to change at Selectmen's discretion.
- Failure to comply with the above regulations may result in revocation of shellfishing privileges for a period of one year.

7.3.2 Commercial Licenses

Commercial licenses may be sold to individuals who demonstrate to the satisfaction of the Shellfish Warden or designee that the Town of Fairhaven is their permanent place of domicile. Commercial licenses shall be valid only for the period of time that the holder maintains a permanent place of domicile in the Town of Fairhaven. Licenses are valid from January 1 through December 31. A cap or limit of 50 commercial licenses only, shall be issued. Catch reports must be submitted before license will be issued.

All commercial license holders must have a state seller's card and a catch report in hand, before license will be renewed. A state I.D. number will be recorded on all commercial applications.

Any person who holds a Commercial shellfishing license issued by the Town of Fairhaven, must seek permission to land at any location other than waters controlled by the Town of Fairhaven. Permission shall be attained by contacting the Shellfish Warden or Assistant via telephone or in person. Leaving a message on the phone is not acceptable. Leaving from any location that is not

considered waters controlled by Fairhaven will be considered a violation subjecting the license holder to penalties as made available under the rules as approved by the Selectmen. Waters controlled by Fairhaven is described for the purpose of this rule as water extending up to 300 feet from the shores of Fairhaven, MA, Bristol County.

Commercial Shell Fishermen holding dredge boat licenses, as issued by the Town of Fairhaven, must land their catch at an approved Fairhaven site. Approved sites are Pease Park Boat Ramp, Sea View/Goulart Boat Ramp and Hoppy's Landing Boat Ramp. Other docking sites may be approved by the Shellfish Warden. These may include private docks or marinas or the town wharf. Approval must be obtained in writing from the Shellfish Warden.

7.4 Rain Schedule

Any area designated as a rain area as described on maps attached to Town of Fairhaven Shellfish Regulations are open only when a <u>"vellow flag"</u> is displayed at two locations. The first location is **Baxter Avenue** off Sconticut Neck Road and governs the west side of the Sconticut Neck rain areas. The second is displayed at **Knollmere Beach** at the end of Weeden Road.

When flags are displayed as red (or no flag at all) all shellfishing is prohibited in the rain areas as shown on the map.

Rainfall amounts in excess of 0.3 inches will cause rain areas to be closed and a red flag displayed. Once red flags are displayed they will fly for 5 consecutive days and then taken down and changed to yellow. If during the 5-day period another rain event occurs and the rainfall is 0.3 inches or more, another 5-day period shall begin. Rainfall is measure at the Sewerage Treatment facility on Arsene Street between 7:15 a.m. and 7:45 a.m. daily if rain is detected.

Fairhaven will coordinate their rainfall amounts with the City of New Bedford between 7:15 a.m. and 7:45 a.m. on rain dates. If either community has 0.3 inches or more of rainfall, the west side of Sconticut Neck will be closed per rain area regulation. If during the day rainfall is significant, flags may be changed if warranted. Shell Fishermen should watch for closures as it helps protect the public.

Due to coordination requirements, flags will be changed by 8:00 a.m. per rain date regulations. It is also understood that any Shell Fishermen fishing from a boat, including divers, shall not leave the dock before 8:00 a.m. This regulation shall be enforced vigorously to ensure all are aware of the flag being displayed for that day.

Rain schedules, as described in the Town of Fairhaven, may be superseded by the Commonwealth of Massachusetts' DMF. If they deem it necessary, they may close the entire or part of the shell fishery area in Fairhaven for a period they deem required.

7.5 Penalties

Any commercially licensed Shell Fishermen holding a license issued by the Town of Fairhaven are subject to the following penalties. The Shellfish Warden, at his/her discretion, shall impose any of the following individually, combination, or all as deemed appropriate:

- Seize part or all of the catch returning it to the waters or disposing of it as the Shellfish Warden deems appropriate.
- Suspend the license of the violators as determined by the Shellfish Warden or Assistant for a period of time up to the complete season.
- Issue a fine as described in Fee/Fine Schedule.
- To do all of the above if deemed appropriate by the Shellfish Warden or Assistant.

All of the above penalties, as described, can be appealed in writing to the Board of Selectmen. Once a written complaint is received, the appellant has 48 hours to submit a written appeal to the Board of Selectmen. The Board of Selectmen may take any action they deem appropriate, including:

Order a hearing with the violator of these rules and the Shellfish Warden at which time it
may be determined if any changes or modification in regards to action taken by the
Shellfish Warden may be warranted.

7.6 Quahog Dredge Boat Regulations

- All dredge boats must be owner operated, the owner must meet all criteria of being a
 resident of the Town of Fairhaven. No deck hand will be allowed to run said vessel
 during dredging operations.
- No dredge boat shall operate in less than 8 feet of water at a mean low tide.
- Dredge boats shall only be allowed to operate in all Fairhaven waters from 8:15 a.m. to 4:00 p.m.
- No dredge boat shall leave its dock, slip or mooring before 8:15 a.m. to shellfish in the
 waters of Fairhaven without prior permission from the Shellfish Warden or his/her
 deputies.
- No dredge boat shall be allowed to take more than 20 bushels in one day, consisting of no more than 2 bushels of little neck, the rest being a mix of cherries and bulls.
- No dredge boat shall be allowed any further North of Highland Avenue, to a line drawn due West from the end of Highland Ave due to resource management restrictions.
- No dredge boat shall be allowed North of North point on West Island into the Little Bay, Nasketucket Bay area.
- No dredge boat shall be allowed into any area that is otherwise closed by the DMF or by the Town of Fairhaven for management purposes.

- During the months of June 15 through September 15, no dredge boat shall be allowed into any areas on the Western side of Sconticut Neck, no further North of Wilbur's Point.
- All dredge boats shall remain at least 500 feet off of any Fairhaven shore line.

Any rule or regulation set forth, may change at any time for resource management purposes, with the approval of the Board of Selectmen in the Town of Fairhaven and the Approval of the Director of Massachusetts' DMF.

8 Aquaculture

8.1 Prologue

The Town of Fairhaven advocates the orderly development of aquaculture that is complementary to the existing commercial and recreational shellfishery, as well as the continued development of the waterfront management plan. In determining whether to grant a shellfish aquaculture license, the Town is obligated to protect and preserve the existing public fisheries and to minimize the impact on other uses of the marine environment. The size and scope of an aquaculture license shall co-exist with and not diminish the common property commercial and recreational shellfisheries or other existing water related activities.

8.2 Authority

The following Regulations concerning aquaculture licenses are adopted by the Town of Fairhaven pursuant to MGLs Chapter 130, Section 57-68. Violation of any of the requirements in these Regulations will subject the holder of a license ("licensee") to review and possible revocation of a license at the discretion of the Board of Selectmen.

- Approval of a license shall be subject to all federal, state, and local laws and regulations, as in force and as amended from time to time. Compliance with such laws and regulations is required as a condition of a license. Failure to comply with applicable federal, state, or local regulations shall be cause to revoke a license. The licensee is expected to be familiar with applicable laws and regulations.
- The Board of Selectmen may declare a moratorium on the granting of licenses at any time when this action is deemed appropriate and in the best interests of the Town. Consideration of a moratorium shall be based upon, but not limited to, scientific data, environmental factors, diseases, over-harvesting, environmental contamination, impact on native stock and species and negative impacts on the use of public waterways where grants are situated.
- The Board of Selectmen will consider applications for licenses on a first come first serve basis, within the limitations of acceptable land and water space. A list of applicants for licenses in order of date of application shall be kept on file in the Town Hall. The records shall be open for public inspection during Selectmen's office hours.
- The Board of Selectmen may restrict the operation of any license to address unacceptable
 conditions or practices at the site, or amend other restrictions, as deemed necessary in the
 public interest. Further, the Board of Selectmen reserves the right to amend these
 Regulations at any time.
- Aquaculture licenses and operations granted pursuant to these Regulations shall be subject to any rules and regulations promulgated by the DMF, including those concerning the use and scope of predator controls in the intertidal zone, and licenses may be further conditioned by the DMF as they deem necessary and appropriate, including species to be propagated and the source and movement of seed shellfish.

8.3 Application Process

8.3.1 Application Submittal

- Applicants desiring a license shall complete and submit all information and forms
 required by the Town, and applications shall be submitted under the pains and penalties
 of perjury. Any information on a license application that is determined to be untruthful
 before or after approval of any license application shall be grounds for denial and/or
 forfeiture of a license.
- The applicant shall provide a plan of the project including all aspects of the management and operations of the project to the Board of Selectmen. The application shall include a map or plan of the proposed project locating the licensed area accurately, and describing the licensed area in metes and bounds. Applicant shall provide a list of all abutting waterfront property owners and associations, and any existing aquaculture license holders, within 500 feet of any point along the perimeter of the proposed licensed area. Additionally, the applicant should include a statement of the proposed benefits to the Town's waters and the overall shellfish population. The application shall include a narrative clearly stating the public benefits expected to result from the proposed project. The public will be notified of public and abutters will receive written notification of hearings to be held by the Fairhaven Marine Resources Committee and the Board of Selectmen concerning the application.
- The applicant shall also submit any other information as requested by the Board of Selectmen.
- There shall be a non-refundable application fee including a recording fee, as specified in the Fee Schedule. The application fee must be submitted with the completed application. The application fee is subject to change at the direction of the Board of Selectmen.
- No application shall be deemed received until all the requirements for submittal of an
 application have been met. The Town assumes no responsibility or liability for
 incomplete or missing attachments. Any application that is incomplete for a period of
 6 months shall be denied without prejudice to resubmittal.
- For any renewal without amendments, the licensee need not file a new application.

8.3.2 Public Hearing and Notice

• The Board of Selectmen shall notify the applicant at least 30 days prior to the public hearing of the time, date, and place of the hearing. Notice of the Public Hearing shall be posted in three or more public places, and published by the applicant in a newspaper with local distribution at least 14 days prior to the date and time of the hearing. The notice of Public Hearing shall state the applicant's name and residence, date, time and place of Public Hearing, the filing date of the application, and the location, area and description of the territory subject to the application. All coast associated with publication are the responsibility of the applicant.

• Upon receiving a completed application, the Board of Selectmen shall forward copies of the application to the Shellfish Warden, the Harbormaster and the Marine Resources Committee for comment. Written comment shall be returned to the Board of Selectmen within 30 days of being received by the committee. In reviewing the application, the Board of Selectmen may consider, but is not bound by, submitted comments.

8.3.3 Approval Process

- Upon reviewing the application, and following the public hearing, the Board of Selectmen may provisionally approve the application with or without conditions, or may deny the application. Applications shall be granted or denied in writing within 60 days after receipt of the written application and subject to such terms, conditions and regulations as the Board of Selectmen deems proper.
- Upon provisional approval of an application by the Board of Selectmen, the applicant shall request an inspection of the licensed area by the DMF for its certification that the granting of a license and operation there under will cause no adverse harm to the shellfish or other natural resources of the Town. Failure of the DMF to so certify shall be deemed a denial of the requested license.
- Upon certification by the DMF as set forth in Section 8.3.3, B (above), the Board of Selectmen may grant the final license, subject to the provisions of M.G.L. Chapter 130, Section 54 authorizing the declaration of a close season for any or all kinds of shellfish for not more than 3 years in such waters, flats or creeks, not then the subject of a private grant, within the limits of the Town, as the Board of Selectmen deems proper and provided, further, that when any close season, declared as aforesaid, shall have ended, such flats, waters or creeks shall not within 2 years thereafter be licensed for the private cultivation of shellfish.
- The granting of a license does not relieve the applicant from obtaining any other necessary licenses, approvals, and/or permits prior to conducting operations, including, but not limited to the U.S. Army Corps of Engineers, Massachusetts Department of Environmental Protection, or any division of the same, the Town's Conservation Commission, all as may be applicable.
- The granting of a license may be conditioned upon the applicant obtaining, and maintaining in good standing, all applicable licenses, approvals and/or permits, which shall be appended to the aquaculture license. A copy all applicable licenses, approvals and/or permits shall be kept on file in the Selectmen's Office. The records shall be open for public inspection during regular Selectmen's office hours.
- In reviewing an application for a new or amended license; or for license renewal or transfer, the Board of Selectmen shall determine whether the shellfish aquaculture plan proposed by the applicant meets all of the requirements of these Regulations and the waterfront management plan; and whether the plan proposed by the applicant is designed so as to cause no substantial adverse effect on the shellfish or other natural resources of

Town; and will minimize impact on other uses of the marine environment. The Board of Selectmen reserves the right to approve or deny the issuance of an aquaculture license if deemed appropriate and in the best interest of the Town.

8.4 Licenses

8.4.1 Existing Licenses

- Aquaculture licenses in existence before the effective date of these Regulations remain subject to the requirements of the DMF 322 Code of Massachusetts Regulations (CMR) and the provisions of MGLs Chapter 130 as revised; as well as any prior requirements imposed by the Town of Fairhaven at the time the license was granted.
- Aquaculture licenses in existence before the effective date of these Regulations, and their subsequent renewals, shall be subject to the provisions of these Regulations, with the exception of Sections 8.4.2, 8.5.3, and 8.6.4, A.
- Any proposed expansion of an aquaculture license, whether issued before or after the
 effective date of these Regulations, to cover additional areas shall be treated as a new
 license application and shall be subject to all of the provisions of these Regulations.
- An aquaculture license which has been expanded pursuant to Section 8.4.1.1, C will be subject to renewal based upon the date of the original issuance of that license, without regard to the expansion of the area subject to that license.

8.4.2 Eligibility

- The applicant must show proof of continuous residency in the Town of Fairhaven for one year prior to submission of the application. The licensee must continue to reside in the Town of Fairhaven for the term of the license.
- The applicant shall be 18 years of age or older.
- The applicant must be able to demonstrate documented evidence of education or experience in shellfish propagation and aquaculture that is acceptable to the Fairhaven Board of Selectmen. This may be supported by a certificate of education from an accredited educational institution, or a letter from a license holder describing the type of work performed and any other information which might be relevant.
- The applicant shall have no prior shellfishing violations.
- The applicant must be a U.S. Citizen.

8.4.3 Annual Fee

Refer to Fee Schedule in Attachment A.

8.4.4 Duration and Renewal

- Licenses granted by the Board of Selectmen are intended to be on a trial basis. The initial license will be for a 2-year period, extendable for a third year following a compulsory 2-year review by the Board of Selectmen. Licensees may request, only after the compulsory review, an extension of the license for the third year. Extension shall be subject to the approval of the Board of Selectmen.
- The first license renewal shall be for a term of up to 3 years. Subsequent renewals shall be for a term of up to 3 years.
- The Board of Selectmen shall review each license at the end of its term to ensure a reasonable amount of shellfish has been planted and produced on the licensed area during the preceding year. The Board of Selectmen may waive the minimum production requirements in any year where there is evidence that the failure to meet the minimum standard is due to events beyond the control of the license holder.
- Following the first renewal, any license granted by the Board of Selectmen may, within
 two years before the expiration of its then current term, be renewed from the expiration of
 the then current term for a further term, each term not to exceed 3 years.
- The provisions applicable to the original license shall, so far as apt, apply to a renewal.
- Renewals shall require public notice in accordance with the requirements of these regulations. For any renewal without amendments, the licensee need not file a new application.

8.4.5 Transfer of License

- Licenses are granted to and for the exclusive use of a licensee. Subleasing or sale of the
 licensed area, a portion of the licensed area or of the license is prohibited. The licensee or
 those employed by the licensee's aquaculture business are the only parties allowed to
 harvest and tag shellfish from the permitted aquaculture area.
- A licensee proposing to transfer the license shall first notify the licensing authority in writing that the licensee no longer wishes to operate the license and requests transfer of the license to a designated recipient. The designated recipient shall thereupon file an application with the Town. The application shall be treated, insofar as applicable, as a new application. The designated recipient must be a qualified person pursuant to Sections 8.4.2, A through 8.4.2, D of these Regulations.

8.4.6 Liability and Insurance Requirements

• The licensee is required to maintain business liability insurance in the amount of \$2,000,000.00 for General Liability and \$1,000,000.00 for personal injury with the town named as additional insured, and a performance bond sufficient to cover the costs of gear removal and site restoration. The bond shall be a surety bond in the amount determined by the Board of Selectmen. In order to provide reasonable estimate for the value of the bond, the applicant must provide no less than two written quotations for the removal of the applicants proposed equipment in the event of default or required salvage post storm or other event. The insurance and bond shall be fully executed and in place throughout the period issued with that of the aquaculture license. Documented evidence of the required insurance and bond shall be on file at the Fairhaven Town Hall and shall be a requirement for obtaining final approval by the Board of Selectmen.

- License renewal shall be granted only if annual catch (shellfish production) reports are submitted in a timely fashion along with bond and insurance information for each licensed year.
- The licensee shall release and hold harmless and agree to indemnify the Town, its officers, agents and employees, from any injury to, or any claim made, by the licensee or by any other person for damages, of any sort whatsoever, whether considered direct, consequential or special, arising from or related to, the licensee, the licensed area, the licensee's equipment, the licensee's stock, any other property of the licensee, or the operations of the licensee.

8.4.7 Penalties/Revocation Policies

- A. Subject to the provisions of Section 8.4.7, C (below) for violation of these Regulations, failure by a licensee to comply with the provisions of any other applicable rule of regulation, term, condition, statute, or law, or lack of substantial use of the licensed area, may result in an order to revoke the license.
- B. Revocation of any license pursuant to Section 8.4.7, A (above) shall be preceded by a public hearing held in accordance with the Open Meeting Law. The licensee shall be entitled to be present and have counsel and cross examine any witnesses and present witnesses on his/her behalf.
- C. The penalty for violations of any of these Regulations shall be as follows. The licensee shall have 5 days following written notice to comply with the provisions of these Regulations. After 5 days, if the licensee is still not in compliance, a fine of not more than \$100.00 for each offense shall be issued. After 35 days, if the licensee is still not in compliance, the licensee may be revoked pursuant to the provisions of Sections 8.4.7, A and 8.4.7, B (above). The Board of Selectmen may waive fines or license revocation when there is evidence that the failure to comply within the required time is due to events beyond the control of the licensee.

8.5 Licensed Area

8.5.1 Applicable State Regulations

The location of the proposed licensed area must meet all requirements of the DMF 322 CMR, the provisions of MGLs Chapter 130, in addition to all requirements set forth in these Regulations.

8.5.2 Town Review Requirements

- All proposed license areas are subject to review by the Harbormaster, who shall submit his/her findings to the Board of Selectman.
- The Board of Selectmen shall refer to the Harbormaster and the Marine Resource Advisory Committee for their review and recommendations. The Marine Resource Advisory Committee shall submit its recommendation to the Board of Selectman within 45 days of referral to them. Failure to do so will be deemed a non-response or neutral recommendation.
- The Board of Selectman shall be the final license issuer.
- Based upon the findings of the Harbormaster and such other information it shall choose to consider, the Marine Resources Committee shall make a recommendation to the Board of Selectmen regarding the suitability of the proposed licensed area.

8.5.3 Total Size

- A licensed area shall be determined when the license is issued. Licensed areas shall not
 exceed 2 acres, unless subject to a license granted before the effective date of these
 Regulations.
- A license holder may apply for an extension to a licensed area or an additional licensed area after completing the third year of operation under the original license. The license holder must have a proven record of properly managing the original licensed area, compliance with all applicable Town and State laws, and a record of successfully planting, producing and marketing shellfish, to qualify for an expansion to a licensed area, or an additional licensed area.

8.6 Operations

8.6.1 Time of Use

In accordance with MGLs Chapter 130 Section 68, no person shall dig, take or carry away shellfish or shells between one-half hour after sunset and one-half hour before sunrise, by any method whatever, from any waters, flats, or creeks licensed under these Regulations. A violation of this section may result in revocation of the license and seizure of all shellfish remaining on the licensed area.

8.6.2 Equipment Type

- The Board of Selectmen may restrict the type of equipment (floating, submerged or bottom-mounted cages, bags, buoys, or stakes) used in the licensed area.
- Any changes to the type of equipment used in the licensed area shall be subject to prior approval by the Harbormaster.

8.6.3 Equipment Markings

- All cages, floats, etc. must be clearly marked with an identification tag.
- All unusable gear shall be removed from a licensed area and either disposed of properly
 or moved to an appropriate site.
- A. If gear, tackle, or other equipment leaves the licensed area for any reason and is deposited on the shore, beaches, or flats, whether public or private, a licensee must recover the equipment within 15 days from the time of its deposit; provided, that a licensee in so doing shall not commit any unreasonable, unnecessary, or wanton injury to the property where the equipment is deposited. In the event a licensee does not recover the equipment within 15 days, the Town may recover the equipment, at the expense of the licensee.
- When a license is terminated for any reason, the prior licensee shall be required to remove all gear, tackle or other equipment from the licensed area within 35 days of the license termination date. Any and all gear, tackle or other equipment not removed within 35 days may be removed by the Town at the expense of the prior licensee.

8.6.4 Transplanting and Harvesting of Shellfish Product

- No person shall plant, transplant, sell or have in their possession seed shellfish, without first obtaining a state seed permit or an aquaculture permit, or be listed on said seed permit.
- No person shall transplant seed shellfish, seed stock, or stock from any public fisheries
 within the Town into a licensed area for purposes of stocking licensed aquaculture areas
 with such seed or stock.
- All seed shellfish transferred to the licensed area shall be obtained from hatcheries certified by the DMF and approved by the Board of Selectmen on the license.
- The licensee shall not remove or introduce any seed shellfish from or to any waterway other than from the licensed area.
- Licensees are subject to the provisions of regulations of the Department of Public Health C.533.000: FISH AND FISHERY PRODUCTS. A violation of the regulations of the Department of Public Health shall be considered a violation of the conditions of a license issued under these regulations.

8.7 Monitoring

The Shellfish Warden or assistants shall have authority to inspect the licensed area at any time, and said inspection may include any and all containers on the site. In the event that the Shellfish Warden or assistants have reason to believe that inspection of the contents of any or all containers on the site is in the best interest of the Town, the Shellfish Warden or assistant shall contact the licensee by telephone or by leaving a notice at the address of the licensee indicated on the license, advising the licensee that the Town intends to inspect the contents of containers

on the licensed area and further inviting the licensee to be present at the time of the inspection. In the event that the Shellfish Warden or assistant does not receive a response from the licensee within 48 hours of notification by phone or written notice, the inspection of containers may be conducted without the presence of the licensee.

The Town reserves the right at any time to obtain samples of any shellfish from a licensed area for the purpose of certified testing for disease and in order to assure that the activities in the licensed area are in accordance with the requirements of these Regulations.

8.8 Reporting

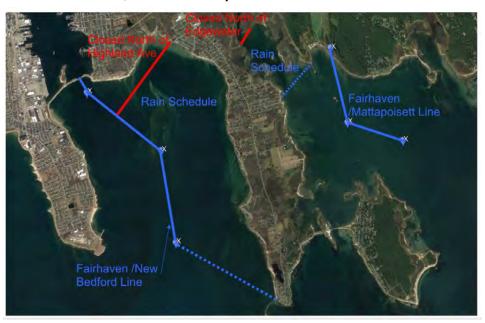
In accordance with MGLs Chapter 130 Section 65, every licensee or transferee of a license shall submit on oath on or before February 28 in the year following the period of operation, each year to the Board of Selectmen a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. The Board of Selectmen may specify a reasonable yearly market value to be produced by each shellfish license. Failure of the licensed shellfish project to meet such a value for any 3 consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.

Licensees are subject to the provisions of the regulations of the DMF 322 CMR 15.08 (4). A violation of the regulations of the DMF shall be considered a violation of the conditions of a license issued under these regulations.

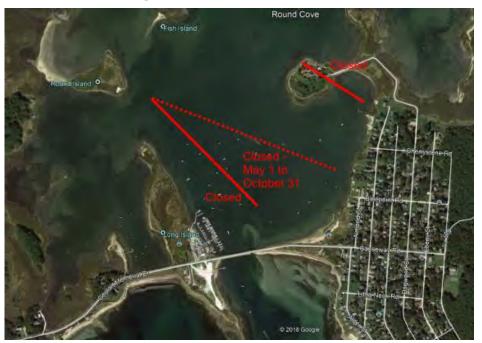
9 Shellfish Area Maps

The following shellfish area maps are for illustrative purposes. To view the color versions of the maps, please go to the Harbormaster's Web Page on the Town of Fairhaven's Web Site: www.fairhaven-ma.gov

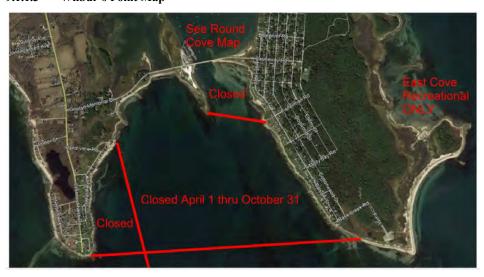
9.1.1.1 Town Limits, Rain Schedule Map



9.1.1.2 Round Cove Map



9.1.1.3 Wilbur's Point Map



9.1.1.4 Inner and Outer Harbor Map



10 Parking Sticker Rules & Regulations

Required fees are included in the Fee Schedule, which is provided in Attachment A. Stickers are valid between January 1 and December 31 of each year.

- Pease Park, Middle St. (Jim Holm's Ramp) and Sea View (Manny Goulart Ramp) stickers are interchangeable and may be used at either ramp.
- Hoppy's Landing stickers can only be used at Hoppy's Landing. They cannot be used at
 other ramps. Boaters with a valid Seaview/Pease Boat Ramp Sticker may use Hoppy's
 Landing in times of extreme high/low tides and emergencies when given permission by
 the Harbormaster.
- All stickers are to be permanently affixed to the rear of the vehicle on the driver's side rear window or rear bumper driver's side visible from the outside from the rear of the vehicle. Sticker shall not be affixed to trailers.
- All stickers shall have the vehicle registration marked on the sticker.
- All stickers will be issued to a specific vehicle and not transferable to another vehicle unless the registration moves with them to another vehicle.

Union Wharf – WORK IN PROGRESS

- We are working with the Fairhaven Police Department to firm up some rules and regulations regarding the parking lot. This is a work in progress. Once we reline the lot and get the proper signage we can write up the regulations.
- ▶ There will be designated spots for the Lobster Boats, the Large Boats, the Transient Dock and General Parking.
- The Lobster Boats will be assigned a parking spot. The cost of that parking spot is included in the yearly fee.
- The Large Boats will be able to acquire up to two permits from the Town Hall to use in the vehicles they see fit. The permit will have an expiration date on it and must be kept on the dash board of each vehicle.

11 Boat Ramps

Fueling of vessels at any boat ramp is prohibited with the exception of Union Wharf. Fueling of vessels at Union Wharf shall be prohibited, except by companies or individuals that have been permitted by the Department of Fire Services and that comply with all state and federal regulations. Any company or individual must meet the requirements of 527 CMR 42.9.

12 Hoppy's Landing Lease Areas

Areas may be available for lease for the purpose of storage of commercial lobster gear, lobster pots, lobster tackle and fishing equipment. A lease agreement must be executed with the Town of Fairhaven to utilize the area.

13 House Boat Regulations

"Houseboat" means a building constructed on a raft, barge, or hull that is used primarily for single or multiple-family habitation.

The Town of Fairhaven, through the office of the Harbormaster and the duly appointed agents of the Town of Fairhaven acting as the Harbormaster and/or the Assistant Harbormaster, prohibit the mooring of any vessel that is after the determination of the Harbormaster it is a Houseboat to be placed on a mooring within the waters of Fairhaven, MA.

Houseboats as determined by the Harbormaster as described above are not permitted to be at a mooring in the Town of Fairhaven. The disposal of human waste is not allowed within the waters of Fairhaven. Portable toilets, and or any other device onboard are not considered adequate to properly hold and allow for proper disposal of human waste. The Town does not have the ability or system that can accurately track disposal of human waste brought ashore for proper disposal. Houseboats at moorings cannot be pumped out by the Town of Fairhaven's Clean Vessel Act per the grant the town operates under.

Vessels that are determined to be Houseboats by the Harbormaster and moor in violation of this regulation are subject to the following.

- After reasonable attempts to contact the owner by telephone or U. S. Mail may be removed at the direction of the Harbormaster at the cost of the owner.
- Cost will include all towing and storage charges that may be incurred to do so. All
 charges are payable to the tow company which will hold the vessel until payments are
 made.

This regulation is applicable to both privately and commercially owned moorings.

Attachment A: Fee Schedule

TYPE	FEE
Aquaculture	
Application Fee	\$100.00 (includes \$1.00 recording fee)
Annual Fee	\$200.00 per acre
Dinghy Rack Fee	
Dinghy Type Vessel:	\$35.00 each
Kayak, Canoe, Inflatable	(Pease Park Boat Ramp, Seaview Boat Ramp, Hoppy's, Landing)
Dinghy Permit Expiration Fee (unclaimed dinghy)	\$50.00
Hoppy's Storage Facility	
Annual Fee	\$250.00
Mooring Fees	
Application Fee	\$10.00
Annual Fee	\$30.00
Non-Use Fee	\$30.00
Commercial Annual Fee	\$100.00
Parking Permits	
Jim Holmes Boat Ramp at Pease Park &	\$7.00 Daily at Ramps
Seaview Avenue Boat Ramps	\$50.00 Yearly Sticker
Hoppy's Landing	\$7.00 Daily at Ramps
Challfish Licenses	\$50.00 Yearly Sticker
Shellfish Licenses: Resident - Non Commercial	\$30.00
Nesident - Non Commercial	930.00

\$260.00

\$200.00

No Charge No Charge

Resident – Commercial Resident - Senior (62 & older)

Resident - Veteran

Resident - Scallop

ТҮРЕ	FEE
Non Resident - Non Commercial	\$135.00
Non Resident - Veteran	\$30.00
Native American	No Charge
Union Wharf:	
*Large Boat Side	
One time Deposit	\$750.00
Daily Rate	\$25.00
*North Side	
Annual Fee	\$1,500.00
*Small Boat Basin	
Annual Fee	\$2,095.50
*Short Term Pay - South Side	
Hourly Rate	\$25.00
*Waiting List Fee	\$25.00
Waterway User Fee	
Resident	\$1.00 per foot of length of boat
Non-Resident	\$4.00 per foot of length of boat



Town of Fairhaven Marine Resources Department 40 Center St., Fairhaven, MA 02719

May 3, 2021

From:

Michael McNamara Chairman Fairhaven Marine Resources Committee

To:

Wendy Graves: Town Administrator

Daniel Freitas, Robert J. Espindola, Keith Silvia: Board of Selectmen

40 Center St.

Fairhaven, MA 02719

Subject: Marine Resources Committee – Waterway rules and Regulations

Dear Ms. Graves & Board of Selectmen,

The Fairhaven Marine Resource Committee has approved the current draft of the Waterway Rules and Regulations. This draft has been presented to you at the Selectman's meeting on January 25, 2021 and vetted by a public review held with Foth Engineering at the Marine Resource Committee March 10, 2021. As a result, we respectfully request these rules to be placed on the next Bord of Selectman's meeting's agenda, for a vote to approve, so they may move forward at town meeting.

The Harbormaster has asked for a specific vote within these rules regarding section 3.8:

"All moorings must be inspected every three years with an inspection report containing, at minimum, the detail outline in the Mooring Inspection

Information example provided within these regulations. This report, with detail of compliance, must be submitted to the Harbormaster. Vessels over the size of

26 feet, as well as all commercial moorings and moorings for commercial vessels, must be inspected by a certified mooring inspector approved by the Harbormaster."

The Harbormaster prefers that all moorings must be inspected by a "Certified Inspector" while the committee has reached a compromise that vessels under 26' may self-certify, provided they submit a detailed mooring inspection report to the Harbormaster. This compromise has taken into consideration the economic effects of commercial inspection (cost to boaters) as well as ease of owners to self-inspect in the shallow waters used to moor small craft, while recognizing the greater demands on moorings from larger and commercial vessels.

It should be known that this committee has put forth a significant collaborated effort to produce this document which provides in thorough detail, the rules and knowledge necessary to manage Fairhaven's greatest resource, our coastal waters. We respectfully request a vote to approve, with section 3.8 as written.

Respectfully yours,

Michael McNamara

Chairman - Fairhaven Marine Resources Committee

CC:

vloliveira@fairhaven-ma.gov Ksilvia@fairhaven-ma.gov bespindola@fairhaven-ma.gov dfreitas@fairhaven-ma.gov

Date: 5/5/21
Board of Selectmen & Finance Committee Town of Fairhaven
Members:

Request is hereby made for the following transfer between departmental appropriations in accordance with Chapter 44, Section 33B, of the Massachusetts General Laws. (If your budget does not have sufficient funds within other categories to cover this deficit, please fill in amount requested and #2-To be transferred to (account number). Please provide in the comment section below your explanation for lack of funding for review by the Town Administrator).

Amount	requested:
	red messea.

\$ 28,500.00

- 1. To be transferred from (account number): 001-913-00-5170-03-0561 (Unemployment)
- 2. To be transferred to(account number): 001-141-00-5390-00-0030 (Assessors-Contractors Services)

the upgrade	e) for Assessor's Patriot software. The FY2020 IT budget included
Request submitted by (signature required):	Officer or Department Head
APPE	ROVALS
Board of Selectmen: Date of Meeting:	Finance Committee: Date of Meeting:
Signatures:	Number Present and Voting:
	Approved by Majority, list vote:
	Transfer disapproved (checkmark):
	Signature:
Transfer disapproved (checkmark):	

Please Note:

1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.

Chairman, Finance Committee

- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

Page 7 of 12

end: 6/30/2020 Start Date: 7/1/2019

Parameters: Fiscal Year: 2020

Ledger History - Detail with Payables - Expenditure Ledger

Posted Vendor#	Payee	Voucher	Payment Number	Beginning	Debit	Credit	Ending
Account: 001-155-00-5855-00-0119 07/01/2019		SOFTWARE EQUIPMENT			00.0	67.130.00	67 130 00
Assessors Software	Assessors Software \$28000 / Permitting Software \$39130	30					
06/29/2020 61215	CDW GOVERNMENT INC	1729	189449		1,278.35	0.00	65,851.65
06/30/2020		je 21 rc	Б		4,724.56	0.00	61,127.09
je 21 rc CDW exp to prop acct 6-17	prop acct 6-17						
			Summary:	00.0	6,002.91	67,130.00	61,127.09
Custom Group: 9		CAPITAL OUTLAY		0.00	6,002.91	67,130.00	61,127.09
Total Group 4: Segment 6: Group	lent 6: Group	0119 - INFORMATION TECHNOLOGY	ECHNOLOGY	0.00	464.362.44	555,246.07	90.883.63

Date: 5-1-21			i
Board of Selectmen & Finance Committee Town of Fairhaven			
Members:			
Request is hereby made for the following transfer best Section 33B, of the Massachusetts General Laws. cover this deficit, please fill in amount requested a comment section below your explanation for lack of	(If your budget does not not #2-To be transferred to	have sufficient funds with to (account number). Plea	nin other categories to se provide in the
Amount requested:	<u>\$47,100</u>		
1. To be transferred from (account numb	er): Wind Turbines 001	-122-21-5201-17-1227	\$47,100
To be transferred to(account number): Comments:	Street Lights Rec Center-Electricity	001-424-00-5212-00-0498 01-640-00-5211-00-0412	\$14,000 \$13,500 \$12,000 \$7,600
FY21 budget reduction and the net metering credit from Eversource.	s for the landfill solar ac	count are not keeping up v	with increased rates
Request submitted by (signature required):	Officer or De	epartment Head	
AI	PPROVALS		
Board of Selectmen: Date of Meeting:		Committee: Aeeting:	-
Signatures:	Number I	Present and Voting:	
	Approved	by Majority, list vote:	
	Transfer d	isapproved (checkmark):	
	Signatur	e:	

Please Note:

Transfer disapproved (checkmark):

1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.

Chairman, Finance Committee

- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

Date: 5/5/21	
Board of Selectmen & Finance Committee Town of Fairhaven	
Members:	
Section 33B, of the Massachusetts General Laws. (If	ween departmental appropriations in accordance with Chapter 44, your budget does not have sufficient funds within other categories to #2-To be transferred to (account number). Please provide in the funding for review by the Town Administrator).
Amount requested:	<u>\$ 36,000.00</u>
1. To be transferred from (account number)	: 001-913-00-5170-03-0561 (Unemployment)
2. To be transferred to(account number): 0	001-151-00-5302-00-0326 (Legal)
Comments: To pay for additional costs not anticipate	ed.
Request submitted by (signature required):	Officer or Department Head
APP	ROVALS
Board of Selectmen: Date of Meeting:	Finance Committee: Date of Meeting:
Signatures:	Number Present and Voting:
	Approved by Majority, list vote:
	Transfer disapproved (checkmark):
	Signature:

Please Note:

Transfer disapproved (checkmark): _____

1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.

Chairman, Finance Committee

- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

Date: 5/5/21	
Board of Selectmen & Finance Committee Town of Fairhaven	
Members:	
Request is hereby made for the following transfer between dep Section 33B, of the Massachusetts General Laws. (If your bud cover this deficit, please fill in amount requested and #2-To be comment section below your explanation for lack of funding for	lget does not have sufficient funds within other categories to transferred to (account number). Please provide in the
Amount requested:	<u>\$ 11,860.00</u>
1. To be transferred from (account number): 001-9	913-00-5170-03-0561 (Unemployment)
2. To be transferred to(account number): \$4,860.00 \$7,000.00	001-925-00-5740-00-0597 (Town Insurance) 001-925-00-5740-01-0597 (Worker's Comp Insurance)
Comments: To pay for additional costs not anticipated. Due to before our insurance will pay. Also, additional 111F expenses	
Request submitted by (signature required):	Officer or Department Head
APPROVAL	LS .
Board of Selectmen: Date of Meeting:	Finance Committee: Date of Meeting:
Signatures:	Number Present and Voting:
	Approved by Majority, list vote:
	Transfer disapproved (checkmark):
	Signature:
Transfer disapproved (checkmark):	Chairman, Finance Committee

Please Note:

- 1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.
- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

Board of Selectmen & Finance Committee Town of Fairhaven	
Members:	
Section 33B, of the Massachusetts General Laws.	between departmental appropriations in accordance with Chapter 44, (If your budget does not have sufficient funds within other categories to and #2-To be transferred to (account number). Please provide in the of funding for review by the Town Administrator).
Amount requested:	§ 3000
1. To be transferred from (account number	er): 001-295-00-5111-00-0552
	001-295-00-5245-00-0552
Comments:	
Request submitted by (signature required):	Officer or Department Head
AP	PROVALS
Board of Selectmen: Date of Meeting:	Finance Committee: Date of Meeting:
Signatures:	Number Present and Voting:
	Approved by Majority, list vote:
	Transfer disapproved (checkmark):
· · · · · · · · · · · · · · · · · · ·	Signature:
Transfer disapproved (checkmark):	
	Chairman, Finance Committee

Please Note:

- 1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.
- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

6-MAY-21

To: Board of Selectman and Finance Committee of Fairhaven

From: Don C. Collasius Tree Warden Fairhaven

Re: Year end fund transfer

Please consider transferring \$3000 from the tree department payroll account to the tree department Repair and Maintain Equipment account. This will allow me to utilize tree department funds to repair and preform preventive maintenance on Tree Department equipment that has been neglected in the past. Mainly fixing the brakes on the second tree truck which currently makes it unusable in the event of an emergency.

Respectfully submitted,

Don C. Collasius

Tree Warden

Date: 5-1-21	•
Board of Selectmen & Finance Committee Town of Fairhaven	
Members:	
Request is hereby made for the following transfer between departm Section 33B, of the Massachusetts General Laws. (If your budget cover this deficit, please fill in amount requested and #2-To be tran- comment section below your explanation for lack of funding for re-	does not have sufficient funds within other categories to asferred to (account number). Please provide in the
Amount requested:	15,000
1. To be transferred from (account number):	295-00-5111-00-0552
2. To be transferred to (account number): 001-29 Comments: See attached	5-90-6359-00-0552
Request submitted by (signature required): Offi	cer or Department Head
APPROVALS	
20112	Finance Committee: Date of Meeting:
Signatures:	Number Present and Voting:
	Approved by Majority, list vote:

Please Note:

Transfer disapproved (checkmark): _____

1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.

Signature:

Transfer disapproved (checkmark):

Chairman, Finance Committee

- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

6-MAY-21

To: Board of Selectman and Finance Committee of Fairhaven

From: Don C. Collasius Tree Warden Fairhaven

Re: Year end fund transfer

Please consider transferring \$15000 from the tree department payroll account to the tree department tree removal account. This will allow me to utilize tree department funds to hire a contractor to help with the extensive backlog that has accrued due to the lack of personnel over the last fiscal year. At the current rate of 38 man hours of work per week the department is allocated, I calculate 4 months to catch up with demand for service. This could take much longer if a large wind event should take place. Please note there are numerous tree in town that are "hazardous" that residents have officially reached out to me about. If these trees cannot be dealt with in an expedited manner they represent a significant liability.

Respectfully submitted,

Don C. Collasius

Tree Warden

Board of Selectmen & Finance Committee Town of Fairhaven	
Members:	
Section 33B, of the Massachusetts General Laws. (If your	n departmental appropriations in accordance with Chapter 44, r budget does not have sufficient funds within other categories to To be transferred to (account number). Please provide in the ing for review by the Town Administrator).
Amount requested:	§ 2000
1. To be transferred from (account number):	101-295-00-5111-00-0552
	1-295-00-5314-00-0552
Comments:	
Request submitted by (signature required):	Officer or Department Head
APPRO	VALS
Board of Selectmen: Date of Meeting:	Finance Committee: Date of Meeting:
Signatures:	Number Present and Voting:
	Approved by Majority, list vote:
	Transfer disapproved (checkmark):
	Signature:
Transfer disapproved (checkmark):	Chairman, Finance Committee

Please Note:

- 1. This alternative year-end transfer procedure applies for the last two months of the fiscal year (May and June) and the first 15 days of July (for that same fiscal year) and requires a majority vote of the Board of Selectmen and the Finance Committee.
- 2. This procedure cannot be used to transfer from a Municipal Light or School Department.
- 3. Signed originals of this request (required in quadruplicate) will be distributed to the Board of Selectmen, the Finance Committee, the Town Accountant, and the requesting department.

6-MAY-21

To: Board of Selectman and Finance Committee of Fairhaven

From: Don C. Collasius Tree Warden Fairhaven

Re: Year end fund transfer

Please consider transferring \$3000 from the tree department payroll account to the tree department tree purchase account. This will allow me to utilize tree department funds to purchase 10 trees to replace trees that need to be removed in the coming months.

Respectfully submitted,

Don C. Collasius

Tree Warden



Acushnet

Attleboro May 4, 2021

Berkley Carver

Dartmouth Daniel Freitas, Chair Dighton Board of Selectmen Fairhaven 40 Center St. Fall River Fairhaven, MA 02719

Freetown Lakeville

Marion

Mansfield ATTN: Ms. Wendy Graves, Acting Town Administrator

Mattapoisett Middleborough New Bedford

Plainville Raynham Rehoboth Seekonk Somerset

Swansea

Dear Mr. Freitas:

N. Attleborough The Southeastern Regional Planning and Economic Development District (SRPEDD) Norton has begun the annual process to elect two selectmen to serve on the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO), the committee responsible for development and review of transportation policies, priorities, and Rochester projects for the SRPEDD region.

Taunton The SMMPO is comprised of 13 members including acting Massachusetts Secretary of Transportation Jamey Tesler, MassDOT Highway Division Administrator Jonathan L. Gulliver, the Mayors from the region's four cities (Attleboro, Fall River, New Bedford, Wareham and Taunton), the Chair of the SRPEDD Commission, the administrators from the two Westport regional transit authorities (SRTA and GATRA) and four (4) selectmen. Each year, two of these selectmen are elected to the SMMPO by a vote of the SRPEDD Commission.

The four select persons that currently serve on this board include: Julie Boyce (North Attleborough); Leilani Dalpe (Middleborough); Holly McNamara (Somerset); and Shawn McDonald (Dartmouth). Julie Boyce was not re-elected, making her ineligible for the MPO as of June 30, 2021, and Holly McNamara has recently resigned, making her ineligible as well.

Ms. Boyce's term would have expired on August 1, 2022 and Ms. McNamara's on August 1, 2021. The town of North Attleborough has the option to appoint an active Town Council member to serve out the approximately 13 months that remain on Ms. Boyce's term. Likewise, the town of Somerset has the option to appoint an active member of the Board of Selectmen to serve out the approximately 2 months remaining on Ms. McNamara's term.

The term for Leilani Dalpe will expire this year (August 1, 2021) and she is eligible to seek re-election for another two-year term. The result is that 3 of the 4 MPO seats need to be filled. SMMPO election procedures require that at least one, but not more than two of the four select persons represent towns within Plymouth County and/or Norfolk County, which is currently met by Ms. Dalpe.



Acushnet Attleboro Carver Dartmouth Dighton Fairhaven Fall River Freetown Lakeville

We formally request the distribution of this letter and the enclosed materials to your fellow select board members for consideration to serve on the SMMPO. The Berkley enclosed materials include a list of current members, the by-laws governing the SMMPO and an explanation of the purpose and responsibilities of the SMMPO. This is an individual decision and does not require approval of select board members. If elected, a vote on transportation issues will be based on that elected member's judgment of what is good for their town and for the region.

Mansfield Marion New Bedford N. Attleborough

If any member of the select board is interested in serving on the SMMPO, email (in PDF format) the enclosed **Self Nomination Form** to pmission@srpedd.org by Mattapoisett Thursday, June 3, 2021. The election shall take place at the monthly SRPEDD Middleborough Commission meeting on Wednesday, June 23, 2021 and all nominees are encouraged to attend and speak as to why they would like to serve on the SMMPO.

Norton Raynham Rehoboth Rochester Seekonk Taunton

Wareham Westport

Plainville After reviewing the enclosed material, please feel free to email me at pmission@srpedd.org if you have any questions regarding the SMMPO or this process.

Somerset Respectfully,

Paul L. Mission

Transportation Planning Manager

Enclosures:

SMMPO Info & Election By-laws Self-nomination form 2021

WHAT IS THE MPO?

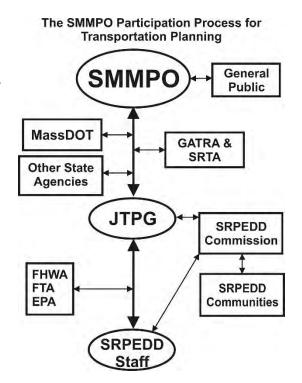
<u>Metropolitan Planning Organizations</u> are established in urbanized areas across the nation to implement federally mandated transportation planning. The **Southeastern Massachusetts MPO (SMMPO)** was established in 1976 for southeastern Massachusetts and is responsible for programing federally mandated transportation planning and improvements. At that time, the Governor's office authorized and established thirteen (13) MPOs in Massachusetts that follow the boundaries of each of the 13 regional planning agencies. Nationally, there are 385 MPOs throughout the United States.

At that time, the SMMPO consisted of 5 members including two state transportation officials (what is now known as Massachusetts Department of Transportation or MassDOT), the regional planning agency (SRPEDD), a mayor from either Attleboro or Taunton to represent the Greater Attleboro Taunton Regional Transit Authority (GATRA) and a mayor from either Fall River or New Bedford representing the Southeastern Regional Transit Authority (SRTA). This board was responsible to determine how to spend federal funds for roadway and bridge improvement projects as well as for transit services.

In 1997, the SMMPO was restructured to add eight local elected officials; the mayors of the region's four cities and four selectmen to represent the towns. The Secretary of Transportation, Stephanie Pollack, is the Chairman of all of the 13 MPOs in the Commonwealth while Alan Slavin (Chair of the SRPEDD Commission) is the Vice-Chairman of the SMMPO.

The planning process that enables the initiation and implementation of transportation improvements for southeastern Massachusetts can be complicated and sometimes difficult to navigate. To begin, there are three key groups essential to the planning process for transportation improvements in our region; the SMMPO, the Joint Transportation Planning Group (JTPG), and the SRPEDD Commission. The graphic to the right details the structure and roles of the SMMPO in relation to the other committee and agencies involved in this planning process.

The SRPEDD Transportation Planning Staff provides technical support and coordination services for the SMMPO. This includes organizational support, public outreach, the preparation of required federal certification documents, transportation studies and reports, regional transportation modeling, and transit planning. The SRPEDD Transportation



Planning Staff also works with the JTPG, the advisory board to the SMMPO, to prepare key documents for presentation and review by the SMMPO board for endorsement. These documents include:

- The Regional Transportation Plan This document is an assessment of existing and future needs of transportation and is updated every 4 years as required by federal and state transportation agencies,
- The Transportation Improvement Program (TIP) The annual document that programs five consecutive years of federal and state funds for specific transportation projects (highways, roads, bridges, transit facilities, bike paths, etc.)
- **The Unified Planning Work Program (UPWP)** the annual work program that outlines a scope of work and potential studies for the SRPEDD staff.

The importance of having local elected officials represented on the SMMPO ensures that transportation funding is distributed in a fair and equitable manner and throughout the entire region. It also provides an opportunity for municipalities to assist in prioritizing transportation needs for the region and develop policies with the development of the Regional Transportation Plan.

The SMMPO typically meets, on average, six times per year at 1:00 PM on the third Tuesday of the month at the SRPEDD office in Taunton. (*Due to the declared state of emergency in Massachusetts, SMMPO meetings are currently being held remotely.*) Additional meetings are possible if transportation issues need to be resolved. Meetings currently scheduled for the SMMPO include:

- Tuesday, May 18, 2021 at 1:00 PM to be held remotely,
- Tuesday, June 15, 2021 at 1:00 PM to be held remotely, and
- Tuesday, July 20, 2021 at 1:00 PM to be held remotely.

The following are the SRPEDD Commission bylaws pertaining to the SMMPO process and the election of the local board of selectmen to the SMMPO representative board.

Excerpt from the 2018 SRPEDD AGENCY POLICIES, Section III. BY-LAWS

PREAMBLE: These by-laws, adopted under the provisions of Massachusetts General Laws, Chapter 40B, Sections 9 to 19, define the Rules and Procedures for the activities of the Southeastern Regional Planning and Economic Development Commission as the governing body of the Southeastern Regional Planning and Economic Development District.

DEFINITION: The word "Commission" where appearing in these by-laws shall be construed to mean the Southeastern Regional Planning and Economic Development Commission. The word "District" wherever

appearing in these by-laws shall mean a public body politic and corporate development known as the Southeastern Regional Planning and Economic Development District.

10. SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION (SMMPO):

- A. The Southeastern Massachusetts Metropolitan Planning Organization consists of thirteen (13) members representing the following:
- 1. Secretary and Chief Executive Officer of Massachusetts Department of Transportation;
- 2. Highway Administrator of the MassDOT Highway Division;
- 3. Chairman of Southeastern Regional Planning and Economic Development District Commission;
- 4. Administrator of the Southeastern Regional Transit Authority (SRTA);
- 5. Administrator of the Greater Attleboro Taunton Regional Transit Authority (GATRA);
- 6. Mayors of Attleboro, Fall River, New Bedford, and Taunton; and
- 7. Members of four (4) Boards of Selectmen in the Southeastern Regional Planning and Economic Development District to be elected by the Southeastern Regional Planning and Economic Development District Commission.
- B. In accordance with the Memorandum of Understanding (MOU) relating to the comprehensive, continuing, and cooperative transportation planning process, the SRPEDD Commission is authorized to elect the four (4) representatives of Boards of Selectmen utilizing the procedure described below:
- 1. Term of Office: Two (2) representatives will be elected each year for two-year terms. Elections will be held annually in the month of May or June.
- 2. Solicitation of Nominees: Annually, the SRPEDD Commission will send notices to the Board of Selectmen and SRPEDD Commissioners of each of its member towns. The purpose and role of the SMMPO and a description of the election process will accompany the notice. Each member of every local Board of Selectmen from member communities will be offered an opportunity to nominate themselves as a candidate for election to the SMMPO. Nominations will be returned to SRPEDD offices within four (4) weeks of the date they are distributed. Nomination forms are typically distributed by the second (2nd) week of the month of May.
- 3. Election of Selectmen Representatives: Nominations will be referred to the SRPEDD Commission for a vote at a regularly scheduled meeting of the Commission in the month of June. All names and towns of the interested selectmen will be printed on a paper ballot. Nominees will be invited to attend and speak at the meeting of the SRPEDD Commission when the vote is taken.

- 4. Designees: Board of Selectmen members elected to the SMMPO may send a designee to a meeting in their place. The designee may vote only with written and signed authorization from the elected SMMPO member.
- 5. Vacancies: Should a selectmen's position fall vacant between annual elections, the represented town for that vacancy may nominate, and the SRPEDD Commission may elect, a duly eligible candidate from that town's Board of Selectmen to temporarily fill the vacancy until the following election. In the event that no member of the municipality's Board of Selectmen is able to fill the vacancy, then any member town may nominate, and the SRPEDD Commission may elect, a candidate to fill the vacancy for the remainder of the term. (Amended May 23, 2018)

SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION (SMMPO) FY2021 SMMPO MEMBERS

- Jamey Tesler, Acting MassDOT Secretary & CEO, Chair
- Alan Slavin, SRPEDD Commission Chairman, Vice-Chair
- Paul Heroux, Mayor of Attleboro
- Paul Coogan, Mayor of Fall River
- Jon Mitchell, Mayor of New Bedford
- Shaunna O'Connell, Mayor of Taunton
- Jonathan L. Gulliver, MassDOT Highway Division Administrator
- Julie Boyce, North Attleborough, (Term Expires 8/1/2022)
- Shawn McDonald, Dartmouth (Term Expires 8/1/2022)
- Leilani Dalpe, Middleborough (Term Expires 8/1/2021)
- Holly McNamara, Somerset (Term Expires 8/1/2021)
- Erik Rousseau, SRTA
- Mark Sousa, GATRA

Ex-officio, non-voting members:

- Jeff McEwen, FHWA Division Administrator
- Peter Butler, FTA Deputy Regional Administrator
- Lee Azinheira, Joint Transportation Planning Group Chairman

Self Nomination Form

Select Person/Council Member Representative to the Southeastern Massachusetts Metropolitan Planning Organization

I	, as a	a member of the Board of	:
Selectmen/Town Council for the	Town of		, declare
my interest as a candidate for ele	ection by	the SRPEDD Commission	on to the
Southeastern Massachusetts Me	tropolita	n Planning Organization	
(SMMPO) for a <u>two-year term</u> cor	mmencin	g on August 1, 2021.	
Print Name:			
Street Address:			
Town:	, MA	Zip Code:	
Phone:	email:		
Signature:		Date:	

Please return forms by **5:00 PM, Thursday, June 3, 2021** to: Paul Mission

at:

pmission@srpedd.org



APPOINTING A DESIGNEE TO THE JOINT TRANSPORTATION PLANNING GROUP (JTPG)

The Joint Transportation Planning Group (JTPG) is the regional advisory group for all issues pertaining to transportation in southeastern Massachusetts. It consists of representatives of the chief local elected officials from each of our 27 member cities and towns. Each year, we ask that each municipality **appoint or reappoint its designee to the JTPG** to serve a term commencing June 1, 2021 through June 1, 2022. An alternate should also be appointed to attend meetings.

Meetings are held as needed, but no more than once per month. The primary responsibilities of the JTPG are:

- To advise the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO), MassDOT, Federal Highway Administration (FHA), and Regional Transit Authorities on transportation issues related to the region;
- To advise on the allocation of transportation funds for projects programmed into the Transportation Improvement Program (TIP); and
- ➤ To provide a public forum for citizen participation in the transportation planning process.

Appointing a delegate who is able to attend meetings is important. Attending meetings is imperative to advocate for the placement of a community's projects in the TIP and to be kept informed of transportation issues in the region.

Please stress to your appointee that they are expected to attend meetings and communicate back to their appointing board.

If an appointee cannot attend a meeting, an alternate (optional) can be appointed to attend on behalf of the City/Town.

SRPEDD, 88 Broadway, Taunton, MA 02780
TEL: (508)824-1367 – FAX (508)823-1803 – Email: <u>info@srpedd.org</u>

JOINT TRANSPORTATION PLANNING GROUP (JTPG) MUNICIPAL REPRESENTATIVE APPOINTMENT 2021 - 2022

Please be advised that	it the following in	dividual,
		ity/Town of
on the JTPG for the p	eriod June 1, 2021	I through June 1, 2022.
Signed:		
Mayor or Chai	r/President, Boar	d of Selectmen or Town Council
	~~~~~~~	. ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
Plea		t Information for JTPG Appointees
JTPG	Name:	
REPRESENTATIVE	Street:	·
	City/Town:	
	Telephone:	
	Email address	::
Ple		t Information for JTPG Alternates
ALTERNATE:	Name:	
(OPTIONAL)	Street:	
	City/Town:	
	Telephone:	<del></del>
	Fmail address	··

PLEASE RETURN THIS FORM TO STACY ROYER BY MAY 18, 2021 VIA:

EMAIL (SSOUSA@SRPEDD.ORG),

MAIL (SRPEDD, 88 BROADWAY, TAUNTON, MA 02780), OR

FAX (508-823-1803)

# Appoint Chief Todd Correia as **Oil Spill Coordinator**For a one-year term to expire on May 31, 2022



# Appoint Chief Todd Correia and

# Building Commissioner Chris Carmichael to the

#### **Local Emergency Planning Committee**

For a one-year term to expire on May 31, 2022



# **BOARDS AND COMMITTEES**

Board/Committees	Name	Title
Historical Commission	Wayne Oliveira	Chairman
(Appointed by Selectmen)	Kathryne Olsen Moniz	Full
Full Member - 3 years	Vicki Oliveira	Full
Associates - 1 year	Suzan Galpin	Full
MGL Chapter 40, Section 8D	Maria Carvalho	Full
(not less than 3 nor more than 7)	Gail Isaksen	Full
associates may not exeed full membrers	Gary Lavalette	Full
	David Braga	Associate
	John Medeiros	Associate
	Vacant - Associate	Associate
	Vacant - Associate	Associate
	Keith Silvia	Ex-Officio



#### [Fairhaven MA] Town Committee Vacancies (Sent by Michael J Kelly,

Contact form at Fairhaven MA <cmsmailer@civicplus.com>
Reply-To:
To: Board or Selectmen <selectmen@fairhaven-ma.gov>

Sun, Apr 25, 2021 at 4:58 PM

Hello Board of Selectmen,

Michael J Kelly ( https://www.fairhaven-ma.gov/user/49/contact) at Fairhaven MA.

If you don't want to receive such e-mails, you can change your settings at https://www.fairhaven-ma.gov/user/49/edit.

Message:

Dear Fairhaven Selectmen,

I am writing today to express my interest in serving on one of the town committees that currently have vacancies. In particular, I am interested in serving on either the Historical Commission or the Conservation Commission.

A little about myself: I am 48 years old, and have spent a majority of my life living in Fairhaven. I grew up here, attending school from elementary (Rogers) through high school at FHS. I received my BA from Boston College, and my MBA from Northeastern University. After college, I traveled the world and lived in Boston, Chicago, and Ireland. But when it came time to settle down and raise my own family, I moved back to Fairhaven. We have been back since 2004, and both of my children are currently enrolled at the Middle School.

I am currently employed as the Vice President of Global Publishing at Hasbro, Inc. in Pawtucket, R.I., where I manage an international team of 14 people, and a revenue budget of over \$200 million.

I have studied the history of Fairhaven and the surrounding area extensively, and live on Little Bay where I have a front row seat to the opportunities and challenges facing our local environment.

If my background seems that it could be of value to the town, I would welcome a chance to discuss my candidacy further.

Best regards, Michael Kelly 14 Weeden Place



#### [Fairhaven MA] Town Committee Vacancies (Sent by Michael J Kelly,

4 messages

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Mon, Apr 26, 2021 at 9:48 AM

To: Michael Kelly <

Cc: Wayne Oliveira < woliveira@fairhaven-ma.gov>

Thank you for your response. I will forward the request on to the Board for their next meeting. If you have any questions please feel free to contact me or you may contact the Chair of the Historical Commission as well. His name is Wayne Oliveira (cc'd)

Have a great day!

Vicki

[Quoted text hidden]

Michael Kelly <

Mon, Apr 26, 2021 at 9:39 AM

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

Good morning, thank you for your quick reply. My preference would be the Historical Commission.

Best, Michael

On Apr 26, 2021, at 9:30 AM, Vicki Oliveira <vloliveira@fairhaven-ma.gov> wrote:

[Quoted text hidden]

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

Mon, Apr 26, 2021 at 9:30 AM

Good Morning,

Thank you for your interest in serving on a committee. Do you have a preference? There are currently openings on both of those committees.

Best Regards,

Vicki L Oliveira

vloliveira@fairhaven-ma.gov

Assistant to the Town Administrator

**Notary Public** 

Town of Fairhaven

40 Center Street

Fairhaven, MA 02719

PH: (508)979-4023 EXT. 101

FAX: (508) 979-4079

[Quoted text hidden]

Contact form at Fairhaven MA <cmsmailer@civicplus.com>

Sun, Apr 25, 2021 at 4:58 PM

Reply-To:

To: Board of Selectmen <selectmen@fairhaven-ma.gov>

Hello Board of Selectmen,

Michael J Kelly has sent you a message via your contact form (https://www.fairhaven-ma.gov/user/49/contact) at Fairhaven MA.

If you don't want to receive such e-mails, you can change your settings at https://www.fairhaven-ma.gov/user/49/edit.

Message:

Dear Fairhaven Selectmen,

I am writing today to express my interest in serving on one of the town committees that currently have vacancies. In particular, I am interested in serving on either the Historical Commission or the Conservation Commission.

A little about myself: I am 48 years old, and have spent a majority of my life living in Fairhaven. I grew up here, attending school from elementary (Rogers) through high school at FHS. I received my BA from Boston College, and my MBA from Northeastern University. After college, I traveled the world and lived in Boston, Chicago, and Ireland. But when it came time to settle down and raise my own family, I moved back to Fairhaven. We have been back since 2004, and both of my children are currently enrolled at the Middle School.

I am currently employed as the Vice President of Global Publishing at Hasbro, Inc. in Pawtucket, R.I., where I manage an international team of 14 people, and a revenue budget of over \$200 million.

I have studied the history of Fairhaven and the surrounding area extensively, and live on Little Bay where I have a front row seat to the opportunities and challenges facing our local environment.

If my background seems that it could be of value to the town, I would welcome a chance to discuss my candidacy further.

Best regards, Michael Kelly 14 Weeden Place



April 8, 2021

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

Dear Fairhaven Board of Selectmen,

The finish line of the **Buzzards Bay Swim** has been held successfully at DCR's Fort Phoenix State Reservation in Fairhaven, MA for the past 26 years. This year's event has been scheduled for Saturday, June 26, 2021.

For the past several years, we've requested and received a one-day liquor license for this event and permission from DCR to distribute no more than one beer per 21-and-over swimmer between the hours of 8:00-10:00 a.m. Our beer partner is Buzzards Bay Brewing from Westport and the distribution has gone very smoothly with no issues.

With that in mind, we would like to request permission again this year. Beer will be made available only to registered swimmers who have paid a \$25 registration fee, who are over 21, and quantity is limited to just one serving per swimmer. We will have a separate, stand-alone 10' x 10' pop-up tent that is roped off from the public where a TIPS certified employee from Buzzards Bay Brewing will dispense beer from a keg into compostable cups that will be collected by the BBC and composted post-event. Signage will be kept to a minimum inside the beer tent only. Servers will also be wearing gloves and facemasks.

DCR is willing to issue an alcohol waiver for the event as long as we 1) secure a one-day special liquor license from the Town of Fairhaven, 2) provide DCR with a certificate of insurance including liquor liability and 3) secure a police detail for the beer tent only during hours of service from 7:30am-10:30am.

Please let us know if you have questions or concerns, or if you need more information. Thank you for your time and consideration.

Best regards,

Jennifer Downing Vice President, Engagement downing@savebuzzardsbay.org (508) 999-6262 x202

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www.savebuzzardsbay.org



#### **TOWN OF FAIRHAVEN**

#### APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

<del></del>		Date: 4/05/21
To the Licensing Board:		
The undersigned hereby a	applies for a SF	PECIAL LICENSE under provisions of Chapter 138, Section 14
to sell		
beer only		
(Beer and Wine)	or	(All Alcoholic Beverages)
For a Buzzards Bay Swim to	be held at	
DCR's Fort Phoenix		eservation
_{by} a TIPS certified em	ployee fro	om Buzzards Bay Brewing, Westport, MA
date Saturday, June 2		
7:30am		):30am
	Name of A	Applicant: Jennifer Downing, VP Engagement
	Address o	f Applicant: Buzzards Bay Coalition
		ront Street, New Bedford, MA 02740

For a banquet or public dinner, the applicant should be responsible, manager of the banquet or public dinner.

Telephone: (508) 999-6363 x 202

For a picnic, field day or outing, applicant should be a representative of responsible organization or individual.

#### FEE:

Beer & Wine \$20.00 All Alcoholic \$35.00



#### **Buzzards Bay Coalition Watershed Ride 2021**

Jonah Guerin <guerin@savebuzzardsbay.org>
To: selectmen@fairhaven-ma.gov
Cc: chief@fairhavenpolice.org

Tue, May 4, 2021 at 1:21 PM

Hello,

My name is Jonah Guerin and I'm the new Event Manager at the Buzzards Bay Coalition in New Bedford. With your permission, we are hoping to host our annual cycling ride on October 3 this year, with the route going through Fairhaven. This year would mark our 15th time running the event, and we are excited to continue the tradition. Here is the event website for your reference: http://savebuzzardsbay.org/ride

Please see attached for a letter with more details, the cycling route, and the MassDoT Event Form. If you approve, please sign and return the DoT form. Feel free to reach out if you have any questions, my email is <a href="mailto:guerin@savebuzzardsbay.org">guerin@savebuzzardsbay.org</a> and phone is 508-999-6363, ext 207. We look forward to having our ride go through scenic Fairhaven again this fall!

Best, Jonah

--

#### Jonah Guerin Events Manager

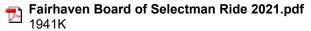
#### **BUZZARDS BAY COALITION**

114 Front Street, New Bedford, MA 02740 USA

Tel: 508-999-6363 x.207 - www.savebuzzardsbay.org

#### 2 attachments







May 3, 2021

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

Dear Fairhaven Board of Selectmen,

We are writing to request approval for use of public roads for the Buzzards Bay Coalition's **15th Annual Watershed Ride on Sunday, October 3, 2021.** 

This cycling event begins in Little Compton, RI at 8am with 200 riders making their way through 13 towns and over 100 miles to eventually end in Woods Hole. The Watershed Ride raises funds for clean water in Fairhaven, and all of Buzzards Bay. More general information about the event can be found on our website www.savebuzzardsbay.org/ride

The route is the same one we have taken for the last 14 years (with the exception of last year's abbreviated ride). As always, we will assign volunteers to the critical turns to ensure our cyclists pass safely and smoothly through the route. We expect cyclists to pass through town between the hours of 10:30am-12:00pm. Please see attached for the full route cue sheet.

I am copying the Police Chief Myers on this request and including the MASS DOT Event Notification form, which they request that you return to me once completed so I can submit it as part of our permitting process with the state.

Lastly, we're wondering if the Board would grant permission to post 4-6 18" x 24" signs about the Ride along the bike path route only for the month of September only.

We appreciate the opportunity to showcase the scenic beauty of Fairhaven during our Watershed Ride. Please let us know if you need additional information.

Sincerely,

Jonah Guerin, Event Manager guerin@savebuzzardsbay.org

cc: Police Chief Michael Myers, via email

BOARD OF DIRECTORS Laura Ryan Shachoy, Esq., Chair Samuel Gray, Vice-Chair Russell Keeler, *Treasurer* Scott Zeien, Clerk Mark Rasmussen, *President* Mike Angelini, Esq. John Bullard Andrew Dimmick Weatherly Dorris Natalie Garfield Tom Gidwitz Mike Huguenin **Kat Jones** Hon. Lloyd Macdonald, ret. Kendra Medina Chris Neill, PhD Steve Smith Hilary Prouty Vineyard



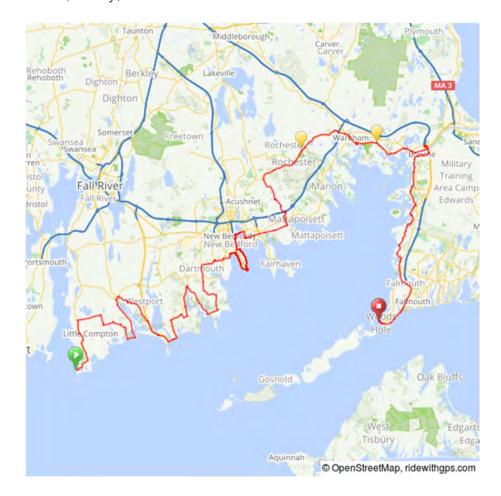
#### **Buzzards Bay Watershed Ride**

Experience the beauty and spirit of southeastern New England in autumn from the seat of your bicycle at the annual Buzzards Bay Watershed Ride.

Choose from three spectacular 100, 75, and 35-mile cycling routes that wind through farmland, coastal villages, cityscapes, cranberry bogs, and the back roads of Cape Cod to end with a waterfront finish line party in beautiful Woods Hole. All riders are fully supported with local food and beverages all day, welcoming volunteers, and SAG wagons with ace bike mechanics and first aid. \$55 registration fee includes five water stops, a hearty food truck lunch, a dinner buffet with beer, wine, and live music, and prizes for top fundraisers and best team uniforms.

Each cyclist is required to **raise a minimum of \$300** to support the **Buzzards Bay Coalition**'s work to protect our local environment. Team participation welcome and encouraged!

Gather your friends, family, and coworkers to "bike for clean water" in October.



#### **EVENT NOTIFICATION FORM**

		Date: 5/3/21
Ms. Mary-Joe Perry District Highway Director, Dist MassDOT, Highway Division 1000 County Street Taunton, MA 02780	rict Five	
Dear Sir:	,	
Please be advised that t	he Grantee(s) of this Eve	ent Buzzards Bay Watershed Ride has notified the
Board of Selectmen/City Counc	cil, Local Police Departm	nent, Local Fire Department and if applicable the State
Police of its intention to condu	ct road work/parade/ra	ace/ride or other events impacting State Highways on
Route(s) 6	in or through t	he City/Town(s) of
benefiting Buzzards Bay Co	oalition	
detours associated with said ev notify the local and/or state po- local Fire Department must be	ents to this Department a lice to set up a detour of e notified of the detour nent's emergency service of this proposed event.	
LOCAL POLICE DEPARTM	ENT	FIRE DEPARTMENT
Signed:		Signed:
Γitle:		Title:
City/Town:	· .	City/Town:
BOARD OF SELECTMEN/C	ITY COUNCIL	STATE POLICE DEPARTMENT
Signed:		Signed:
Title:	· 	Title:
City/Toyun:	,	City/Town:

Event Notification Revised.doc

### Buzzards Bay Watershed Ride 2021 100, 75, 35-mile routes SAG support/helpline: (508) 999-6363

Num	Dist	Тур	e Note				
1.	0.0	Þ	Start of route – LITTLE COMPTON, RI				
2.	0.0	P	100-mile START LINE  Parking, check-in, restrooms, food, water available				
3.	0.1	+	L onto Sakonnet Point Rd. (RI route 77)				
4.	5.4	<b>+</b>	R onto Peckham Rd – <i>Volunteer</i>				
5.	7.6	<b>→</b>	R onto Long Hwy – <i>Volunteer</i>				
6.	8.5	+	L onto Pottersville Rd				
7.	9.4	<b>→</b>	Slight R on Mullin Hill Road				
			WESTPORT, MA				
8.	10.2	<b>→</b>	R onto Old Harbor Rd 90 MILES TO GO				
9.	10.8	<b>→</b>	R onto Howland Rd				
10.	11.8	+	L onto Atlantic Ave				
11.	12.6	+	L onto Acoaxet Rd				
12.	12.8	1	Continue onto River Rd				
13.	16.0	<b>→</b>	Slight R onto Old Harbor Rd				
14.	16.5	<b>→</b>	R onto Adamsville Rd				
15.	18.9	<b>→</b>	R onto Main Road – <i>Volunteer</i> 80 MILES TO GO				
16.	22.5	+	L onto Hotel Hill Rd – <i>Volunteer</i>				
17.	22.7	<b>→</b>	R onto MA-88 S POLICE CRUISER HERE				
18.	23.4		Metal Drawbridge ahead - slow down, proceed with caution. Dismount bike and walk over if raining.  - Volunteer				
19.	23.9	1	Continue onto John Reed Rd				
20.	24.4	¥ 4	WATER/REST STOP. Food, water, restrooms				
21.	24.4	口	75 MILE START LINE				
22.	25.6	+	L onto E Beach Rd				
23.	26.4	<b>+</b>	E Beach Rd turns slightly L and becomes Horseneck Rd				
24.	28.1	<b>+</b>	R onto Horseneck Rd				
	DARTMOUTH						

25.	29.2	-	R onto Allen Neck Rd		
26.	29.9	4	L onto Barneys Joy Rd		
27.	32.7	<b>→</b>	R onto Tannery Ln - <i>Volunteer</i> 70 MILES TO GO		
28.	32.7	<b>→</b>	R onto Rock O'Dundee Rd		
29.	33.6	<b>→</b>	Slight R onto Potomska Rd		
Num	Dist	Тур			
30	36.1	1	Continue onto Little River Rd		
31.	37.0	+	L onto Smith Neck Rd		
32.	40.3	<b>→</b>	R onto Gulf Rd 60 MILES TO GO		
33.	40.8	+	L onto Elm St - Volunteer		
34.	40.9	+	R onto Prospect St		
35.	41.1	+	Slight L onto Dartmouth Street CHEER SQUAD (OSS)		
36.	42.2	<b>+</b>	R onto Rogers St - Volunteer		
	NEW BEDFORD				
37.	42.7	+	L onto Padanaram Ave		
38.	43.0	<b>→</b>	R onto Cove Road		
39.	43.0	<b>→</b>	R up onto sidewalk and on ramp to CoveWalk. Uneven ground, use caution <i>Volunteer</i>		
40.	43.9	+	Slow down, take off ramp on L to leave CoveWalk - Volunteer		
41.	43.9	<b>→</b>	R onto W. Rodney French Blvd.		
42.	44.3	1	Look for bike path on R, enter bike path again		
43.	45.1	1	Go thru the gate on to bike path - Fort Taber. Narrow gate, use caution Volunteer		
44.	45.5	1	Keep straight on bike path, follow coastline		
45.	45.9	+	Follow bike path L around bend		
46.	46.0	+	L, then an immediate R		
47.	46.0	<b>→</b>	R to stay on path		
48.	46.1	<b>Ψ (</b>	WATER/REST STOP - Water, food, restrooms available		
49.	46.2	<b>→</b>	Bear R to say on bike path		
50.	46.3	+	Bear L to exit park		
51.	46.3	<b>→</b>	R onto E. Rodney French Blvd.		
52.	47.4	+	Take R to enter on-ramp to HarborWalk. Use caution Volunteer		

53.	48.0		SLOW DOWN, Take steep ramp off Harbor Walk on L
54.	48.0	+	L at bottom of ramp puts you on Gifford Street - Volunteer
55.	48.3	<b>→</b>	R onto South Front Street
56.	48.6	<b>→</b>	R onto Potomska Street
57.	48.8	+	Continue on McArthur Drive
58.	49.3	+	At intersection, cross over bearing L to ENTER SIDEWALK immediately on your R.  Use caution. – <i>Volunteer</i> POLICE DETAIL HERE
59.	49.3	<b>→</b>	R then immediately jog L to stay on brick sidewalk bike path.

Num	Dist	Туре	Note				
60.	49.5	1	Jog R to stay on bike path and on-ramp up to highway				
61.	49.5	1	Straight to enter sidewalk on-ramp - Volunteer				
62.	49.7	1	Merge onto US-6E, stay on sidewalk				
63.	49.9	+	SLOW DOWN. <b>TRACKING AHEAD</b> . Call out bib number to volunteer at FISH ISLAND. <b>POPE'S ISLAND CHEER SQUAD</b> 50 MILES TO GO				
	FAIRHAVEN						
64.	50.5	<b>→</b>	R onto Middle St - <i>Volunteer</i>				
65.	51.1	+	L onto Ferry St				
66.	51.2	<b>→</b>	R onto Main St				
67.	51.2	+	L onto Bike Path/Phoenix Rail Trail				
68.	55.1	+	L onto Mattapoisett Neck Rd				
	MATTAPOISETT						
69.	55.5	+	R onto US-6 E/Fairhaven Rd. Use caution. – <i>Volunteer</i> POLICE DETAIL HERE				
70.	55.6	+	L onto River Rd - Volunteer				
71.	56.3	+	L onto Acushnet Rd - <i>Volunteer</i>				
72.	56.6	+	L to stay on Acushnet Rd				
73.	58.1	+	L to stay on Acushnet Rd				
			ACUSHNET				
74.	58.3	<b>⇒</b>	R onto Long Plain Rd				
75.	60.6	<b>→</b>	R onto Perry Hill Rd 40 MILES TO GO				
76.	64.0	<b>→</b>	Keep R to stay on New Bedford Rd				

77.	64.0	<b>→</b>	R onto Marion Road			
			ROCHESTER			
78.	64.1	+	L onto Marys Pond Rd			
79.	65.4	<b>Ψ</b> (	LUNCH STOP/35-mile START LINE - 131 Hiller Road. Food, water, restrooms available.			
80.	67.4	1	Continue on Fearing Hill Road			
	WAREHAM					
81.	69.0	<b>→</b>	R onto Main St			
82.	70.0	<b>→</b>	R to stay on Main St 30 MILES TO GO			
83.	70.3	<b>→</b>	R onto Gibbs Ave			
84.	70.4	+	Slight L onto High St			
85.	71.4	+	L onto Cedar St			
86.	71.5	+	L onto Main St - <i>Volunteer</i>			
87.	71.6	<b>→</b>	R onto US-6 E/Sandwich Rd			
88.	71.7	<b>→</b>	R onto Narrows Road			
89.	72.1	1	Continue onto Minot Ave			
90.	73.5	1	Proceed straight through intersection			
91.	73.5	<b>→</b>	R onto Onset Ave ONSET PIER CHEER SQUAD (Tabor Academy)			
92.	76.8	<b>+</b>	R onto MA-28/US-6E/Cranberry Hwy			
			BOURNE (BUZZARDS BAY)			
93.	77.3	1	Continue straight through rotary to stay on Main St			
94.	77.5	<b>→</b>	R onto Canal St and parking lot - <i>Volunteer</i>			
95.	77.6	+	R toward Canal Service Rd/Bike Path - Volunteer			
96.	77.7	+	L onto Canal Service Rd and bike path: Slow down. Follow bike path etiquette. Yield to pedestrians.			
97.	78.9	+	L on to Andy Olivia Drive towards campground - <i>Volunteer</i>			
98.	78.9	1	Straight up hill to stay on Andy Olivia through campground			
99.	79.2	+	L onto Main St/RT 6: must cross with light - <i>Volunteer</i>			
100.	79.3	<b>+</b>	Take R up ramp to Starbucks Parking Lot			
101.	79.4	1	Stay L as you proceed through parking lot cut through			
102.	79.4	+	L to exit parking lot			

103.	79.4	<b>→</b>	R onto Bourne Bridge Approach/Old Bourne Bridge Approach	
104.	79.5	口	SLOW DOWN. TRACKING STATION ahead, call out bib number. Dismount to cross bridge on foot.	
105.	79.5	<b>¥ (</b>	WATER/ REST STOP: Food, water, restrooms available.	
106.	79.6	<b>→</b>	Keep R to enter Bridge Sidewalk. Dismount to cross bridge on foot  20 MILES TO GO	
107.	80.3	1	Use Sidewalk to bear right around State Police Building. Welcome to Cape Cod!	
108.	80.4	*	R onto Trowbridge Rd	
109.	81.0	1	Continue onto Shore Rd	
110.	81.9	+	Left at fork at VFW to stay on Shore Rd	
111.	83.0	<b>→</b>	R to stay on Shore Rd	
112.	84.8		Metal drawbridge ahead, proceed with caution. USE SIDEWALK. <i>Volunteer, J. York 818 Shore Road, has his ow n sign, (774) 392-0111</i>	
113.	86.4	+	R onto Red Brook Harbor Rd. Railroad tracks proceed with caution. – <i>Volunteer, Dave Dimmick: (508) 561-6812 , has his own sign: RR X-ING</i>	1
114.	87.4	Ť	Straight on Squeteague Harbor Rd	
115.	87.5	<b>→</b>	R onto Megansett Rd, becomes Garnet Ave.	
		1	FALMOUTH/WOODS HOLE	
116.	88.4	1	Straight across intersection at County Rd	
117.	88.4	<b>→</b>	R onto Chester St - <i>Volunteer</i>	
118.	88.6	+	Keep L to stay on Chester St	
119.	89.3	1	Straight onto Quaker Rd.  10 MILES TO GO	
120.	92.1	1	Merges into Nashawena Street	
121.	92.7	+	L onto Old Dock Rd	
122.	92.7	<b>→</b>	R at train tracks onto Bike Path/Shining Sea Bikeway	

123.	95.0	1	Stay on bike path all the way to end in Woods Hole
124.	96.9		Slow down. Prepare to use traffic light at crosswalk at Woods Hole Rd.  -Volunteer @ WH Rd crosswalk hits button for riders
125.	100.2	*	R on Railroad Avenue – <i>Volunteer</i>
126.	100.2	+	L onto Water St. POLICE ASSIST at crossing. POLICE DETAIL HERE
127.	100.3		Metal drawbridge ahead, proceed with caution. Dismount bike and walk over if raining. – <i>Volunteer</i>
128.	100.5	<b>→</b>	R onto MBL St POLICE DETAIL HERE
129.	100.6	П	FINISH LINE. Congratulations! Bike Valet and Bag Check on your right.

5/4/2021 1:18 PM

Rehab			
		new wing is aprox 15K sq ft	
		Tripp	
Roof - medium price	\$130,000.00	aprox 11K sq Ft	
Windows	\$2,000.00		
asbestos removal / tile replacement	\$98,000.00		
parking lot engineer plans	\$20,000.00		
parking lot creation & striping	\$123,000.00		
Fencing	\$7,500.00		
fire Alarm upgrade	\$35,000.00		
fire wall	\$9,500.00		
TOTAL TOWN INVESTMENT	\$425,000.00		
SMEC Investment +-			
	\$250,000.00		
handicapp bathrooms			
door frames handicapp access.			
ceilings, flooring			
wiring, internet			
security, lighting other items etc			
Utilities (residual to town)			
eletric costs - solar panels	\$0.00		
heating costs- SMEC percentage of actual bill	\$0.00		
Maintenace of building	\$0.00	town is responsible for maintaining boiler in working condition-	ndition-
		same as Tripp agreement	

Southeastern Mass Educational Collaborative (SMEC)

Has expressed sincere desire to utilize the Rogers school newer wing only. <u>They are NOT moving from Tripp</u> school but need additional space. They are seeking the new wing only and not the main building.

This process just recently began when the realized the building was now available and toured the facility. The Selectmen at their April 12th meeting approved entering into discussions with SMEC.

SMEC would like to be moved in by September of this year. Hence why the urgency and last minute requests for the June town meeting.

SMEC is an extension of the school system so NO rfp is needed saving several thousand dollars in advertising.

At Tripp school which was previously used by Namasket had already been updated with items such as fire alarm systems, handicap bathrooms, security systems. So when SMEC moved in many of these items were already completed. At Rogers these items need to be done

In rogers' school SMEC is looking at committing a substantial monetary investment into the building for long term and seeking a long term contract.

Since the used was not used for many years, items like the roof, asbestos removal, broken windows, fire alarm upgrades, parking lot creation, would need to be done which is what the requested town meeting money is to be used for. SMEC will invest in the internal needs which are also quite substantial and into several hundred thousand dollars +, so they are quite serious.

No company or anyone can move into the building and absorb all the costs. Hence why we are looking to collaborate with SMEC to create a usable building for the long term which will bring in revenue for the town and be suitable for the area neighborhoods

all work will of course go thru the proper channels and boards for permitting and approval.

Sue Loo has been obtaining quotes for these items which are the medium listed on the sheets

There are also rental scenarios and return on investment

The cost to demolish just the new wing range from \$640K to \$715K and those quotes are already many years old so you can figure a much higher number.

None of the requested money will be utilized until there is a written contract between the town and SMEC.

Mass Gen Law Ch. 40 Section 4E allows two or more school committees to create an Educational Collaborative to share resources and create regional programs and services primarily for special Ed, but also for teacher training and other student a s staff support. Fairhaven and Acushnet originally formed SMEC 40+ years ago and now we have 10 member districts

an appendix to this report. The estimate dated March 24, 2016 includes Jay-Mor Enterprises, Inc. of Hudson, New Hampshire, which is attached as demolition of the entire building and return of the land to an open grass field. The estimated total cost of the work was \$578,900 and would take approximately 100 working days to complete. Additionally, the estimate includes the demolition of the structure, removal of all debris including foundations, backfilling to grade, loam and seeding of the disturbed area. lead remediation, asbestos or hazardous material removal, or the cost to erect an 800 linear foot fence at \$10 per linear foot, or approximately The estimate does not include the disconnection of water and sewer lines. \$8,000.

# New England Preservation and Design 01-01-2018

## Rogers new wing only

Construction

Demolition

\$ 625,000 Environmental Clearances \$ 15,000

total

\$640,000 II

Demolition Scenario MARCH 2017 KIRK & Co.	SF	Cost/SF	Total Cost	
Demolition Expense				
Site Control				\$0
Demolition	43,210	\$5.00	\$216,050	
Hazardous Material Removal	43,210	\$10.00	\$432,100	
Site Work				80
Demolition Contingency		15.00%	\$97,223	
Total Demolition Cost	\$745,000			
SF Lot Sales - 15,000 SF Lots	98	\$85,000		\$510,000
SF Lot Sales - 25,000 SF Lots	S22	\$125,000		\$250,000
Subtotal Sales		2.00%		\$760,000
Single Family Sales Expenses			\$38,000 \$745,000	
Brokerage Commission/Marketing			(\$2	(\$23,000)
Demolition Cost Net Income	Net Income			

Mr. Rees told the Board that Town Counsel has drafted a license agreement with Casey Boat Realty, LLC but there has been no response back as of this meeting from Casey Boat.

### **Audit of Building Fees**

Mr. Rees read a memo from Auditor Zachary Fentross of Melanson and Heath who stated that after an investigation into way Building Department calculate charges for payment fees. Mr. Fentross does not feel there is any fraud taking place in the Building Department and he offered several recommendations for improvements to the collection system to ensure consistency with calculating fees. (Attachment B)

### Town Administrator Recruitment position statement

Via Zoom, Paradigm Associates Consultant Sharon Flaherty, reviewed the position statement with the Board. Mr. Espindola said he would like to see Acushnet included in the education portion of the statement. Mr. Freitas and Mr. Silvia requested more time to read the statement, as they had received the updated version at the meeting. Mr. Rees suggested holding a special Selectmen's meeting to discuss the changes. (Attachment C)

Mr. Freitas left the meeting at 7:54 pm

Vice- Chairman Espindola took over the meeting.

### Screening Committee for Town Administrator search

Mr. Rees told the Board three positions on the screening committee have been filled. John Farrell Jr. will represent the Planning Board, Bernie Roderick will represent the Finance Committee and Colin Veitch will represent the School Committee.

Mr. Espindola made a motion to table the screening committee agenda item. Mr. Silvia seconded. Vote was unanimous. (2-0)

### Annual Board of Selectmen Goal setting session

Mr. Rees said the practice over the last 3-4 years is to have the Board of Selectmen establish the Goals and Objectives, but Mr. Rees feels this would be better suited to wait until the Town hires a new Town Administrator when Mr. Rees retires in January.

### Notes and Announcements

Mr. Espindola reminded residents that he will hold his virtual office hour Tuesday, November 3, 2020 with special guests, Planning Director Paul Foley and Veterans Agent Brad Fish.

Mr. Espindola reminded residents to go out and vote tomorrow.

Mr. Espindola thanked Cable Access Director Derek Frates for a successful Virtual Halloween Party.

At 8:05 pm Mr. Espindola made a motion to go into Executive Session, not to reconvene into Open Session, to discuss Strategy with respect to litigation: MGL Chapter 30A, Section 21(a) 3

- 1. New England Preservation and Development, LLC Law suit
- 2. Anne O'Brien-MCAD complaint

Mr. Silvia seconded. Vote was unanimous. (2-0)

Roll call vote: Mr. Silvia in favor, Mr. Espindola in favor.





### Wendy Graves <wgraves@fairhaven-ma.gov>

### Recall Election Scheduling

1 message

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Thu, May 6, 2021 at 11:58 AM

Reply-To: tomcrotty@tcrottylaw.com

To: Wendy Graves <wgraves@fairhaven-ma.gov>, Carolyn Hurley <churley@fairhaven-ma.gov>

Cc: Daniel Freitas <a href="mailto:dreitas@fairhaven-ma.gov">dfreitas@fairhaven-ma.gov</a>, "Robert J. Espindola" <a href="mailto:respindola@fairhaven-ma.gov">respindola@fairhaven-ma.gov</a>, Keith Silvia <ksilvia@fairhaven-ma.gov>

### Wendy

The purpose of this email is to try to clarify the time frames within which actions may or must be taken as a result of the certification of the petition for the recall of Dan Freitas as selectman.

I have put these in the form of question that have been raised, followed by the relevant provisions of the recall law, and my advice.

### How soon can the Board of Selectmen act to order a recall election?

The recall law provides that If the official does not resign from office within five days of delivery to him of notice of the certification of the petition then the board of selectmen shall order an election to be held no less than 60 and no more than 90 days following the certification.

The selectmen must give the official five days from delivery of notice before ordering an election. If the five days expires on a Sunday, then it will be extended to the following business day. If the official resigns within the five days the selectmen would not schedule a recall election. If the five days expires without resignation, the board should act to order a recall election.

### What if the official resigns before the board orders a recall election?

The recall law provides that f a vacancy occurs in the office after a recall election has been ordered, the election shall proceed but only the ballots for candidates need be counted.

If the official resigns after five days, but before the selectmen order a recall election, that resignation creates a vacancy. In that case the selectmen would not order a recall election. Instead the vacancy would be governed by the general laws regarding vacancy in office. (In the case of a vacancy in the office of selectmen the remaining selectmen may call for a special election, and must call a special election if petitioned by 200 voters.)

### How much time does the board have to decide when a recall election should be ordered?

The recall law provides that the nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided in the recall law.

The laws governing nomination papers effectively require that nomination papers be taken out from the town clerk's office no later than 51 days before an election. Those provisions need to be considered in ordering and scheduling an election.

The earliest date for a recall election is 60 days after the May 3, 2021 certification, that is, July 2, 2021. If the recall election were scheduled for July 2, nomination papers would have to be returned to the town clerk by May 12.



### Wendy Graves <wgraves@fairhaven-ma.gov>

### Recall Election Scheduling

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Thu, May 6, 2021 at 2:27 PM

Reply-To: tomcrotty@tcrottylaw.com

To: Robert Espindola <respindola@fairhaven-ma.gov>

Cc: Wendy Graves <a href="mailto:swifty">wgraves@fairhaven-ma.gov</a>, Carolyn Hurley <a href="mailto:churley@fairhaven-ma.gov">churley@fairhaven-ma.gov</a>>

Bob

Yes, it is in the recall law, although it is written in the negative:

"If said officer does not resign his office within five days following delivery of the said notice, the board of selectmen shall order an election to be held not less than sixty nor more than ninety days after the date of the registrars' certificate of the sufficiency of the petition." The recall law does not say that a recall election should be ordered even if the official has resigned within the five day period after notice of certification. In fact, it says the opposite. Failure to resign within five days of notice is a condition to going forward with ordering the recall election

The only reference in the recall law to going forward with an election after the official has resigned is the following:

"If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted." That language is clear enough. If the officer resigns after the recall election is scheduled the election goes forward.

What the law doesn't directly address is what happens if the resignation happens during the time after the five day notice period, but before the recall election has been ordered. Given that the only affirmative reference to going forward after a resignation is if the vacancy occurs after the election has been ordered, the implication is that you don't go forward if the vacancy occurs before the election is ordered.

As a general principle of interpretation where a special law creates exceptions to the general law, the general law will give way to specific exceptions. This recall law is an exception to the general laws which provide that an elected official remains in office through his term, until his elected successor qualifies for office. The general laws also provide generally applicable procedures for the filling of vacancies in elected offices. If the special law does not specifically vary from those general principles, then the general law will apply. Here the recall law expressly addresses a vacancy that occurs after the recall election has been ordered. In the case of a vacancy that occurs under any other circumstances the recall law is silent, so the general law governing vacancies would apply.

Tom

Thomas P. Crotty

Thomas P. Crotty & Associates, PLLC

Move that the Board of Selectmen order a recall election on the petition of recall of Daniel Freitas to be
held on

### Chapter A502. Special Acts

### § A502-6. Town Administrator.

AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF FAIRHAVEN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The executive powers of the town of Fairhaven shall be vested in the board of selectmen, who shall have all the powers given to boards of selectmen by the General Laws, except for those executive powers granted to the town administrator.

The board of selectmen shall serve as the chief goal-setting and policy-making agency of the town of Fairhaven. The duties and responsibilities for day-to-day management of the town shall be delegated to the town administrator. The board shall act through the adoption of policy directives and guidelines which shall be implemented by the town administrator and the officers and employees appointed by, or under the authority of, the board. Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board.

The board of selectmen shall:

- (a) enact rules and regulations to implement policies and to issue interpretations;
- (b) exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town;
- (c) appoint the town counsel and any special counsels, and all members of committees, boards and commissions except the finance committee and except those appointed by the moderator, elected by the voters or under the jurisdiction of the school committee and may make appointments to temporary posts and committees the board creates for special purposes;
- (d) have general administrative oversight of such boards, committees and commissions appointed by the board of selectmen;
- (e) have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and by the by-laws of the town of Fairhaven;
- (f) issue all town meeting warrants;
- (g) review the annual proposed budget submitted by the town administrator and make recommendations with respect to the annual proposed budget as the board deems advisable; provided, however, that the town administrator shall present the budget to the town meeting, incorporating the recommendations of the board of selectmen;
- (h) appoint, and may re-appoint, and enter into a contract for the employment of a town administrator for a term of not more than 3 years, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office; provided, that the town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate;
- (i) remove the town administrator at any time, for just cause following a formal procedure including a written intent to dismiss, a written response and a public hearing, to be completed within 30 days after

the issuance of a written intent to dismiss, in accordance with the terms of the town administrator's contract:

- (j) set the compensation for the town administrator, not to exceed an amount appropriated by the town meeting; and
- (k) designate a qualified person as acting town administrator to perform the duties of the office during any vacancy exceeding 30 days, caused by the town administrator's absence, illness, suspension, removal or resignation; provided, that the appointment of an acting town administrator shall be for a period not to exceed 180 days.
- SECTION 2. The town administrator shall be the chief administrative officer of the town of Fairhaven and shall act as the agent for the board of selectmen. The town administrator shall be responsible to the board of selectmen for coordinating and administering all town affairs under the jurisdiction of the board of selectmen.

The town administrator's powers and duties shall include those outlined in subsections (a) to (aa), inclusive.

- (a) Consult and advise the board of selectmen regarding its policies and implement those policies.
- (b) Attend all meetings of the board of selectmen, except when excused, and consult with and advise the board of selectmen on all matters that come before the board.
- (c) Attend all town meetings and advise the town meeting on all warrant articles within the jurisdiction of the board of selectmen.
- (d) Attend all finance committee meetings, except when excused by the board of selectmen, and keep the finance committee informed on all matters under the jurisdiction of the town administrator that come before the committee.
- (e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen including: assessors, building commission, council on aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, highway, water, sewer, tree and park, planning, finance, finance director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the board of selectmen and the fire department, subject to section 42 of chapter 48 of the General Laws.
- (f) Review and advise the board of selectmen on all warrants for the payment of town funds as prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws.
- (g) Except with respect to the school department, the town administrator shall have sole authority over the administration of personnel policies for all town employees. With respect to the fire department, such authority shall be subject to section 42 of chapter 48 of the General Laws. The town administrator shall act as the personnel board under all applicable laws and by-laws, except as otherwise set forth in this act. The personnel board as presently constituted shall be eliminated upon the appointment of the town administrator. The town may enact by-laws establishing the wages, salaries and other benefits of employees, which shall be consistent with the authority granted to the town administrator in this act. Notwithstanding the elimination of the personnel board, all actions taken prior to the appointment of the town administrator by the personnel board within its authority, and by any other town official or board, with respect to personnel, including the appointment of all officers and employees, shall continue in full force and effect subject to future action by the town administrator within the town administrator's authority.
- (h) Administer the town's insurance policies, including the ability to settle claims; provided, however, that all insurance contracts and claims settlements shall receive the approval of the board of selectmen.
- (i) With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator. Each department head, with the approval of the town administrator, shall appoint and remove all department staff within their respective departments. All appointments shall be based entirely on merit and fitness. All appointments and terminations shall be conducted in accordance with the General Laws, personnel policies, by-laws of the town of Fairhaven

and any applicable employment contracts; provided, that fire department appointments shall also be subject to section 42 of chapter 48 of the General Laws.

- (j) With the approval of the board of selectmen, reorganize any departmental structures under the jurisdiction of the town administrator.
- (k) With the approval of the board of selectmen, negotiate all collective bargaining agreements on behalf of the town, except for the school department. The town administrator may seek the assistance of labor counsel if the town administrator deems it necessary to effect successful negotiations. All final agreements must be approved and executed by the board of selectmen.
- (I) With the approval of the board of selectmen, establish compensation packages for all town employees under the jurisdiction of the town administrator, not subject to a collective bargaining agreement. Such compensation shall not exceed the amount appropriated therefor by town meeting and shall be subject to all applicable laws and by-laws.
- (m) Submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing 5 years. The proposed budget shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law establish additional financial information and reports to be provided by the town administrator. To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, the finance director, all boards, officers and committees of the town, including the school committee, shall furnish to the town administrator, in a writing in such a form as the town administrator shall establish, all relevant information in their possession, including a detailed estimate of the appropriations required and any available funds.
- (n) Report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the necessary tax rate.
- (o) Establish calendar dates by which the proposed budget, revenue statement and tax rate estimate are to be submitted to the board of selectmen.
- (p) Submit annually to the board of selectmen a 5-year capital improvements program, or the same as approved by a formal capital planning committee, to include: (i) a list of all capital improvements and supporting data proposed to be undertaken during the next 5 years; (ii) cost estimates, methods of financing and recommended time schedule; and (iii) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.
- (q) Advise the board of selectmen at least monthly, of all departmental year-to-date revenues.
- (r) Direct action as deemed necessary to ensure that all operating and capital budgets under the direct control of the town administrator are maintained in accordance with the town meeting vote that approved those budgets and coordinate efforts with the governing bodies of those departments not under the direct supervision of the town administrator to ensure that those operating and capital budgets are maintained in accordance with the town meeting vote that approved those budgets.
- (s) Keep and complete records of the office of the town administrator and annually submit to the board of selectmen, unless requested to do so more frequently, a full report of the operations of the office.
- (t) Be responsible for coordination of operational and strategic planning for the town.
- (u) Serve as the procurement officer for the town, establish and enforce procurement policies and guidelines in accordance with applicable state laws.
- (v) Manage and oversee the use, maintenance, security and, with the approval of the board of selectmen, regulate the rental for all the town buildings, properties and facilities, including information technology, except those under the jurisdiction of the school department, unless requested by the school department.
- (w) Prepare the application of all town warrants for approval by the board of selectmen.

- (x) With the approval of the board of selectmen, prosecute, defend and settle all litigation for or against the town, subject to such appropriation as may be necessary to effect settlement, except for litigation involving only the school department, or its officers and employees.
- (y) Delegate and direct any qualified town official or employee to carry out any duty that is within the authority of the town administrator.
- (z) During a temporary absence, with the approval of the board of selectmen, the town administrator may designate a qualified administrative employee or officer to exercise the powers and perform the duties of the town administrator.
- (aa) Perform any other duties or tasks assigned by the board of selectmen, assigned by the town meeting or mandated by applicable state law.
- SECTION 3. The town administrator of the town of Fairhaven shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town administrator. The town administrator may, without notice, cause the affairs of any division or department under the town administrator's supervision, or the conduct of any officer or employee thereof, to be examined.
- SECTION 4. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town of Fairhaven or any other authority, which are in force in the town on the effective date of this act, not inconsistent with this act, shall continue in full force and effect.
- SECTION 5. No contract existing, and no action at law or suit in equity, or other proceeding pending, on the effective date of this act shall be affected by this act.
- SECTION 6. The town of Fairhaven shall be governed by this act. To the extent that this act modified or repeals existing General Laws and special acts or the by-laws of the Town of Fairhaven, this act shall govern.
- SECTION 7. This act shall not impair the rights or obligations of any person holding a town office, or employed by the town, on its effective date, except those duties assigned by this act to another officer or employer, and except those duties which are subsequently assigned to another officer or employee pursuant to this act. No person who continues in the permanent full-time service or employment of the town shall forfeit their pay, grade or time in service as a result of this act.

SECTION 8. This act shall take effect upon its acceptance by the town of Fairhaven by a vote at the town meeting.

Approved, November 25, 2014.





### Wendy Graves <wgrayes@fairhayen-ma.gov>

### Town Administrator search

RICHARD WHITE < rickwhite 58@verizon.net> To: Wendy Graves <wgraves@fairhaven-ma.gov> Wed, Apr 21, 2021 at 12:42 PM

### Wendy

Thanks for considering us. I can make myself available immediately. I just completed a very successful search in Provincetown. I can forward you a clients list as well as references when I return to the office later this afternoon. I appreciate that the profile is complete. It will be factored in the price quote below. The search would be enhanced greatly if I am allowed access to interview the department heads as well as a select group of community leaders identified by the Board of Selectmen. I generally write up a synthesis of feedback from each group and meet with each Selectman to review as preparation for the search.

I will be unavailable from May 12th thru the 17th. I will be attending my daughter's graduation from law school at Emory University. I can offer Fairhaven a price of \$9,250 all inclusive (except for advertisement) to conduct a search. Our search comes with a guarantee that any candidate recommended by us will have a tenure of over 18 months. We will do a follow-up search at no cost absent advertisement costs if for some reason this is not accomplished. All of our recruits have served substantial tenures and we have yet been required to do a free search. We have done more than a hundred searches. We also attend all search committee meetings if the Selectmen choose to utilize a committee.

As mentioned, I will forward a list of clients with references later this afternoon. Hope this helps. Let me know if you need anything else or would like a formal proposal.

Many thanks, Rick White Groux-White Consulting, LLC 781-572-6332

Sent from my iPhone

> On Apr 21, 2021, at 11:56 AM, Wendy Graves <wgraves@fairhaven-ma.gov> wrote:

> >

[Quoted text hidden]



### Wendy Graves <wgraves@fairhaven-ma.gov>

### Town Administrator search

RICHARD WHITE <rickwhite58@verizon.net> To: Wendy Graves <wgraves@fairhaven-ma.gov> Wed, Apr 21, 2021 at 1:03 PM

Wendy: Was able to have someone forward references, clients. Thanks again, Rick

### On Apr 21RECRUITMENT REFERENCES (Partial List)

Provincetown, Massachusetts. Provincetown, located on the tip of Cape Cod, is a tourist destination and experiences a dramatic increase in population during the summer. This search was undertaken in late 2006 and a new Town Manager was appointed in April 2021.

Chair of the Select Board: Dave Abramson 508-487-7000 ext 519 Chair of the Search Committee: Rick Murray 508 776-9421 Interim Town Manager: Charlie Sumner 774-353-7033

Princeton Light, MA. The Princeton Municipal Light Department valued at over 12 million dollars serving approximately 2,000 customers. Groux-White Consulting was engaged in finding a new General Manager in July of 2020.

Chairman, Light Board: Richard Rys 508-369-5186

Charlton, MA. The Town of Charlton has a population of approximately 13,000. It is located 15 miles outside of Worcester. It has both a rural and suburban residential tradition. Charlton is over 48 square miles, has several working farms and is an attractive residential destination in the greater Worcester area. Groux-White Consulting was engaged in finding a new Town Administrator in September of 2019.

Search Committee Chair: Frank Morrell 774-230-5464 Chairman, Selectmen: David Singer 508-963-5865

Belmont, MA. The Town of Belmont has a population over 26,000. It is located less than 11 miles from Boston. Primarily a residential community, Belmont has a diverse population and housing stock as well as a reputation for providing superior municipal services. Groux-White Consulting was engaged in finding a new Police Chief in August of 2019.

Search Committee Chair: Mark Paolillo

Human Resources Director: Jessica Porter 781-541-0518

Littleton, MA. The Town of Littleton has a population of approximately 11,000 residents. It is located some 35 plus or minus miles from Boston. Primarily a residential community, Groux-White was hired by Ryan Strategies, LLC with the permission of the Littleton Board of Selectmen to conduct the recruitment on their behalf.

Human Resources Director: Ann Essman 978-5402450

Belmont, MA. The Town of Belmont has a population over 26,000. It is located less than 11 miles from Boston. Primarily a residential community, Belmont has a diverse population and housing stock as well as a reputation for providing superior municipal services. Groux-White Consulting was engaged in finding a new Town Administrator in July of 2017.

Search Committee Chair: Kate Bowen 671-852-9839

Chairman, Selectmen: Jim Williams 917-406-0393

Belmont Light, Belmont, MA An independent electric municipal utility valued at 45 million dollars serving electricity to 11,500 customers. Groux-White Consulting was engaged in finding a new General Manager in January of 2018.

Chairman, Light Board: Adam Dash 617-308-5057

Shirley, MA. The Town of Shirley has a population of 7,300 residents. It is located 50 miles north of Boston, close to the New Hampshire border. Primary a residential community. Groux-White Consulting was engaged in finding a new Town Administrator in February of 2018.

Chairman, Selectmen: Enrico Cappucci 978-270-3458 Chairman, Search Committee: Bryan Sawyer 978-855-8223

Sandisfield, MA. The Town of Sandisfield has a population of 915 residents. It is located in the Berkshires with a total land area of 53 square miles, one of the largest land area municipalities in Massachusetts. It is a rural and resort community. Groux-White Consulting was engaged in finding a new Town Administrator in August of 2018.

Chairman, Selectmen: Alice Boyd 508-237-5834

Easton, MA. The Town of Easton has a population of over 23,000. It is located 30 minutes from Boston, 45 minutes from Cape Cod and 45 minutes from Providence, Rhodes Island. Primarily a residential community, it has a reputation for providing its citizens excellent schools, public safety, recreation and quality of life. Groux-White Consulting was engaged in finding a new Town Administrator in April of 2017.

Search Committee Chair: Donna Abelli 508-259-9303 Chairman, Selectmen: Dan Murphy 617-293-4758

Yarmouth, MA. The Town of Yarmouth has a year-round population of 24,000 that increases substantially in the warmer weather months. It is located in Mid-Cape Cod between Nantucket Sound on its southern side and Cape Cod Bay to the north. Groux and Associates was engaged in September 2010 to assist the Town in finding a new Town Administrator following the retirement of it first and only Administrator who retired after 32 years in office. At the present time (January 2011) the Board of Selectmen is in the process of interviewing finalists for the position.

Search Committee Chairman: Peter Carnes 508 565 1717 Chairman, Selectmen: Erik Tolley 508 362 8883

Foxborough, Massachusetts. Foxborough is a community of 16,000 population located near I-95 and US Route 1 and is well known as the home the New England Patriots. The recruitment was a particular challenge because the Town's initial efforts to recruit resulted in few well qualified candidates. Groux and Associates was engaged after the initial recruitment failed. The position was readvertised, and this consultant was asked to conduct an extensive outreach program to attract additional as well as more qualified applicants. The recruitment was completed in mid-2010 and a new Town Manager took Office in the fall of 2010.

Search Committee Chairman: Anthony LaChapelle 508 272 2212 cell

Hamilton, Massachusetts. Groux and Associates completed recruitment services for the Hamilton Board of Selectmen and its Selection Committee in early 2010. Hamilton is a small community of 8,500 population on the North Shore. This is a new position. Hamilton petitioned for a Special Act to create this position in 2009. A total of 58 resumes were received and the committee interviewed 8 candidates and recommended three to the Board of Selectmen. The new Manager is took office in April.

Search Committee Chairman: Laurie Wilson 978 468 2621 cell Selectman Chairman: David Carey 978 468-9932 cell

Westford, Massachusetts. This Town Manager recruitment was completed in 2008. Westford had adopted a Home Rule Charter in 1989 establishing a Town Manager position. It is a suburban community 25 miles west of Boston located along Interstate 495 with a population of 21,300.

Robert Jefferies, Chairman of Board of Selectmen and member of Search

Southbridge, Massachusetts. This Town Manager recruitment was completed in 2008. Southbridge has a Council/Manager form of government. It has a population of 17,500 located just north of the Connecticut border along Interstate 84 and south of the Massachusetts Turnpike.

Reference: Pamela Regis, Councilor-at-Large and former member of Screening Committee, 508 728-4413

Framingham, Massachusetts. Framingham is the largest "town" in Massachusetts with a population of 67,000. A total of 51 applications were received for the position of Town Manager. Framingham has had two managers since adopting its present form of government in 1996. The new Manager took office June, 2006.

Chairman of the Board of Selectmen, Dennis Giombetti 508 532 5400

Lexington, Massachusetts. A residential/commercial, suburban community with a population of 30,000. A total of 60 applications were received for the position. There have been 3 managers since 1968. The new manager was appointed in April 2005.

Chairman of the Search Committee, Janet Perry 617 320 0239 cell Chairman of the Board of Selectmen, Norman Cohen 781 862 0500 X 208

Harwich, Massachusetts. Harwich is a residential community with a population of 12,000 located on Cape Cod. It is a vacation destination with a high seasonal population increase. The first Town Administrator moved on to another community after 17 years. This search was conducted during 2006 and a new Town Administrator was appointed in September 2006.

Chairman of the Board of Selectmen, Robin Wilkens 508 432 6821

Provincetown, Massachusetts. Provincetown, located on the tip of Cape Cod, is a tourist destination and experiences a dramatic increase in population during the summer. This search was undertaken in late 2006 and a new Town Manager was appointed in February 2007.

Chairman of the Board of Selectmen was Cheryl Andrews 508 487 9936 Chairman of the Search Committee was Austin Knight 508 487 6992

Winthrop, Massachusetts. A north shore community, adjacent to East Boston, with a population of 17,000. The Town changed its form of government in 2006 from a Board

of Selectmen Town Meeting form to a Council/Manager form. The Council President and Town Council appointed the town's first town manager in April 2006.

Chairman of the Search Committee, Jim Letterie 781 983 6879 cell Council President, Tom Reilly 617 846 1852

Committee at same time. 978 692 4471

, 2021, at 11:56 AM, Wendy Graves <wgraves@fairhaven-ma.gov> wrote:

[Quoted text hidden]



### Wendy Graves <wgraves@fairhaven-ma.gov>

### Town Administrator search

Warren Rutherford <wir@theexecutivesuite.com> To: Wendy Graves <wgraves@fairhaven-ma.gov>

Wed, Apr 21, 2021 at 12:44 PM

Hi Wendy,

Thank you for reaching out, my answers to your questions are below. Please advise on our status for the search. Thanks.

- 1. How much will the search cost? \$ 11,000. Includes recruitment advertising, receive and screen applications, interview participation with screening committee and Board of Selectmen, reference and background checks, and administering benchmark profile assessment.
- 2. What is your availability? Immediate
- 3. Recent work experience? See below on references for most recent executive searches.
- 4. References?
  - a. Town of Mansfield, CT Antonia Moran, Mayor, (860) 933-1844 (mobile), morant@mansfieldct.org. Town Manager recruitment 2020.
  - b. Town of Nantucket, MA Ms. Amanda Perry, Human Resources Director (508) 228-7200 ext. 7308, aperry@nantucket-ma.gov or Ms. C. Elizabeth Gibson, Town Manager (508) 228-7255. LGibson@nantucket-ma.gov. Finance Director, Wastewater Director, DPW Director, Deputy DPW Director
  - c. Latham Centers, Brewster, MA, Anne McManus, President and CEO, 508-221-0124, amcmanus@lathamcenters.org. Vice President of Finance recruitment, 12/2020.

Reserve time with Calendy

Kindest regards,

Warren J. Rutherford

President

The Executive Suite

100 Independence Drive, 7-116

Hyannis, MA 02601

508-778-7700 O

508-367-4825 M

wjr@theexecutivesuite.com

www.theexecutivesuite.com

### Subscribe to our Newsletter

[Quoted text hidden]



Wendy Graves <wgraves@fairhaven-ma.gov>

### **Town Administrator search**

MRI Corporate < corporate@mrigov.com> To: Wendy Graves <wgraves@fairhaven-ma.gov> Wed, Apr 21, 2021 at 4:57 PM

Wendy,

Thank you for reaching out to MRI. I spoke with Alan Gould, MRI's president who handles all of our recruitments. He said that given our current workload and pending proposals we are not able to take on any new recruitment work at this time.

Best of luck with the search.

Christian

### Christian Pearsall

Municipal Resources, Inc.

66 Main Street, Suite B

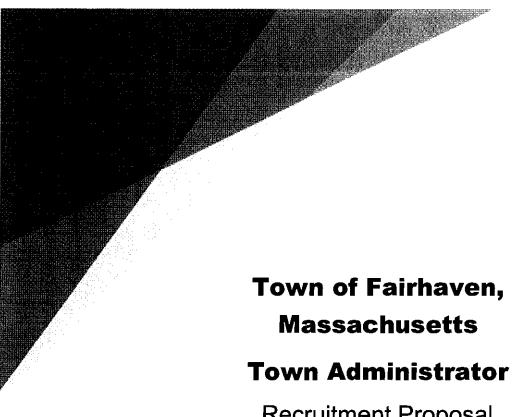
Plymouth, NH 03264

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www.mrigov.com

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Recruitment Proposal April 21, 2021



630 Dundee Road Suite 130 Northbrook, IL 60062 847-380-3240 info@GovHRusa.com



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### **About Us**

A note about COVID-19 -- We are carefully monitoring recommendations from the federal, state and local governments and working with clients as they begin to reopen. Before COVID we made extensive use of technology for video interviews with candidates and meetings with clients. We have utilized these during COVID and can combine technology with appropriate in person meetings to assist clients in cost effective recruiting processes.

GovHR is a public management consulting firm serving local government clients and other public-sector entities across the country. Our headquarters are in Northbrook, Illinois. We are a certified Female Business Enterprise in the State of Illinois and work exclusively in the public and non-profit sectors. GovHR offers customized executive recruitment services, management studies and consulting projects for local government and organizations who work with local government. Please note the following key qualifications of our firm:

- Since our establishment in 2009, our consultants have conducted more than 700 recruitments in 41 states, with an increase in business of at least 30% each year. Twenty-eight (28%) of our clients are repeat clients, the best indicator of satisfaction with our services.
- Surveys of our clients show that 94% rate their overall experience with our firm as Outstanding and indicate they plan to use our services or highly recommend us in the future.
- Our state of the art processes, including extensive use of social media for candidate outreach and video interviews with potential finalist candidates, ensure a successful recruitment for your organization.
- Our high quality, thorough recruitment brochure reflects the knowledge we will have about your community and your organization and will provide important information to potential candidates.
- ➤ We are committed to providing you with a pool of candidates that reflects the diversity of your community. We support the following organizations with our time as well as provide financial resources: National Forum for Black Public Administrators, Local Government Hispanic Network, League of Women in Government and Engaging Local Government Leaders.

GovHR is led by Heidi Voorhees, President, and Joellen Cademartori, Chief Executive Officer.

Ms. Voorhees has conducted more than 400 recruitments in her management consulting career, with many of her clients repeat clients, attesting to the high quality of work performed for them. In addition to her 17 years of executive recruitment and management consulting experience, Ms. Voorhees has 19 years of local government leadership and management service, including ten years as the Village Manager for the Village of Wilmette, Illinois.

Ms. Cademartori is a seasoned manager, with expertise in public sector human resources management. She has held positions from Human Resources Director and Administrative Services Director to Assistant Town Manager and Assistant County Manager. Ms. Cademartori has worked in forms of government ranging from Open Town Meeting to Council-Manager and has supervised all municipal and county departments ranging from Public Safety and Public Works to Mental Health and Social Services. She has worked in Massachusetts, North Carolina, and Illinois.



## Our Team

### Recruitment Consultant & Main Point of Contact:

Mike Jaillet
Vice President
781-760-3658
MJaillet@GovHRusa.com

### Proposal Inquiry:

Laurie Pederson
Administrative Services Director
847-380-3198
LPederson@GovHRusa.com

### GovHR Owners:

Heidi J. Voorhees
President
847-380-3243
HVoorhees@GovHRusa.com

Joellen J. Cademartori
Chief Executive Officer
847-380-3239
JCademartori@GovHRusa.com



### References

The following references can speak to the quality of service provided by GovHR.

Worcester Public Library, MA
(Director of Libraries, 2020)
Stephanie Pasha, Board President
3 Salem Street
Worcester, MA 01608
spasha@wpi.ed
Sulma Rubert-Silva, Associate Director
508-799-1690
srubert-silva@mywpl.org

Sykesville, MD (Town Manager, 2019) Ian Shaw, Mayor 7547 Main Street. Sykesville, MD 21784 410-795-8959 IShaw@sykesville.net

Portsmouth, NH
(City Manager, 2019)
Nancy Colbert Puff, Deputy City Manager
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7297
NColbertPuff@cityofportsmouth.com



### Scope of Services - Full Scope Recruitment

A typical recruitment and selection process takes approximately 175 hours to conduct. At least 50 hours of this time is administrative, including advertisement placement, reference interviews, and due diligence on candidates. We believe our experience and ability to professionally administer your recruitment will provide you with a diverse pool of highly qualified candidates for your position search. GovHR clients are informed of the progress of their recruitment throughout the entire process. We are always available by mobile phone or email should you have a question or need information about the recruitment.

### Phase I: Position Assessment, Position Announcement & Brochure

One-on-one or group interviews will be conducted with stakeholders identified by the client to develop the Recruitment Brochure. We have a variety of other options for gathering input:

- > Dedicated email and surveys to obtain feedback from stakeholder groups
- Public Forums conducted by our consultants

A combination of the above items can be used to fully understand community and organizational needs and expectations for the position.

Development of a Position Announcement to be placed on websites and social media

Development of a thorough Recruitment Brochure for client review and approval



Agreement on a detailed **Recruitment Timetable** – a typical recruitment takes between 90 to 120 days from the time you sign the contract to appointment of the finalist candidate.

### Phase II: Advertising, Candidate Recruitment & Outreach

We make extensive use of social media as well as traditional outreach methods to ensure a diverse and highly qualified pool of candidates. In addition, our website is well known in the local government industry — we typically have 6,000 visits to our website <u>each month</u>. Finally, we develop a database customized to your recruitment and can send an email blast to thousands of potential candidates.

Phase II will include the following:

- GovHR consultants will personally identify and contact potential candidates in person, via email, and also via telephone.
- > Develop a database of potential candidates from across the country unique to the position and to the client, focusing on:
  - Leadership and management skills
  - > Size of organization
  - > Experience in addressing challenges and opportunities also outlined in Phase I
- The database will range from several hundred to thousands of names and an email blast will be sent to each potential candidate.



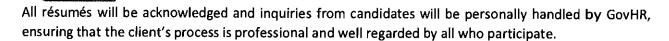
### Scope of Services - Continued

- Placement of the Position Announcement in appropriate professional online publications:
  - Public sector publications & websites
  - Social media
    - LinkedIn (over 15,000 connections)
    - Facebook
    - Twitter
    - Instagram
- GovHR will provide you with a list of advertising options for approval

### PHASE III: Candidate Evaluation & Screening

Phase III will include the following steps:

- Review and evaluation of candidates' credentials considering the criteria outlined in the Recruitment Brochure
- > Candidates will be narrowed down to those candidates that meet the qualification criteria
- Candidate evaluation process:
  - Completion of a questionnaire explaining prior work experience
  - Live Video Interview (45 minutes to 1 hour) conducted by consultant with each finalist candidate
  - o References (at least 2 references per candidate will be contacted at this time)
  - Internet/Social Media search conducted on each finalist candidate



### Phase IV: Presentation of Recommended Candidates

Phase IV will include the following steps:

- GovHR will prepare a Recruitment Report presenting the credentials of those candidates most qualified for the position.
- GovHR will provide an electronic file which contains the candidates' materials with a "mini" résumé for each candidate so that each candidate's credentials are presented in a uniform way.
- Client will receive a log of all applicants and may review résumés if requested.
- Report will arrive in advance of the Recruitment Report Presentation.

GovHR will spend approximately 2 hours with the client reviewing the recruitment report and providing additional information on the candidates.





### Scope of Services - Continued

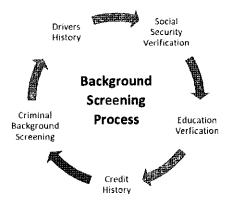
### Phase V: Interviewing Process & Background Screening

Phase V will include the following steps:

### GovHR will:

- > Develop the first and second round interview questions for your review and comment
- > Coordinate candidate travel and accommodations
- Provide you with interview books that include:
  - Candidates Credentials
  - Set of questions with room for interviewers to make notes
  - Evaluation sheets to assist interviewers in assessing the candidate's skills and abilities

Background screening* will be conducted along with additional references contacted:



*Per state and federal regulations

GovHR will work with you to develop an interview schedule for the candidates, coordinating travel and accommodations. GovHR consultants, if requested, will be present for all the interviews, serving as a resource and facilitator.

GovHR will coordinate a 2-Step Interview process. The first round interviews will include five or six candidates. The second round interviews will include two or three candidates. GovHR will supply interview questions and an evaluation form.

In addition to a structured interview, the schedule can incorporate:

- > Tour of client facilities
- > Interviews with senior staff



### **Scope of Services - Continued**

### Phase VI: Appointment of Candidate

- > GovHR will assist you as much as you request with the salary and benefit negotiations and drafting of an employment agreement, if appropriate.
- GovHR will notify all applicants of the final appointment, providing professional background information on the successful candidate.



### Project Timeline - Full Scope Recruitment

					Mode	Wook	Wook	Week	Meek	Week	Week
Week Wee	3	Week 4			vveek 8		10		12	13	14
Phase I		Phe	se II	)							
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						•	Phase	Ŋ			
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											se VI

Weeks 1 & 2 Phase 1: On Site Interviews & Brochure Development

Weeks 3 thru 6 Phase 2: Advertising, Candidate Recruitment & Outreach

Weeks 7 thru 9 Phase 3: Candidate Evaluation & Background Screening

Week 10 Phase 4: Presentation of Recommended Candidates

Week 11 & 12 Phase 5: Interview Process & Additional Background Screening

Weeks 13 & 14 Phase 6: Appointment of Candidate

^{*}In certain recruitments, the above schedule can be condensed to 12-weeks. Please inquire for details.



#### Full Scope Recruitment – Price Proposal

#### **Summary of Costs:**

We are carefully monitoring recommendations from the federal, state and local governments and working with clients on alternatives to in person meetings. We are fully operational and can work with you via video and by utilizing electronic files. If at the time of recruitment, COVID-19 restrictions are lifted and travel is possible, we are happy to attend meetings in person. For this reason, we have priced travel as a separate expense.

**Consultant travel expenses are not included in the price proposal. If the consultant is requested to travel to the client, we estimate \$ 1000 per trip (up to 3 trips) for travel. Only actual expenses will be billed to the client for reimbursement to GovHR.

Possible in-person meetings could include:

- 1. Recruitment brochure interview process
- 2. Presentation of recommended candidates
- 3. Interview Process

Any additional consultant visits requested by the Client (beyond the three visits listed above) will be billed at \$125/hour; \$500 for a half day and \$950 for a full day. The additional visits may also result in an increase in the travel expenses and those expenses will be billed to the client.

#### Recruitment Fee:

\$18,000

#### **Recruitment Expenses:**

Expenses include candidate due diligence efforts

\$1,500

#### Advertising:

*Advertising costs over \$2,500 will be placed only with client approval. Client is billed only for actual cost.

\$2,500*

Total:

\$22,000**

**This fee does not include travel and accommodations for candidates interviewed.

#### Payments for Fees & Services:

Professional fees and expenses will be invoiced as follows:

1" Payment: 1/3 of the Recruitment Fee (invoice sent upon acceptance of our proposal).

2rd Payment: 1/3 of the Recruitment Fee and expenses incurred to date (invoice sent following the recommendation of candidates).

**Final Payment:** 1/3 of the Recruitment Fee and all remaining expenses (invoice sent after recruitment is completed).

Recruitment expenses will be itemized in detail. Payment of invoices is due within thirty (30) days of receipt.



#### Guarantee

#### GovHR Guarantee

GovHR is committed to assisting our clients until a candidate is appointed to the position. Therefore, no additional professional fee will be incurred if the client does not make a selection from the initial group of recommended candidates and requests additional candidates be developed for interview consideration. If additional advertising beyond the Phase I advertising is requested, client will be billed for actual advertising charges. Reimbursable expenses may be incurred should the recruitment process require consultant travel to the Client.

Upon appointment of a candidate, GovHR provides the following guarantee: should the selected and appointed candidate, at the request of the client or the employee's own determination, leave the employ of the client within the first 12 months of appointment, we will, if desired, conduct one additional recruitment for the cost of expenses and advertisements only. This request must be made within six months of the employee's departure.

#### Why Choose GovHR?

- ➤ We are a leader in the field of local government recruitment and selection with experience in more than 38 states, in communities ranging in population from 1,000 to 1,000,000. More than 28% of our clients are repeat clients showing a high level of satisfaction with our work. We encourage you to call any of our previous clients.
- ➤ We are committed to bringing a diverse pool of candidates to your recruitment process. We network extensively with state, city and county management associations, attending more than 20 state and national conferences each year. In addition, we support and attend the meetings of League of Women in Government, the Local Government Hispanic Network, National Forum for Black Public Administrators and Engaging Local Government Leaders.
- We conduct comprehensive due diligence on candidates. Before we recommend a candidate to you, we will have interviewed them via video, conducted reference calls, and news media and social media searches. Our knowledge of local government ensures that we can ask probing questions that will verify their expertise.
- > We are your partners in this important process. You are welcome to review all the resumes we receive and we will share our honest assessment of the candidates.
- > Our goal is your complete satisfaction. We are committed to working with you until you find the candidate that is the best fit for your position.



#### Signature Page

We believe we have provided you with a comprehensive proposal; however, if you would like a service that you do not see in our proposal, please let us know. We can most likely accommodate your request.

This proposal will remain in effect for a period of six months from the date of the proposal. We look forward to working with you on this recruitment and selection process!

Town of Fairhaven, Massachusetts agrees to retain GovHR USA, LLC ("GovHR") to conduct a Town Administrator Recruitment in accordance with its proposal dated April 21, 2021. The terms of the proposal are incorporated herein and shall become a part of this contract.

#### ACCEPTED:

Town of Fairhaven, Massachusetts
Ву:
Title:
Date:
Billing Contact:
Billing Contact Email:
GovHR USA, LLC
Ву:
Title:
Date:



# Optional Services

#### GovTemps USA

Need an Interim? GovTempsUSA, a subsidiary of GovHR USA, specializes in the temporary placement of positions in local government. The firm offers short-term assignments, in addition to long-term and outsourced arrangements. Our placement professionals at GovTempsUSA have typically enjoyed distinguished careers in local government and displayed a commitment to public service throughout their career.

#### Recorded One-Way Video Interview of Candidates

Candidates we recommend for your consideration can complete a one way video interview with 3 to 5 questions that will be recorded and which you can review electronically at your convenience. This can occur prior to making your decision on which candidates to invite for an interview. Cost \$100 per candidate.

#### Leadership/Personality Testing

GovHR has experience working with a wide variety of leadership and personality assessment tools, depending on the qualities and experiences the client is seeking in their candidates. These include but are not limited to Luminaspark, Caliper, DISC and others. Depending on the evaluation type selected fees can range between \$100 to \$500 per candidate.

#### 360° Evaluation

As a service to the Client, we offer the option to provide you with a proposal for a 360° performance evaluation for the appointed position at six months into his or her employment. This evaluation will include seeking feedback from both elected officials and department directors, along with any other stakeholder the Client feels would be relevant and beneficial. This input will be obtained on a confidential basis with comments known only to the consultant. If you are interested in this option, GovHR will prepare a proposal for this service.



### MICHAELA. JAILLE



Michael A Jaillet is a Vice President for GovHR USA. Mr. Jaillet has extensive experience in local governance, operations, staffing and management domestically and internationally.

Mr. Jaillet has over 36 years of local government management experience working in four municipalities in the Boston metropolitan area. He spent most of his career in Westwood Massachusetts, an affluent suburban community where he served as the Town Administrator for 32 years. Over his tenure he had a range of accomplishments including continuing expansion and updating of services, hiring key executive staff, facility management and maintenance, expanding affordable housing opportunities, fostering economic development, enhancing fiscal stability and promoting transparent and ethical governance. Mr. Jaillet also served as Bellingham Massachusetts' first Administrator for two years, a manager and consultant to the City of Boston Assessing Department over five years, and Planning Analyst for Clinton Massachusetts for one year.

Mr. Jaillet has extensive international experience and interest. After graduating from college, Mr. Jaillet started his career as a Peace Corps Volunteer in Tougan Sous-Prefecture in Burkina Faso, West Africa where he was a Rural Development Planner and Grantsman for two years. Mr. Jaillet has continued his interest in international development as a member, chair and vice chair of the International City/County Management Association's (ICMA) International Committee for 20 years. Examples of Mr. Jaillet's International work includes leader of the Advance Team Montenegro Resource City Program, Economic Development Expert volunteer for the Engine ICMA Program in Kyela Tanzania, CLAIR Fellowship Exchange Delegate representing the ICMA in Japan, Massachusetts Municipal Association Exchange Delegate in Pakistan, Rotary International District 7910 Delegate in KwaZulu Natal South Africa, presenter on Citizen Participation in Sweden and Slovakia, on Economic Development in Jamaica, and on Ethics in Mexico.

Mr. Jaillet earned a Master of Arts Degree in Economics and a Master of Science in Urban Affairs and Policy Analysis from Southern Illinois University in Edwardsville, Illinois where he served as a Research Assistant (2) and Marketing Analyst and was awarded the Leo Cohen Award in Urban Management. He earned a Bachelor of Arts Degree in Political Science from Southeastern Massachusetts University in Dartmouth, Massachusetts. Mr. Jaillet taught a graduate course in Administrative Strategies for Local Government at the Sawyer School of Management at Suffolk University in Boston and courses in Economics at Framingham State College, Blackburn College in Carlinville, and Southern Illinois University in Edwardsville, where he was nominated for the Teaching Excellence Award.

#### PROFESSIONAL EDUCATION

- Master of Arts in Economics from Southern Illinois University
- Master of Science in Urban Affairs and Policy Analysis from Southern Illinois University
- Bachelor of Arts in Political Science from Southeastern Massachusetts University

#### PROFESSIONAL DEVELOPMENT AND

#### SPEAKING ENGAGEMENTS

- Administrative Strategies for Local Government, Suffolk University, Boston, MA (Instructor)
- Economics, Framingham State College, (Instructor)
- Economics, Blackburn College, Carlinville (Instructor)
- Economics, Southern Illinois University, Edwardsville, IL (Instructor/Analyst)

#### MEMBERSHIPS AND AFFILIATIONS

- International City/County Management Association
- Massachusetts Municipal Management Association
- Massachusetts Municipal Association

#### PROFESSIONAL BACKGROUND

Town Administrator, Westwood, MA
 Town Administrator, Bellingham, MA
 1987 - 2019
 1985 - 1987

 Manager and Consultant, City of Boston Assessing Department, Boston, MA

1983 - 1988



P: 847.380.3240

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Position Type	STATE	CLIENT  An observed a section and Colinans of the Section of the S	MALLAND EDUCATION CONTINUES TRANSPORTED TRANSPORTED TO THE THE THROUGH THE SHARP AND THE STATE OF THE THROUGH THE SHARP AND THROUGH THE STATE OF THE THROUGH THE SHARP AND THROUGH THR	OPULATION	YEAR
City Management	Alaska	Bethel	City Manager	6,500	2019
		Homer	City Manager (Professional Outreach)	5,300	2019
		Seward	City Manager	2,693	2019
		Unalaska	City Manager	4,768	2017
	Colorado	Eagle	Town Manager	6,739	2017
		Englewood	City Manager	34,957	2019
	Connecticut	Cheshire	Town Manager	29,261	2017
		East Hampton	Town Manager	13,000	2019
		Enfield	Town Manager	45,246	2015
					2018
					2020
		Meriden	City Manager	60,838	2018
	Delaware	Newark	City Manager	33,398	2018
	Florida	Gainesville	Assistant City Manager	133,997	2021
		Lakeland	City Manager	110,000	2020
		Largo	Assistant City Manager	82,244	2018
		Palm B <b>e</b> ach	Assistant City Manager	85,933	2021
	Georgia	Decatur	Assistant City Manager	25,000	2018
			City Manager	25,000	2018
	Illinois	Algonquin	Village Manager	30,947	2012
		Anna	Outsourced - City Administrator	11,940	2018
		Arlington Heights	Village Manager	75,525	2014
		Barrington	Village Manager	10,455	2018
		Bensenvill <b>e</b>	Village Manager	20,703	2015
		Berkeley	Interim Village Administrator	5,148 5,221	2016 2014
			Village Administrator (Annual	3,221	201-
			Contract)	5,221	2014
		Bloomington	City Manager	78,005	2018
			Temp-to-Hire Assistant City Manager	22,267	2014
		Buffalo Grove	Interim Deputy Village Manager	42,909	
			Village Manager	42,909	
		Campton Hills	Interim Village Manager	11,310	
		Carbondale	City Manager	25,092	2011
		Cary	Municipal Consultant	17,840	
		,	Village Administrator	18,713	2011
		Centralia	City Manager	13,000	2020
		Clarendon Hills	Interim Village Manager	8,652	2014
			Village Administrator	8,572	
			Village Manager	8,572	
		Crest Hill	City Administrator	20,837	2015

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Position Type	STATE	CLIENT	POSITION	<b>PULATION</b>	YEAR
City Management	Illinois	Darien	Outsourced - City Administrator	22,086	2018
		Decatur	City Manager	76,178	2014
					2018
			Deputy City Manager	76,178	2019
		DeKalb	City Manager	44,862	2013
				43,849	2018
			Interim Assistant City Manager	43,423	2014
		Dixon	City Manager	18,601	2015
		East Moline	City Administrator	21,300	2011
					2016
		East Peoria	City Administrator	23,503	2016
		Effingham	City Administrator	12,384	2010
				12,577	2018
		Elmhurst	City Manager	43,300	2010
		Fox Lake	Village Administrator	10,550	2013
		Fox Lake	Interim Village Administrator	10,563	2013
		Freeport	City Manager	25,000	2017
		Galesburg	City Manager	33,706	2010
		Geneseo	City Administrator (Virtual)	6,500	2019
		Gilberts	Interim Village Administrator	7,724	2018
		Glen Ellyn	Assistant Village Manager	27,000	2013
			Interim Assistant Village Manager	28,042	2017
		•	Village Manager	27,000	2010
		Glencoe	Assistant Village Manager	8,723	2015
•			Village Manager	8,723	2013
•		Hainsville	Management Consultant	3,665	2017
		Hanover Park	Village Manager	38,510	2012
		Highland Park	City Manager	31,365	2011
•		Highwood	Temp-to-Hire City Manager	5,407	2011
		Hinsdale	Village Manager	16,816	2013
		Homer Glen	Interim Village Manager	24,365	2018
•			Village Manager	24,220	2011
		Homewood	Assistant Village Manager (Virtual)	19,464	2017
			Interim Assistant Village Manager	51,738	2017
		Inverness	Village Administrator	7,400	2013
		Joliet	City Manager	147,500	2013
					2017
			Interim City Manager	147,500	2020
		Kenilworth	Village Manager	2,562	2012
		La Grange	Assistant Village Manager (Virtual)	15,732	2017
		La Grange	Village Manager	15,732	2017
		La Grange Park	Assistant Village Manager	13,579	2020
			Interim Assistant Village Manager	13,483	2016
		Lake Bluff	Assistant to the Village Manager	5,700	2016

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Position Type	STATE	CLIENT	POSITION	<b>PULATION</b>	YEAR
City Management	Illinois	Lake For <b>e</b> st	City Manager	19,375	2018
		Lake Villa	Village Administrator	8,774	2013
		Lake Zurich	Village Manager	19,631	2019
		Libertyville	Village Manager	20,431	2016
			Interim Deputy Village Administrator	20,405	2018
		Lincoln	City Administrator	14,500	2014
			Interim City Administrator	13,969	2017
			Temp-to-Hire City Administrator	14,186	2013
			Assistant Village		
			Manager/Community Development		
		Lincolnshire	Director	7,500	2016
			Village Manager	7,500	2012
		Lindenhurst	Village Administrator	14,468	2017
		Lockport	Interim City Administrator	25,077	2013
		Lombard	Village Manager	43,165	2013
		Maple Park	Interim Village Manager	1,325	2019
		Marengo	City Administrator	7,614	2013
		Mettawa	Part-time Village Administrator	500	2010
		<b>Moke</b> na	Village Administrator	19,042	201
		Moline	City Administrator	43,100	2017
			Interim City Administrator	43,483	2020
		Monmouth	City Administrator	9,444	2014
		Morton Grove	Village Administrator	23,500	2013
		Mt. Prospect	Village Manager	54,771	201
		Mundelein	Village Administrator	31,385	2020
		New Lenox	Village Administrator	25,000	2013
		Niles	Interim Assistant Village Manager	30,001	2013
		Normal	City Manager	54,264	2017
		Northbrook	Village Manager	35,000	2023
		Oak Brook	Interim Assistant Village Manager	8,058	2014
			Village Manager	7,883	2014
		Oak Park	Interim Assistant Village Manager	52,000	2015
			Assistant Village Manager/Human		
			Resources Director	52,000	2019
			Interim AVM/HR Director	52,000	2019
		Orland Park	Village Manager	60,000	2016
					2019
		Palos Heights	City Administrator (Virtual)	12,480	202
		Pekin	City Manager	33,223	2016
		Pingree Grove	Village Manager	10,000	2020
		Prairie Grove	Village Manager - Direct Hire	1,857	2018
		Princeton	City Manager	7,700	2013
		Princeton	City Manager	7,700	2019



Position Type	STATE	CLIENT	POSITION	<b>PULATION</b>	YEAR
City Management	Illinois	River Forest	Villlage Administrator	11,635	2010
		Rock Island	City Manager	39,684	2011
		Savoy	Village Administrator (Virtual)	8,607	2020
		Schiller Park	Interim Village Manager	11,692	2019
				11,775	2015
			Village Manager	11,870	2015
		Shorewood	Village Administrator	17,495	2018
		Skokie	Village Manager	65,000	2013
		South Barrington	Interim Village Administrator	4,808	2014
		Tinley Park	Village Manager	58,000	2013
		Vernon Hills	Village Manager	25,911	2021
•		Volo	Village Administrator	3,300	2013
		Washington	City Administrator	15,700	2015
•		Wauconda	Village Administrator	13,758	2013
					2017
•		Willowbrook	Interim Village Administrator	8,967	2019
			Village Administrator	8,967	2019
		Wilmington	Interim City Administrator	5,724	2016
		Winnetka	Interim Assistant Village Manager	12,417	2019
			Assistant Village Manager	12,422	2019
•		Woodridge	Village Administrator	32,971	2017
	Indiana	Munster	Town Manager	23,603	2014
•			Town Manager (Professional		
		5t. John	Outreach)	18,047	2020
	lowa	Bondurant	City Administrator	5,493	2017
		Burlington	City Manager	25,663	2011
		Muscatine	City Administrator	23,819	2020
		Newton	City Administrator	15,000	2016
		Washington	City Administrator	7,266	2011
		Webster City	City Manager	8,000	2016
		West Liberty	City Manager	3,736	2013
		Windsor Heights	City Administrator	4,860	2019
	Maryland	Greenbelt	City Manager	23,753	2016
		Hagerstown	City Administrator	40,612	2015
		5ykesville	Town Manager	3,941	2019
		Westminster	City Administrator	18,522	2021
	Massachusetts	Cambridge	City Manager	110,000	2016
		Eastham	Town Administrator	4,956	2016
		Provincetown	Town Manager	2,990	2015
		Williamstown	Town Manager	8,400	2015
	Michigan	Adrian	City Administrator	20,676	2018
	_		Interim City Administrator	20,676	2018
		Albion	City Manager	8,337	2018
		Alpena	City Manager	10,410	2012

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Position Type	STATE	CLIENT	POSITION	<b>)PULATION</b>	YEAR
City Management	Michigan	Caro	City Manager	4,208	2012
		Charlotte	City Manager	9,100	2020
			Interim City Manager	9,100	2020
		Clawson	Interim City Manager	11,946	2018
		Delta Charter Township	Township Manager	32,400	2014
		Eastpointe	City Manager	32,673	2019
			Interim City Manager	32,673	2018
					2019
		Ferndale	City Manager	20,428	2019
		Hamtramck	City Manager	21,752	2017
		Kalamazoo	City Manager	75,000	2013
		Lincoln Park	City Manager	36,665	2019
		Oakland Township	Township Manager	16,779	2013
		·		19,132	2018
		Oxford	Interim Village Manager	3,532	2017
		Rochester	City Manager	13,000	2019
		Royal Oak	City Manager	59,112	2019
		Troy	Assistant City Manager	83,813	2019
		·	City Manager	83,813	2018
	Minnesota	St. Louis Park	City Manager	48,662	2021
		Waconia	City Administrator	13,500	2021
		Woodbury	Assistant City Administrator	68,820	2017
	Missouri	Ballwin	City Administrator	30,181	2020
		Cape Girardeau	City Manager	38,000	2020
		Ferguson	City Manager	21,111	2019
		Maryland Heights	City Administrator	27,436	
		Republic	City Administrator	15,590	
		South Lyon	City Manager	11,327	2018
		University City	Assistant City Manager	35,172	2020
			City Manager	35,172	2017
			Assistant to the City	·	
			Manager/Communications Director	35,172	2018
			Assistant to the City	,	
			Manager/Director of Human		
			Resources	35,172	2020
		Webster Groves	City Manager	22,800	
		Wildwood	City Administrator	35,517	
		**************************************	City Manager	35,524	
	Nevada	Boulder City	City Manager	16,207	2021
	New Hampshire	*	City Manager	21,796	
	New Jersey	Waldwick	Borough Administrator	9,800	
	New York	Long Beach	Deputy City Manager (Virtual)	33,275	
	item for	Mamaroneck	Town Administrator	29,156	
			Village Manager	19,426	



Position Type	STATE	CLIENT	POSITION	)PULATION	YEAR
City Management	North Carolina	Fayetteville	Assistant City Manager	210,000	2012
					2017
					2018
			Interim Project Manager	210,000	2017
			Project Manager	208,000	2020
*	North Dakota	Minot	City Manager	45,700	2020
	Ohio	Oberlin	City Manager	8,390	2016
	Oregon	Coquille	Interim City Manager	3,900	2019
	Pennsylvania	Ferguson Township	Township Manager	18,300	2017
		Mt. Lebanon	Municipal Manager	33,137	2015
		South Fayette Township	Township Manager	14,416	2018
	Rhode Island	North Kingston	Town Manager	26,326	2015
	Texas	Burleson	City Manager	36,990	2011
:				43,960	2018
		Garland	Assistant City Manager	233,206	2016
		McKinney	Assistant City Manager	191,645	2019
		Missouri City	Assistant City Manager	74,139	2019
	Virginia	Chesapeake	City Manager	245,000	2019
		Portsmouth	City Manager	96,000	2020
		Salem	City Manager	25,643	2019
		Virginia Beach	City Manager	442,707	2019
	West Virginia	Bridgeport	City Manager	8,582	2019
		Morgantown	City Manager	31,000	2016
•	Wisconsin	Baraboo	City Administrator	12,048	2019
		Baysid <b>e</b>	Assistant Village Manager	4,400	2019
		Bellevue	Village Administrator	15,524	2018
		Beloit	City Manager	36,966	2015
		Beloit (Town)	Town Administrator	7,083	2016
		Brown Deer	Village Manager	12,061	2012
		Burlington	City Administrator	10,511	2014
		Cedarburg	Town Administrator	11,475	2015
		Fon du Lac	City Manager	43,021	2012
		Fort Atkinson	City Manager	12,300	2012
		Franklin	<b>Director of Administation</b>	36,155	2019
		Glendale	City Administrator	12,920	2016
		Harrison	Village Manager	13,185	2021
		Hartford	City Administrator	14,251	2015
		Hobart	Village Administrator	8,500	2016
		Janesville	City Manager	63,480	2013
		Lake Geneva	City Administrator	7,710	2015
		Lisbon	Town Adminstrator/Clerk	2,521	2014
		Monroe	City Administrator	10,827	2020
		Oak Creek	City Administrator	35,243	2016
		Plymouth	Director of City Services	8,540	2010

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Position Type	STATE	CLIENT	POSITION  TO THE PROPERTY OF T	PULATION	YEAR
City Management	Wisconsin	Plymouth	City Administrator/Utilities Manager	8,540	2020
		Prairie du Chien	City Administrator	5,900	2017
		Princeton	City Administrator	1,504	2010
		Racine	City Administrator	78,200	2016
		Rhinelander	City Administrator	7,800	2018
		Richfield	Village Administrator	11,500	2009
		Rome	Town Administrator	2,720	2016
		Shorewood	Interim Village Manager	16,948	2017
			Village Manager	13,331	2017
		Waukesha	City Administrator	71,000	2012
					2014
		West Bend	City Administrator	31,000	2016
		Whitewater	City Manager	14,300	2012

# The Beacon

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May 2021

# House approves FY22 state budget

F4

By Jackie Lavender Bird

The House of Representatives on April 29 approved a \$47.7 billion state spending plan for fiscal 2022 that, for municipal and school aid accounts, closely aligns with the recommendation released by the House Ways and Means Committee in early April.

The budget matches the governor's proposed 3.5% increase in Unrestricted General Government Aid, significantly increases Chapter 70 school aid and charter school reimbursements, and includes \$55 million for new education-related grant programs.

After consolidating more than 1,100 amendments into seven categories, House members voted to increase spending by \$59.8 million over the Ways and Means proposal, bringing the total to \$2.1 billion above the budget plan filed by the governor in January.

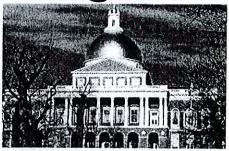
The House endorsed amendments to

create a reserve for cities and towns impacted by the federal shortfall in aid for military families, and to create an earmark for school districts facing extraordinary special education costs.

Two operational amendments would allow the METCO program to carry over funds from fiscal 2021 to be used by the end of the calendar year and would extend the deadline for municipalities to appropriate fiscal 2021 early voting implementation funds.

The House also approved more than \$6 million in earmarked spending for programs and projects in cities and towns across the state.

On the main local aid accounts, the House budget matches the House-Senate local aid agreement of early April. Unrestricted General Government Aid would increase by \$39.5 million, or 3.5%, matching the projected growth in state tax collections and consistent with the state reve-



Now that the House has approved a state spending plan for fiscal 2022, the Senate Ways and Means Committee's recommendation is expected in mid-May.

nue-sharing practice over the last several years.

The House budget meets the House-Senate commitment to fund the Student Opportunity Act at one-sixth of the implementation schedule rather than

BUDGET continued on 19

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### Treasury Dept. expected to issue American Rescue Plan details soon

By Jackie Lavender Bird

The U.S. Department of the Treasury is expected to issue guidance by May 10—and possibly sooner—for the State and Local Fiscal Recovery funds included in the American Rescue Plan Act.

The \$1.9 trillion federal relief package, signed into law on March 11, includes \$360 billion for State and Local Government Fiscal Recovery Funds, with \$7.9 billion coming to Massachusetts.

The law gives the Treasury 60 days from enactment to distribute funds directly to states, counties, territories, and Metropolitan communities (generally cities and towns with populations over 50,000). Funds for non-entitlement communities (mostly those with populations below 50,000) will be issued to the states on the same timeline and will be distributed to



U.S. Treasury Building

individual municipalities within 30 days thereafter.

Detailed guidance from the Treasury around allowable use of funds is expected to be released in conjunction with the first round of funds. The <u>text of the ARPA</u>

RESCUE PLAN continued on 22

#### MMCA holds webinar on school finance issues

The Massachusetts Municipal Councillors' Association held a webinar on April 8 focused on school finance.

The Lunch and Learn session featured Mark Abrahams, president of The Abrahams Group, and Jack McCarthy, executive director of the Massachusetts School Building Authority.

The speakers provided an overview of school budget basics and the building project process. Questions ranged from predicting district numbers to issues around regional transportation.

More than 50 councillors attended the webinar.

- Denise Baker



Jack McCarthy, executive director of the Massachusetts School Building Authority (top left), MMA Legislative Analyst Jackie Lavender Bird (top right) and Mark Abrahams, president of The Abrahams Group, discuss school finance during an April 8 webinar hosted by the Massachusetts Municipal Councillors' Association.

#### **RESCUE PLAN**

Continued from page 1

identifies four eligible use categories for State and Local Government Fiscal Recovery Funds:

- · Response to the public health emergency or its negative economic consequences
- · Provision of premium pay to eligible workers (as designated by the local chief municipal official)
- · Revenue replacement (relative to fiscal 2019 local revenue figures)
- · Investments in water, sewer and broadband infrastructure

The covered period runs from March 3 of this year through Dec. 31, 2024.

Once the Treasury issues its guidance,

Heath Fahle, special director for federal funds at the Executive Office for Administration and Finance, said his office will produce a document highlighting key items for Massachusetts cities and towns.

The American Rescue Plan Act will provide direct assistance to municipalities in the form of two payments, with the first half coming shortly after enactment and the second half arriving 12 months after the first. Federal assistance is being made available to all municipalities nationwide through this non-competitive grant program.

Local officials do not need to apply for funding, or outline their intended expenditures in advance, but they do need to ensure that the proper systems are in place to receive the funds, as outlined by the Treasury on April 15.

Metropolitan cities will need a valid DUNS number, which is used by the federal government to track fund expenditures. Metropolitan cities should also have an active SAM registration, which allows entities to register to do business with the federal government. Payment information, including an Entity Identification Number, contact information, and information about the municipality's financial institution will be required as well.

Non-entitlement communities also need a valid DUNS number, but they do not need an active SAM registration, as they will receive their funds through the state.

The MMA has a dedicated website area for federal funding resources and will share information from the Treasury as soon as it becomes available.

### ARPA includes numerous funding streams

#### By Jackie Lavender Bird

On April 21, the MMA and the National League of Cities co-hosted a webinar about the range of programs in the American Rescue Plan Act that are not direct aid to state and local governments but could directly or indirectly impact municipalities, including funds for education, transit, housing, small businesses, and public health initiatives.

Presenters from the NLC outlined the range of programs included in the \$1.9 trillion relief package. They stressed the importance of using other dedicated federal grant programs to assist local residents, businesses and programs before tapping their dedicated local aid recovery funds. As municipal officials engage with community stakeholders and assess the needs of both government operations and the community at large, this approach will allow for maximizing available federal resources, they advised.

Many of the ARPA programs will be administered through the state, and the MMA is working closely with administration officials to provide information about these programs to municipal leaders as soon as possible.

#### Education

The American Rescue Plan Act includes \$170 billion for education funding, ranging from early childhood programs through higher education. Nearly \$122 billion was included for K-12 relief, creating a third round of Elementary and Secondary School Emergency Relief (ESSER) grants.

#### Housing

To address the severe, negative economic impacts from the pandemic, the relief package includes two major funding sources to address housing insecurity. The first is a \$21 billion investment in emergency rental relief and utility assistance, and the second is \$10 billion for a Homeowners' Assistance Fund, to assist homeowners with mortgage payments, property taxes and utilities.

Homeless intervention programs were also prioritized, with \$5 billion allocated for emergency housing vouchers and \$5 billion for HUD Homeless Assistance programs. An additional \$400 million will support the Federal Emergency Management Agency's emergency food

and shelter program.

In addition, the Low-Income Home Energy Assistance Program receives \$4.5 billion, and the Low-Income Household Water Assistance Program gets \$500 million.

#### Small businesses

A large piece of the ARPA is dedicated to stabilizing small businesses, with

\$50 billion distributed to the Small Business Administration and \$7.2 billion for the Paycheck Protection Program. Economic Injury Disaster Loans were allocated \$15 billion to support businesses in low-income communities.

There's also \$28.6 billion in targeted relief for the food service industry, including restaurants, food trucks and caterers, and \$1.25 billion to help shuttered arts and cultural venues.

#### **Human services**

To stabilize the child care industry, a \$23.9 billion one-time grant program will support child care providers. An additional \$15 billion will be available in one-time community development block grants to provide child care support to essential workers. Significant investments were also made to programs such as the Maternal, Infant and Early Childhood Home Visiting Program, Head Start, Child Abuse Prevention and Treatment state grants, and violence prevention programs.

The Older Americans Act, which provides for in-home services, nutrition programs, transportation, caregiver support, and elder abuse prevention services, receives \$1.4 billion.

Food insecurity will be addressed through the Supplemental Nutrition Assistance Program, including an extension of benefits through September 2021, and funding for the Women, Infants and Children program.

For veterans negatively impacted by

#### American Rescue Plan Act





- Prioritizes stabilization of local government operations, households, and small businesses
- Positions communities on a path to economic recovery

Irma Esparza Diggs, senior executive and director of federal advocacy for the National League of Cities, breaks down some major components of the American Rescue Plan Act during an April 21 webinar.

COVID, there are funds for retraining, housing, and health care programs.

#### **Public health**

Close to \$68 billion was included in the ARPA to address the ongoing public health emergency and response, including funds for COVID testing, contact tracing, and mitigation.

The package includes funding to support vaccine distribution and to strengthen confidence in vaccines, as well as funds for mitigating COVID risks in nursing facilities and for providing emergency medical supplies.

Additional investments for public health include \$1.5 billion for Substance Abuse Prevention and Treatment block grants and \$1.5 billion for Community Mental Health Services block grants. There are also funds for youth suicide prevention, pediatric mental health, and community health centers, and a \$7.6 billion investment to expand and sustain the public health workforce.

#### **Broadband**

Within the \$360 billion State and Local Recovery fund, \$10 billion is earmarked for the states' Coronavirus Capital Improvement Projects Fund, which is intended to increase broadband access for remote work, education and health monitoring. An additional \$7.17 billion Emergency Connectivity Fund will support schools and libraries through the E-rate program.

M ARPA continued on 13

#### MMA's Handbook for Massachusetts Selectmen now available digitally

The MMA's Handbook for Massachusetts Selectmen, a 250-page comprehensive guide to the roles and responsibilities of select board members in Massachusetts, is available to all select board members for free in a digital format.

During the spring town election period, the searchable PDF is sent by email to all new select board members, along with other welcoming materials from the Massachusetts Select Board Association.

The 11-chapter handbook covers subject areas such as administrative and regulatory responsibilities; financial management; human resources, personnel and



labor relations; and land use and community development. It covers topics such as complying with the open meeting and ethics laws, making appointments, holding public meetings and hearings,

town meeting, Proposition 2½, insurance, tax rates, collective bargaining, legal representation, public safety, public works, and the role of a town manager or administrator.

The handbook is also available as a hard copy, at a cost of \$25 for MMA member communities and \$49 for nonmembers.

To order a hard copy of the handbook, visit the <u>publications page</u> of the MMA website. (There's an additional \$5 charge for postage.) To order a PDF, email Jessica Obasohan at the MMA at jobasohan@mma.org.

– MMA Member Services Coordinator Isabelle Nichols

#### Municipal Directory updates begin this month

In May, the MMA will begin gathering updated information from municipalities for the 2021-2022 edition of the Massachusetts Municipal Directory, a comprehensive resource for connecting with colleagues.

Starting in early May, municipalities will begin receiving emails with a link, username and password that they can use to update their community's information. Towns that have already had their spring election will receive the email in the first week of May, as will cities. Towns that have not yet had their spring elections will receive the email following their election.



In most cases, the email will go to the chief municipal official and a selected designee. They will be asked to review and update an online form, which is pre-populated with personnel information that

the MMA currently has on file. The form should take only a few minutes to update and submit.

The MMA's annual directory includes

listings of local officials and contact information, as well as demographic and financial data, for all of the state's 351 cities and towns. The guide also has sections devoted to regional school districts, state and federal government agencies, and relevant professional organizations, as well as a guide to products and services for municipalities.

The new edition of the directory will be published in September.

For more information, contact Directory Editor Jennifer Kavanaugh or Database Administrator Ruby Sadoques at directory@mma.org.

#### **ARPA**

Continued from page 5

#### **FEMA Public Assistance**

FEMA will receive an additional \$50 billion in Disaster Relief and Recovery Effort funding, which will help the FEMA Public Assistance program reimburse municipalities at 100% (rather than the typical 75%) for eligible COVID-related expenses retroactive to January 2020. Additionally, \$650 million will fund programs to ward off cyberattacks on federal, state and local government infrastructure.

#### **Transit**

The Federal Transit Administration will administer \$30.5 billion in grant programs, primarily for transit agencies to use for operating expenses, including payroll and personal protective equipment expenses. This total includes grants within existing formula grant structures for programs including transit for older adults and adults living with disabilities, as well as support for rural transit agencies.

#### **Panelists**

The NLC speakers during the webinar were Irma Esparza Diggs, senior executive and director of federal advocacy; Mike Wallace, legislative director for Community and Economic Development; and Yucel Ors, legislative director for Public Safety and Crime Prevention.

REVENUES & Other Financing Sources	FY20 Actual	FY21 Budgeted	FY22 Available for Appropriation	Revenue changes	FY22 Available for Appropriation
PROPERTY TAXES				<u>-</u>	
Prior Year Levy	\$27,566,372	\$28,484,856	\$29,496,977		\$29,496,977
Add 2 1/2%	\$689,159	\$712,121	\$737,424		\$737,424
Add New Growth	\$229,325	\$333,613	\$333,000	4=	\$333,000
TOTAL LEVY (not including Debt Excl Levy)	\$28,484,856	\$29,530,590	\$30,567,401	\$0	\$30,567,401
Prop. 2 1/2 Debt Exclusion	\$1,138,502	\$946,163	\$922,770	\$0	\$922,770 \$31,490,171
TOTAL LEVY	\$29,623,358	\$30,476,753	\$31,490,171	ŞU.	\$31,450,171
STATE AID					4
Chapter 70 & Charter Tuition Reimbursement	\$8,208,326	\$8,294,230	\$8,400,000		\$8,400,000
General Government Aid	\$2,408,410	\$2,394,527	\$2,400,000		\$2,400,000 \$500,000
Veterans Benefits	\$467,403	\$491,133	\$500,000 \$90,000		\$90,000
Exemptions, VBS and Elderly State Owned Land	\$97,072 \$152,276	\$96,320 \$165,297	\$160,000		\$160,000
TOTAL STATE AID (not including SBA)	\$11,333,487	\$11,441,507	\$11,550,000	\$0	\$11,550,000
LOCAL RECEIPTS					
Motor Vehicle Excise	\$2,042,202	\$1,800,000	\$1,900,000	100,000	\$2,000,000
Other Excise	\$627,734	\$384,000	\$400,000	200,000	\$600,000
Penalties and Interest on Taxes	\$280,238	\$380,000	\$290,000		\$290,000
Payments in Lieu of Taxes	\$160,799	\$80,000	\$10,000		\$10,000
Charges for Services-Solid Waste Fees	\$169,744	\$100,000	\$100,000	75,000	\$175,000
Other Charges for Services	\$92,092	\$60,000	\$60,000		\$60,000
Fees	\$234,064	\$228,000	\$231,000	10,000	\$241,000
Medical Marijuna Host Fees	\$178,880	\$140,000	\$650,000	10.000	\$650,000 \$37,000
Rentals	\$27,500	\$30,000	\$27,000	10,000	\$2,500,000
Dept Revenue-Schools	\$2,795,943	\$2,700,000	\$2,500,000 \$50,000	90,000	\$140,000
Dept Revenue-Recreation	\$233,579 \$999,007	\$50,000 \$900,000	\$900,000	30,000	\$900,000
Other Dept. Revenue Licenses and Permits	\$427,930	\$391,000	\$391,000	159,000	\$550,000
Fines and Forfeits	\$5,605	\$5,000	\$4,000	6,000	\$10,000
Investment income	\$279,241	\$80,000	\$80,000	-,	\$80,000
Medicaid Reimbursement	\$94,674	\$90,000	\$90,000		\$90,000
Misc. Recurring	\$71,340	\$0	\$0		\$0
Misc. Non-Recurring	\$88,728	\$0	\$0		\$0
TOTAL LOCAL RECEIPTS	\$8,809,300	\$7,418,000	\$7,683,000	\$650,000	\$8,333,000
REVENUE APPROPRIATED FOR SPECIFIC PURPOSES					
Waterway Funds	\$64,500	\$50,000	\$50,000		\$50,000
Ambulance Funds	\$1,000,000	\$1,200,000	\$1,200,000		\$1,200,000
Title 5 Receipts	\$20,000	\$4,000	\$0 67.500		\$0 \$7,500
Wetland Protection Fund	\$40,000	\$6,000			\$7,500 \$18,000
Council on Aging-Social Day Program	\$36,000	\$18,000 \$6,000		2,000	\$8,000
Animal Control Gift Account Storm Water Subdivision Fees	\$6,000 \$10,000	\$10,000		2,000	\$10,000
TOTAL REVENUE APPROPRIATED FOR SPECIFIC PU	\$1,176,500	\$1,294,000		\$2,000	\$1,293,500
ENTERPRISE FUND INDIRECT COSTS CHARGES					
Water Enterprise Fund	\$460,931	\$474,759	\$503,591		\$503,591
Sewer Enterprise Fund	\$631,725	\$650,677	_		\$693,571
School Cable TV Enterprise Fund	\$29,100	\$29,973	\$28,154		\$28,154
Town Cable TV Enterprise Fund	\$29,100	\$29,973	\$27,391		\$27,391
TOTAL ENTERPRISE FUND INDIRECT COSTS CHARC	\$1,150,856	\$1,185,382	\$1,252,707	\$0	\$1,252,707
Overlay Surplus	\$149,000	\$0	\$150,000	0	\$150,000
Surplus Revenue (Free Cash)	\$91,000	\$447,723		(285,000)	
Stabilization	\$0	\$0 		285,000	\$285,000
TOTAL OPERATING REVENUES	\$52,333,501	\$52,263,365	\$53,702,378	\$652,000	\$54,3 <u>54,</u> 378

Operating Expenses and Transfers	Œ	FY20 Actual	£	FY21 Budgeted	FYZ	FY22 Requested	Adjustments	FY22 Admin Recomm	FY22 Town Administrator Recommendations	Adj	Adjustments	Rec ,	FY22 Town Administrator Recommendations
GENERAL GOVERNMENT MODERATOR					,								
Salaries & Wages	\$	800	\$	800	\$	800		sv.	800	Ś	•	₩.	800
SELECTMEN/TOWN ADMINISTRATOR	,	,						•					
Salaries & Wages	v.	299,469	s.	339,585	·				297,834	·^	4,453		302,287
Operating Expenses	Ş	28,990	∿	72,473	ş	40,523	\$ (6,824)		33,699			∿	33,699
5/7	₩.	328,459	Ś	412,058	₩	338,357	\$ (6,824)	\$ (	331,533	s,	4,453		335,986
HUMAN RESOURCES													
Salary & Wages	\$	116,935	ş	122,829	*	138,787	(65,000)	\$ (	73,787	vs	17,748		91,535
Operating Expenses	\$	8,140	ν,	21,700	ş				11,300	\$	10,000	₩	21,300
5/7	\$	125,075	ş	144,529	ş		\$ (65,000)		85,087	\$	27,748		112,835
ACCOUNTING													
Salary & Wages	s	136,492	₩,	140,880	45	141,851	•	۷)	141,851	۷۰	2,805	45	144.656
Operating Expenses	\$	42,444	s	49,938	•		\$ (488)		50,213				50,213
1/5	<b>⋄</b>	178,936	ş	190,818	s		\$ (488)		192,064	s	2,805	₩.	194,869
FINANCE DIRECTOR (TREASURER/COLLECTOR)													
Salaries & Wages	₩	360,787	Ś	385,925	❖	373,424	•	\$	373,424	45	2,418	45	375,842
Operating Expenses	❖	119,305	s	134,238	∿		\$ (15,131)		126,179	45	(SE)	_	126,141
1/5	s	480,092	٠,	520,163	ş	514,734	\$ (15,131)	\$ (	499,603	s	2,380		501,983
TOWN CLERK/ELECTIONS													
Salaries & Wages	❖	125,356	Φ.	157,279	❖	129,772	\$ (5,000)	\$ (	124,772	∿	700	s	124,972
Operating Expenses	ş	27,003	Φ.	40,033	❖	32,220	\$ (3,545)		28,675	s	750		29,425
1/5	\$	152,359	ş	197,312	ŵ	161,992	\$ (8,545)	\$ (	153,447	s,	950	s	154,397
ASSESSORS													
Salaries & Wages	\$	176,098	÷	185,343	s	186,615	•	₩.	186,615	Ś	1,633	s	188,248
Operating Expenses	•	25,783	Ś	25,249	s	39,233	\$ 2,360	\$	41,593	45	47,075		88,668
1/5	₩	201,881	₩.	210,592	₩	225,848	\$ 2,360		228,208	₩	48,708		276,916
TOWN HALL													
Salaries & Wages	\$	43,418	Ś	50,114	<b>₹</b>	48,028	•	ψ,	48,028	ν,	998	÷	48,894
Operating Expenses	❖	92,663	Ś	60,440	₩	60,515	\$ (1,000)	\$ (	59,515	45	1,000		60,515
1/5	₩	136,081	₩.	110,554	Ś	108,543	\$ (1,000)	\$ (	107,543	₩	1,866	₩.	109,409
TOWN MEETING/FINANCE COMMITTEE													
Salaries & Wages	⋄	200	s	1,088	s	1,088	\$ (688)	\$ (	400			\$	400
Operating Expenses	Ś	2,207	Ś	7,745	s	7,745		s	7,745			s	7,745
1/5	₩	2,407	❖	8,833	₩	8,833	\$ (688)		8,145	₩.	•	₩.	8,145

	í		ì		i		:		FY22 Town	ξ.	:		FY22 Town
Operating Expenses and Transfers	Ï	FY 20 ACTUAL	74	F721 Buagetea	77	r722 Kequested	Ag	Adjustments	Administrator Recommendations	itor ations	Adjustments	ž	Administrator Recommendations
PLANNING BOARD													
Salaries & Wages	s	2,884	•	3,206	s	3,200	s	•	s	3,200		s	3,200
Operating Expenses	\$	3,050	•	3,990	\$	3,990			s	3,990		\$	3,990
1/5	₩.	5,934	•^	7,196	❖	7,190	s	,	s	7,190 \$	•	s	7,190
PLANNING AND ECONOMIC DEVELOPMENT													
Salaries & Wages	s	110,044	⋄	118,128	⋄	121,462	۰,	•	\$	121,462 \$	2,974	\$	124,436
Operating Expenses	•	9,970	ψ,	15,600	❖	22,925	s	(11,575)	\$	11,350 \$			16,173
	\$	120,014	۰,	133,728	φ.	144,387	φ,	(11,575)	\$ 1	132,812 \$			140,609
ECONOMIC DEVELOPMENT COMMITTEE	v,	970	٠	8,000	<b>⋄</b>	8,000	٠,	•	s	\$ 000′8	,	\$	8,000
BOARD OF APPEALS													
Salaries & Wages	٠,	1,217	ş	5,291	₩.	2,153	s	,	s	2,153 \$	43	٠ <u>٠</u>	2,196
Operating Expenses	s,	2,540	❖	3,900	₩	3,900	۰,	(372)	\$	3,528		s	3,528
5/7	٠	3,757	•^	9,191	₩.	6,053	s	(372)	s	5,681 \$	43	\$	5,724
LEGAL EXPENSE	w	168,905	•	170,000	۰,	170,000	v,	•	\$	170,000 \$	,	s)	170,000
CONSERVATION COMM/SUSTAINABILITY													
Salaries & Wages	\$	75,596	s	79,166	s	117,191	۰,	(32,896)					80,859
Operating Expenses	·s	6,485	v,	10,865	⋄	23,059	٠,	(12,735)		10,324 \$	10,430	Ŷ	20,754
5/7	<b>‹</b>	82,081	·s	90,031	s	140,250	s	(50,631)	•	\$ 619'68	11,994		101,613
BUZZARD'S BAY ACTION COMM.	₩.	1,520	٠	1,520	₩.	1,520	s	•	•	1,520 \$	•	₩.	1,520
TOTAL GENERAL GOVERNMENT	•	1,989,271	\$	2,215,325	₩.	2,179,146	•^	(157,894)	\$ 2,0	2,021,252 \$	108,744	\$	2,129,996
PUBLIC SAFETY POLICE DEPARTMENT/ANIMAL CONTROL													
Salaries & Wages	s	3,585,212	•^	3,749,317	⋄	4,156,250	۰,	(131,619)	\$ 4,0	4,024,631 \$	2,992	<>	4,027,623
Operating Expenses	\$	378,264	₩.	381,599	*	401,865	*	(41,170)		360,695 \$	m		390,865
5/7	٠	3,963,476	<b>⋄</b>	4,130,916	s	4,558,115	s,	(172,789)	\$ 4,3	4,385,326 \$	33,162		4,418,488
FIRE DEPARTMENT/EMERGENCY MANAGEMENT													
Salaries & Wages	❖	2,569,144	s	2,694,740	₩.	2,877,964	•∧-	(22,532)	\$ 2,8	2,855,432 \$	2,878	«γ	2,858,310
Operating Expenses	<b>◆</b> >	306,344	s	301,313	ŵ	352,315	s	(36,532)		315,783 \$	29,932	<b>د</b>	345,715
5/7	٠,	2,875,488	۰	2,996,053	s,	3,230,279	\$	(29,064)	\$ 3,1	3,171,215 \$	32,810		3,204,025
BUILDING DEPARTMENT			,										
Salaries & Wages	φ.	169,286	w·	181,774	w.	178,605	·›						180,796
Operating Expenses	s ·	5,278	<b>ب</b>	8,100	v ·	23,600	<b>\$</b>		٠ •	6,300 \$		٠ د	10,800
<u> </u>	'n	174,564	'n	189,874	v	202,205	v.	(17,300)		184,905 \$	6,691		191,596

Board of Selectmen Recommended FY22 General Fund Operating Budget

		4 000	Š		i			Ŧ.	FY22 Town	•		Ξ.	FY22 Town
Operating expenses and Transfers	_	FTZU ACTUAL	171	FTZ1 budgeted	1127	r 7.22 Kequested	Adjustments	Adm	Administrator	Aaju	Adjustments	HDA I	Administrator
								Recom	Recommendations			Recor	Recommendations
MARINE RESOURCES													
Salaries & Wages	ss	120,638	\$	163,319	₩.	162,628	•	÷	162,628	₩.	2,455	<b>\$</b>	165,083
Operating Expenses	s	33,824	\$	32,440	s	40,480	(9,049)		31,431	\$	2,000	\$	36,431
1/5	ŵ	154,462	s,	195,759	·s	203,108	\$ (9,049)	\$ (6	194,059	s,	7,455	❖	201,514
WEIGHTS AND MEASURES													
Salaries & Wages	<b>⋄</b>	7,140	₩	7,140	s	7,140	•	₩.	7,140			s	7,140
Operating Expenses	<b>⋄</b>	ı	₩	1,498	s		•	₩.	300			s	300
1/5	₩.	7,140	₩.	8,638	₩.		•	₩.	7,440	₩.	,	₩.	7,440
	4				4			•			,		;
STREET LIGHTING	'n	64,056	Λ.	40,000	Λ.	20,000	' '	<b>ሉ</b>	20,000	'n	10,000	'n	90000
TOTAL PUBLIC SAFETY	\$\$	7,239,186	•	7,561,240	s,	8,251,147	\$ (258,202)	\$ (2	7,992,945	₩.	90,118	•	8,083,063
EDUCATION FAIRHAVEN PUBLIC SCHOOLS	w	21,088,523	•	21,546,426	₩.	22,379,843	(000'568) \$	\$ (0	21,984,843	•	195,000	s,	22,179,843
	•				•								
GNBRVT HIGH SCHOOL	v	1,852,763	v	1,969,375	S	2,206,430	\$ (126,017)	رر ج	2,080,413	v,	ı	<b>‹</b>	2,080,413
BRISTOL COUNTY AGGIE H5	\$	41,706	ss	53,174	s	26,000	, \$	₩	26,000	s	112,335	₩.	168,335
TOTAL EDUCATION	₩	22,982,992	<b>Φ</b>	23,568,975	٠,	24,642,273	\$ (521,017)	\$ (2	24,121,256	₩.	307,335	₩.	24,428,591
PUBLIC WORKS ADMINISTRATION													
Salaries & Wages	*	189,777	٠,	199,212	s	201,119	•	₩	201,119	s	3,825	\$	204,944
Operating Expenses	\$	5,463	\$	5,575	s	11,175	\$ (1,198)		776'6			•	776'6
5/7	Ϋ́	195,240	s,	204,787	٠,	212,294	(1,198)	\$ (8	211,096	٠,	3,825	s,	214,921
HIGHWAY DIVISION													
Salaries & Wages	⋄	1,025,105	₩	1,169,129	∿	1,212,918	` \$	❖	1,212,918	₩	2,136	s	1,215,054
Operating Expenses	❖	445,945	₩	645,817	₩	649,522	\$ (66,600)		582,922	❖	90000	\$	642,922
Snow and Ice Removal	❖	33,306	₩	60,000	s	60,000	•		60,000			•	60,000
5/7	s,	1,504,356	₩.	1,874,946	₩.	1,922,440	\$ (66,600)	\$ (Q	1,855,840	₩	62,136	₩	1,917,976
TREE DEPARTMENT													
Salaries & Wages	❖	24,769	ψ,	42,023	❖	42,023	· \$	₩	42,023			٠,	42,023
Operating Expenses	s,	6,749	v	16,569	s,	16,569			14,569			ş	14,569
1/5	₩	31,518	s,	58,592	❖	58,592	\$ (2,000)	\$ (Q	56,592	·s	ı	•	56,592
SANITATION (Recycling & Waste Disposal)													
Operating Expenses	₩.	1,337,124	s	1,455,860	ş	1,516,469	•	\$	1,516,469			<b>\$</b>	1,516,469
s/t	₩	1,337,124	٠,	1,455,860	❖	1,516,469	•	\$	1,516,469	٠,	•	\$	1,516,469

Operating Expenses and Transfers		FY20 Actual	Œ	FY21 Budgeted	55	FY22 Requested	Adjustments	FY22 Admin	FY22 Town Administrator	Adjı	Adjustments	- Ac	FY22 Town Administrator
TOTAL PLIBIT WORKS	v	3.068.728	v	3 50/ 195	1	3 700 705	(50 20K)	١,	Kecommendations		CE 061	- 1	Recommendations
	•	SCT/SMN/C	•	con/#FEC	φ.			•	166'6C0'6	٨	196,08	<b>^</b>	3,705,538
HEALTH AND HUMAN SERVICES													
BOAKD OF HEALTH													
Salaries & Wages	S	144,985		161,211	v				149,660	٠,	2,104		151,764
Operating Expenses	w	19,601	∿	30,255	·		\$ 10,767		41,902	<b>\$</b>	(14,000)	<b>\$</b>	27,902
5/7	•	164,586		191,466	w	180,795	\$ 10,767	\$	191,562	\$	(11,896)	_	179,666
COUNCIL ON AGING													
Salaries & Wages	Ś	166,484	w	166,344	v	178,347	\$ (6,762)	\$ 1	171,585	s	8.325	ý	179.910
Operating Expenses	••	30,091		31,187	⋄	35,869			32,278		•		32,278
5/7	₩.	196,575	₩.	197,531	\$	214,216	_		203,863	\$	8,325	•	212,188
VETERANS SERVICES													
Calarine 9. Manas	·	77 430	-	263 60	٠	0.00		•	6	•	č	4	
Onerating European	<b>^</b> •	77,420		979,79	n 4	81,026		۸ ۰	81,026	٨	₹ 8	<b>^</b>	81,972
Operating Expenses	<b>٠</b> ٠	600,493		008,000	۸ ۱				681,800	,	1		681,800
1/5	<b>•</b>	683,915	v	729,426	w	822,826	(000'09)	s ·	762,826	v	<b>3</b>	Ś	763,772
COMMISSION ON DISABILITY	•>	20	₩.	1,300	\$	1,300	\$ (300)	\$ (	1,000	₩.	ı	v,	1,000
RAPE CRISIS PROJECT	•	2,000	₩.	2,000	٠,	2,000	•	•	2,000	s,	•	₩.	2,000
TOTAL HEALTH & HUMAN SERVICES	₩.	1,047,126	₩.	1,121,723	•	1,221,137	\$ (59,886)	\$ (	1,161,251	₩.	(2,625)	8	1,158,626
<u>CULTURE AND RECREATION</u> MILLICENT LIBRARY	*	684,037	w	718,696	*	730,000	, •	₩.	730,000	•	(26,399)	*	703,601
RECREATION													
Salaries & Wages	s	176,403	v	191,584	v	194,955	•	ý	194,955	ş	3.848	v	198.803
Operating Expenses	₩.	54,262		107,230	₩	137,250	\$ (52,550)		84,700	٠.	41,000		125,700
T/S	s,	230,665	₩.	298,814	۰,	332,205	\$ (52,550)	\$ (	279,655	₩.	44,848	₩.	324,503
PARK DIVISION													
Salaries & Wages	₩	100,558	٠	118,601	₩	120,327	\$ (1,951)	\$	118,376	٠,	1,236	Ś	119.612
Operating Expenses	*	39,305		47,129	*	40,129	\$ (2,000)	\$	38,129	s	2,000		40,129
1/5	ν	139,863		165,730	'n	160,456			156,505	s	3,236	s	159,741
TOURISM													
Salaries & Wages	\$	70,642		72,220	•	74,074	,	s	74,074	\$	1,449	٠	75,523
Operating Expenses	s,	15,228	₩.	23,925	⋄	23,925	\$ (2,393)	\$ (	21,532				21,532
5/7	₩.	85,870		96,145	s,	97,999	\$ (2,393)		92,606	\$	1,449		97,055
FINE ARTS	₩	112	₩.	1,200	₩.	1,200	\$ (1,000)	\$ (	200	۰,	•	۰,	200

Operating Expenses and Transfers	_	FY20 Actual	£	FY21 Budgeted	FY2	FY22 Requested	Adjustments	FY22 Town Administrator Recommendations	v	Adjustments	Adr Recon	FY22 Town Administrator Recommendations
HISTORICAL COMMISSION	\$	13,229	ss.	16,750	s,	18,000	\$ (1,250)	\$ 16,750	ß S	•	ν,	16,750
MEMORIAL/VETERANS DAY	٠,	1,773	÷	2,500	s	2,500	, •	\$ 2,500	\$	•	•	2,500
CULTURAL COUNCIL	٠s	2,750	÷	2,750	ss	2,750	· •\$	\$ 2,750	\$ 05		•	2,750
TOTAL CULTURE AND RECREATION	s	1,158,299	₩.	1,302,585	, · <b>◆</b> }	1,345,110	\$ (61,144)	\$ 1,283,966	\$ 99	23,134	•^	1,307,100
CONSOLIDATED INFORMATION TECHNOLOGY	۰×	456,298	₩.	501,334	•	536,106	•	\$ 536,106	<b>⋄</b>	(38,845)	•	497,261
NON-DEPARTMENTAL CONTRIBUTORY RETIREMENT	•∕1	3,227,999	٠,	3.388.344	v	3.691.389		3 691 389	2		v	3 601 390
GROUP INSURANCE	₩.	4,198,268	٠.	4,342,000	• •		,		8		<b>.</b> •0	4.776.200
MA EMPLOYMENT SECURITY	٠,	45,592	÷	225,000	•					(40,000)	. •^	75,000
TOWN INSURANCE	'n	887,406	s	900,000	•	000'006	\$ (100,000)	\$ 800,000	8	50,000	•	850,000
MEDICARE ASSESSMENT (EMPLOYER SHARE)	❖	381,140	÷	420,000	₩		•		8		•	430,000
WINDTURBINE ELECTRIC EXPENSE	s	750,000	٠,	775,000	•∿				8		❖	775,000
TOTAL NON-DEPARTMENTAL	v	9,490,405	Φ.	10,050,344	•^	10,687,589	\$ (100,000)	\$ 10,587,589	<b>₽</b>	10,000	<b>⋄</b>	10,597,589
DEBT SERVICE												
Principal	❖	803,711	s	798,848	٠,	287,000	,	\$ 787,000	8		•	787,000
Interest	s	293,938	·s	273,757	÷	252,320	' \$	\$ 252,320	22		❖	252,320
Principal Authorized but not issued	₩	•	s	•	s		- \$	•	•^	36,625	•	36,625
Interest Authorized but not issued	⋄	25,352	❖	10,000	•		,	\$ 20,000	8	20,453	s	40,453
Interest on Temp Loans	❖	3,352	₩	•	₩.		,	\$ 4,000	8		ş	4,000
TOTAL DEBT SERVICE	❖	1,126,353	₩.	1,082,605	₩	1,063,320	' *S	\$ 1,063,320	\$ 02	57,078	•	1,120,398
ASSESSMENTS (Cherry sheet charges)												
County Tax	₩	233,108	٠,	238,936	•>	248,980	,	\$ 248,980	8		•	248,980
Mosquito Control District	❖	46,288	٠,	48,836	•>	20,607	,	\$ 50,607	2		•	50,607
Air Pollution District	s	4,854	·s	4,923	ν,		,	\$ 5,049	<b>6</b>		<b>⋄</b>	5,049
RMV Non-Renewal Surcharge	s	16,660	v,	15,460	÷	15,460	ş	\$ 15,460	8		<b>⋄</b>	15,460
Regional Transit	÷	35,471	v	36,358	s	37,267	· .	\$ 37,267	22		•	37,267
Special Education Charges	❖	•	s	•	·s	1	,	•			s	ı
School Choice Sending Tuition	\$	207,756	÷	181,288	s,	262,710	•	\$ 262,710	9		٠,	262,710
Charter School Sending Tuition	❖	73,233	Φ.	79,638	₩.	88,078	•	\$ 88,078	28		•	88,078
TOTAL ASSESSMENTS	÷	617,370	ν,	605,439	₩.	708,151	>	\$ 708,151	51 \$		v	708,151
TOTAL GENERAL FUND OPERATING BUDGET	₩.	49,175,538	₩.	51,603,755	₩.	54,343,774	\$ (1,227,941)	\$ 53,115,833	33 \$	620,900	•	53,736,733
APPROPRIATIONS TO RESERVES OVERLAY RESERVE (ABATEMENTS & REFUNDS)	v	300.000	v	300,000	v	300.000	,	300,000	2			900
RESERVE FUND	• •	100,000	•	75,000	• •		\$ (25,000)	s •/1		25,000	, v	100 000
	٠	•	۴	1	٠			•			<b>`</b>	~~~

Operating Expenses and Transfers	_	FY20 Actual	FY21 Budgeted		FY22 Requested	Adj	Adjustments	FY22 Town Administrator Recommendations	Adjustments		FY22 Town Administrator Recommendations	own rator dations
O(ther) P(ost) E(mployment) B(enefits) RESERVE	ş	250,000	\$ 300,000	\$ 00	300,000	ş	(100,000)	\$ 200,000		ľ		200,000
WAGE AND SALARY RESERVE (Union Employees)	₩	147,772	•	*	•			•	\$	,		
COLA FOR NON-UNION EMPLOYEES	₩	100,000	•	Ś	20,000	₹5	•	\$ 50.000	· •	(47.355)		2645
RESERVE FOR RECLASSIFICATIONS			,	w	•			. 45	• •	}		} .
TOTAL APPROPRIATIONS TO RESERVES	\$	897,772	5 675,000	\$	750,000 \$	•	(125,000)	625,000	s	(22,355)		602,645
Total General Fund and Reserves	w	50,073,310	\$ 52,278,755	55 \$	55,093,774	₩.	(1,352,941)	5 53,740,833	598,545	33	3,	54,339,378
FINANCIAL ARTICLES	<b>⋄</b>	•	\$ 15,000	\$ 8	•	•	•	100	\$ 15,	15,000 \$	48	15,000
GRAND GENERAL FUND TOTALS	\$	50,073,310	\$ 52,293,755	55 \$	55,093,774 \$	\$	\$ (1,352,941) \$	53;740,833	613,545		3	54,354,378
Revenue	s,	52,333,501	\$ 52,263,365	\$ 59	53,702,378	Ś	,	\$ 53,702,378	\$	,	<b>22</b>	54,354,378
Surplus Revenue/Free Cash	· • •	***	\$ 30,390	\$	\$ 966,195,1	٧,	(1,352,941) \$	38,455 \$		613,545 \$		0
SURPLUS (DEFICIT)		\$		  ୫	\$		\$	\$		જ		S

	407	183	833	303	434
000	s	s	\$	s	Ins. \$
\$ 2,157,000	Police	Fire	School	Retirement	Group Health Ins.

#### 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

Vendor	<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 \$150,00	A.	. Akın Street Water Main Repl	acement	\$150,00
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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 – FV22

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	- 1 - 1

APPROPRIATIONS	
Purpose	Recommended Amounts
Reserve for Future Appropriation	
<b>A.</b> 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	
C.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) <u>Delete from 198-28.A panels</u>: 25005C0391F, 25005C0392F, 25005C0394F, 25005C0411F, 25005C0413F dated July 7, 2009.
- 3) <u>In 198-28A revise the date</u> 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.
- 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, 25005C0425F. 25005C0501F, 25005C0411F. 25005C0413F, 25005C0394F. 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) <u>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</u>

- 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 sixfoot 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.

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.

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.

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

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**

<u>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.</u>

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  $\S1 - 6$ ,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 thereto:

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:

<b>Revolving Fund</b>	Authorized to Spend	Revenue Source	FY	22 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

- § 190-1 Purpose. 2
- § 190-2 Definitions. 2
- § 190-3 Short-Term Rental Registration. 3
- § 190-4 Publication of Registration Number. 3
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- § 190-15 Registration Suspension, Modification and Revocation 6
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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 it 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 or 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 \$\&#39\$; 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 t wo-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 7:00 pm 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), <a href="http://www.epa.gov/region1/npdes/stormwater/ma.html">http://www.epa.gov/region1/npdes/stormwater/ma.html</a> 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 non-applicability 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] Post development 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 post-development 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 (Tc) or travel time (Tt) 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 post development 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 post development 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 thereto:

Petitioned by: 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:

#### KORACHECONORDANS THE TOWN OF FAIRHAVEN TO ESTABLISH A FEE

SECTION I. 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 Works

#### 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:

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 <u>Portions of 267 Huttleston Avenue</u> from (Existing Zoning) Multi-family to Proposed Zoning: Business.

Petitioned by: G. Bourne 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 #19/11

Petitioned by: Robert Hobson

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

Petitioned by: Robert Hobson

# ARTICLE 56: CITIZENS PETITION-AMENDMENT TO TOWN BY-LAW CHAPTER 50-13 PART 2

To see if the Town will vote to amend Town By-law c50-13 Part 2 (Televised Meetin take another action relative thereto.

Amend the following title and section:

Part 2 Televising Board Meetings and Allowing Remote Public Participation

50-10 Broadcast/recording/remote public participation required.

All meetings of Town boards, commissions and committees shall be broadcast live and/or recorded for future broadcast over the local cable television network and online viewing as well as allow virtual remote participation via a live online platform such as Zoom or similar service unless emergency, operational or technical conditions suspend the requirements hereof, as determined by the Town Administrator, for broadcasts over the public access and government channels or the School Superintendent for broadcasts over the education channel. Members of the public may participate with comments if allowed by the Chair of the committee.

C50-13 Compliance with Open Meeting Law Nothing contained in this bylaw shall be so construed as to conflict with the requirements of the Open Meeting Law, MGL 30A.

Petitioned by: Anne Morton Smith

#### ARTICLE 57: 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 thereto:

Petitioned by: Board of Selectmen

### ARTICLE 58: 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 thereto:

Petitioned by: Board of Selectmen

#### **ARTICLE 59: 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 ma place of the meeting aforesaid		n of this warrant to the Town Clerk at the tim
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		

					Board of Selectmen	Finance Comm
Alpha		Petitioner	Documents referenced	\$ requested	Recommendations	Recommendations
-	Measurer of Wood and Bark	TA/BOS	TRADITIONAL		Adoption	
7	Town Report	TA/BOS	TRADITIONAL- REPORT IN PUBLICATION		Adoption	
m	Report of Committees	TA/BOS	TRADITIONAL-NO REPORTS EXPECTED		Adoption	
4	Setting Salaries of Town Officers-FY22	TA/BOS				
	A. Board of Selectmen			\$20,601	Adoption	Adoption
	B. Town Clerk			\$66.961		Adontion
	C. Moderator			\$800		Adontion
	D. Tree Warden			\$7.371		Adontion
	E. Board of Health		1724			
'n	Bills of Prior Year	TA/BOS				
	A. SouthCoast Physicians Service			\$122.22		
	B. SMG Compass Medical			\$362.21		
	C. Corvel Corp			\$41.10		
	D. HKT Architects			\$1,333.16		3
9	FY21 Budgets				•	•
	A. Assessor's reval FY21	Assessor's	email from Wendy	000'6\$		
	B. Broken sewer pipe at Town Hall FY21	TA/BOS		\$50,000		
7	Roadwork FY21	ВРМ	article submission			,
	A. Bellevue Street-Adams Street to Francis Street	ВРМ		\$88,800		Adoption
	B. Fisherman Road-Balsam Street to Fir Street	ВРМ	778	\$78,800		Adoption
	C. Massasoit Avenue-Adams Street to Francis Street	BPW		\$173,000		Adoption
œ	Sewer Capital Improvements Revenue to Stabilization Fund	BPW	article submission	\$296,868		Adoption
6	FY22 General Fund Operating Budget	TA/BOS				
10	FY22 Water Enterprise Fund Operating Budget	ВРМ	article submission		Adoption	Adoption
11	FY22 Sewer Enterprise Fund Operating Budget	ВРЖ	article submission		Adoption	Adoption
12	FY22 Town Cable Enterprise Fund Operating Budget	Cable	article submission		Adoption	Adoption
13	FY22 School Cable Enterprise Fund Operating Budget	Cable	article submission		Adoption	Adoption
14	General Fund Capital Plan	TA/BOS	article submission			
	A. SCBA Replacement			\$491,800	Adoption	
	B. ACO Replacement Truck		25730	30 \$51,459		Adoption
	C. Police Cruiser Replacements			\$120,500		Adoption
	D. Harbormaster/Shelifish Warden Truck Replacement		Section of the sectio	\$50,300		
	E. Computer Harware Equipment Replacement			\$30,000		Adoption
	F. Fire Engine ( Replaces Engine 2)			\$625,000		Adoption
	G. Plotter Scanner			\$20,000		
	H. Dashboard Cameras			\$69,000		Adoption
15	Water Enterprise Capital Plan	BPW	article submission			
	A. Akin Street Water main Replacement			\$150,000	Adoption	Adoption
16	Sewer Enterprise Capital Plan	BPW	article submission			-
	A. Pump Station Improvement Design			\$270,000	Adoption	Adoption
	B. Inflow & Infiltration Study			\$250,000		Adoption
	C. New Pick-up Truck			\$75,000		Adoption
	D. Blower Building Roof			\$75,000		Adoption
17	Roadwork FY22		article submission		•	-
	A. Bonney Street-#45 Bonney Street to the end	Sherry Bettencourt	citizen petition	\$		
į	B. Cove Street-Hathaway to Beachwood	врw		\$93,800		
	C. Eaton Road-Briercliffe to Waybridge	BPW		\$30,200		
	D. Littleneck Road-Balsam to Ebony	BPW		\$158,600		
!	E. Pleasant Street-Washington to South	ВРЖ		\$117,400		
18	State Aid to Highways FY22	BPW	article submission	\$512,050	Adoption	Adoption
2 8	Funding Capital Stabilization Fund	TA/BOS	article submission	0\$		
3 2	Ambulance Stabilization	FIRE CHIEF	memo from fire chief	\$65,000	ı	Adoption
;	ocial pay care center	COA	MEMO FROM ANNE SILVIA	\$175,000	Adoption	Adoption

		HARBORMASTER	Memo from Harbormaster	\$15,000	Adoption	Adoption
23 FY22 Community P	n Program Appropriations	chc Chc	email from Paul Foley		•	-
A. Skate Board Park Resurface	rk Resurface			\$200,000		
B. Green meadow Roof	Roof			\$65,000		
C. Academy Building Front Door	ne Frant Door			\$80,000		
D. Old Stone School Exterior	ol Exterior			\$15,000		
E. High School Windows Phase	ndows Phase 4			\$70.313		
	:			\$136.360		
G Unitarian Church	4			¢193 439		
H. Whitfield-Mani	H. Whitfield Maniiro Carriage House Extension			\$60.000		
1. Community Pres	I. Community Preservation Committee's annual expenses			\$15,000		
24 New Revolving Fund-Mooring Fees	nd-Mooring Fees	Harbormaster				
Τ	Mass Historical Commission Grant match	PLANNING DEPT	email from Paul Foley	\$30,000	Adoption	
1	FEMA Grant- engine for engine 2 - 5 % match	FIRE CHIEF	memo from fire chief	\$31,250		Adoption
Г	acks 5% match	FIRE CHIEF	memo from fire chief	\$24,585		Adoption
28 Port Security Grant	Port Security Grant match-new engines on Harbormaster boat 25%	HARBORMASTER	memo from harbormaster	\$10,905	Adoption	
29 Fairhaven Public Schools contracts	chools contracts	School Dept	Article submission		Adoption	Adoption
30 Floodplain by-law		PLANNING DEPT/BOARD	email from Paul Foley			Yield to petitioner
31 Waterways Rules and Regulations	and Regulations	Harbormaster	Memo from Harbormaster			
32 Revolving Funds		VARIOUS DEPT/BOARDS			Adoption	
33 Land Acquisition &	Land Acquisition & Engineering design for Public Safety Facility	TA/BOS				
34 Municipal Light Plant	ant	<b>Broadband Study</b>				Yield to petitioner
35 A. Short term rentals create by law	als create by law	Planning Dept/Board	email from Paul Foley			
B. Community Impact fee of 3%	act fee of 3%	Planning Dept/Board				
36 Amendment to BP	Amendment to BPWs by law- solid waste and recycling curbside	BPW	article submission		Yield to petitioner	Yield to petitioner
37 A. Chapter 198-31.	A. Chapter 198-31.1 Stormwater Management amendment to bylaw	PLANNING DEPT/BOARD	article submission		Yield to petitioner	Yield to petitioner
B. Chapter 194 Sto	B. Chapter 194 Stormwater Management amendment to bylaw	ВРW				
38 Street acceptance: Robert Street	: Robert Street	BPW	article submission		Yield to petitioner	Yield to petitioner
39 Historic Town Hall Street lamps	Street lamps	Historical Commission	article submission from wayne	\$25,000		
40 Authorize BOS to p	Authorize BOS to petition to impose a checkout bag charge	Sustainability	email from Whitney			Yield to petitioner
41 Zoning by law char	Zoning by law change chapter 198-33	PLANNING DEPT/BOARD	email from Paul Foley		Yield to petitioner	Yield to petitioner
42 Zoning by law char	Zoning by law change Chapter 198-29.6 - Solar Photovitaic Energy Facilites	PLANNING DEPT/BOARD	email from Paul Foley		Yield to petitioner	Yield to petitioner
43 Discontinue portio	Discontinue portion Dean St & Livesey Parkway	TA/BOS	email from Tom Crotty		Adoption	Yield to petitioner
44 Tree Warden from	Tree Warden from elected to appointed	BPW	email from BPW		Yield to petitioner	Yield to petitioner
45 Transfer from Surplus Revenue	olus Revenue	TA/BOS				
46 Changing the name to Selectboard	e to Selectboard	Anne Richard	citizen petition		Adoption	Yield to petitioner
	increase Board of Selectmen from 3 to 5	Donna McKenna	citizen petition	\$4,399		Yield to petitioner
48 Create nine memb	Create nine member committee known as the Fairhaven Charter Committee	Kyle Bueno	citizen petition	\$10,000	Yield to petitioner	
49 Establish an ethics committee	committee	Mary Freire-Kellogg	citizen petítion		Passover	Yield to petitioner
50 Establish term limi	Establish term limits for Elected board members	Mary Freire-Kellogg	citizen petition		Yield to petitioner	Yield to petitioner
51 Amend Town byla	Amend Town bylaw chapter 115 "Right to Farm"	Mary Freire-Kellogg	citizen petition		Yield to petitioner	Yield to petitioner
52 Amend Town byla	Amend Town bylaw Chapter 516 "Recall Elections"	Mary Freire-Kellogg	citizen petition		Passover	Yield to petitioner
53 Amend Town byla	Amend Town bylaw Chapter 516 "Recall Elections"	John Farrell	citizen petition		Passover	Yield to petitioner
54 Rezone portions o	Rezone portions of 267 Huttleson Avenue	GB Knowles	citizen petition		Yield to petitioner	Yield to petitioner
55 Street Lights					•	•
A. 16 Saltmarsh, n	A. 16 Saltmarsh, move light from pole #179/12 to pole #179/11	Robert Hobson	citizen petition		Yield to petitioner	
B. 10 Saltmarsh-pole #179/13	ole #179/13	Robert Hobson	citizen petition	_	Yield to petitioner	
56 Amend Town byla	Amend Town bylaw Chapter 50-13 Part 2	Anne Morton Smith	citizen petition		Yield to petitioner	
57 Rehab new wing Rogers School	Rogers School	Board of Selectmen	email from Rogers ReUse			
1 [	age	TA/BOS	email from Tom Crotty- from last year			
59 Other Business	Vietr				•	'



# Town of Fairhaven Board of Health

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

April 20, 2021

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

Dear Sirs,

At the regularly scheduled meeting of the Fairhaven Board of Health on April 14, 2021, discussion regarding the following subject resulted in a consensus of the Board:

"The Town of Fairhaven's Board of Selectmen is considered an adjudicatory board; as such, they may establish their own standards of in-person public participation. We, the Town of Fairhaven's Board of Health, feel that due to the ongoing COVID 19 pandemic, prudence should be utilized and public participation should be limited to on-line only. The Commonwealth of Massachusetts' Attorney General has confirmed that on-line meetings meet the acceptable standards of public participation for Municipal Meetings that are deemed "Public Meetings". Therefore, we will continue to meet in person with social distancing and face coverings but will limit public participation to on-line only."

While we recommend this to all Boards and Commissions in Fairhaven, we also understand their right to establish their own policies. Thank you for your attention.

Sincerely	
Michael Ristuccia, Chairman	
GLDL	
Peter DeTerra, Vice Chairman	्र चरु द्वारा मार्थः =
	2021 APR 30 P 12:-5.2
Kevin Gallagher, Clerk	CHAROL



## **Resignation letter**

1 message

Lois Callahan m>

Mon, May 3, 2021 at 11:32 AM

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

Please accept my resignation from The Bikeway Committee effective 5/31/2020.

Lois Callahan

Kristine Daniels 56 Hawthorne Street, Fairhaven, MA 02719

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

April 29, 2021

Dear Selectmen,

Please accept my resignation from the Fairhaven Cultural Council.

It has been my pleasure to serve the town of Fairhaven in this capacity, and I hope to have the opportunity to serve again in the future.

Respectfully,

Kristine Daniels

Kristmelginel

Kathryne Olsen Moniz 112 Pleasant Street Fairhaven, MA, 02719



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

May 5, 2021

To Whom It May Concern:

Please accept this letter as notice of my resignation from my position as a member of the Fairhaven Sustainability Committee.

It has been a pleasure to be a part of this committee and working with the other members over the past few months. However, things in my life have changed and I no longer have the time to dedicate to the monthly meetings.

I appreciate the opportunity that you have given me to take part in our town proceedings and feel that I have learned a lot in a very short period of time. I am sorry that my membership has been shorter than expected and hope that you can find someone who can give the committee the time and dedication that it deserves.

Kindest regards,

Kathryne Moniz

Kathryne Olsen Moniz 112 Pleasant Street Fairhaven, MA, 02719



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

May 5, 2021

To Whom It May Concern:

Please accept this letter as notice of my resignation from my position as a member of the Fairhaven Historical Commission.

It has been a pleasure to be a part of this committee and working with the other members of the Historical Commission over the past few months. However, things in my life have changed and I no longer have the time to dedicate to the monthly meetings.

I appreciate the opportunity that you have given me to take part in our town proceedings and feel that I have learned a lot in a very short period of time. I am sorry that my membership has been shorter than expected and hope that you can find someone who can give the committee the time and dedication that it deserves.

Kindest regards,

Kathryne Moniz