

**FAIRHAVEN BOARD OF SELECTMEN**

**Meeting Agenda**

*Monday, June 21, 2021*

*6:30 p.m.*

*Town Hall – 40 Center Street – Fairhaven*

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FAIRHAVEN,  
MASS.

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

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**Meeting ID: 913 4182 3280**

**Passcode: 389055**

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

**A. MINUTES**

1. Approve minutes of June 1, 2021—Open Session
2. Approve minutes of June 1, 2021 – Executive Session
3. Approve minutes of June 7, 2021—Open Session
4. Approve minutes of June 7, 2021—Executive Session
5. Approve minutes of June 9, 2021—Open Session
6. Approve minutes of June 10, 2021—Open Session
7. Approve minutes of June 12, 2021—Open Session

**B. TOWN ADMINISTRATOR'S REPORT**

**C. COMMITTEE LIAISON REPORTS**

**D. ACTION**

1. Request for Third Party Use of Licensed Premises Permit and Special One Day Liquor License at Off the Hook, 56 Goulart Memorial Drive: July 22-25, 2021
2. Request to join Broadband: Nicole Antonio
3. Request to join Conservation:
  - a. Gerald Delano
  - b. Michael Kelly
4. Appointment to Lagoa Friendship Pact Committee: School Department Representative—Kyle Bueno
5. Taylor Cultured Seafood: title transfer of 44 acres aquaculture license
6. Year-End transfers

**E. APPOINTMENTS**

1. 7:00 pm Purple Heart Town designation
2. 7:10 pm Health Inspector Dave Flaherty: Rogers School update
3. 7:15 pm Meet and Greet: Precinct 2

## **F. POSSIBLE ACTION/DISCUSSION**

1. Town Clerk retirement
  - a. Appointment of Acting Town Clerk
2. Rogers School: National Historical Register
3. Update COVID- 19 protocol for Town Hall
4. Flag policy
5. Juneteenth 2022
6. Board of Selectmen meeting schedule for remainder of the year
7. Discuss implications of Town Meeting Article 56: Amendment to Town By-law Chapter 50-13, part 2
8. Update to Interim Town Administrator contact

## **G. CORRESPONDENCE**

1. Resignation on Commission on Disability: Ronnie Medina
2. Resignation on Conservation Commission: John Dallen
3. Resignation on Sustainability Committee:
  - a. Susan Spooner
  - b. James Anderson

## **H. NOTES AND ANNOUNCEMENTS**

1. The next regularly scheduled meeting of the Board of Selectmen is Monday, July 12, 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  
June 1, 2021**

Present: Vice-Chairman Robert Espindola, Selectman Keith Silvia, Interim Town Administrator Wendy Graves and Videographer Nick Doyle

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

Absent: Chairman Daniel Freitas

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

Vice- Chairman Espindola opened the meeting at 6:34 pm in the Town Hall Banquet Room

**Minutes**

Mr. Silvia made a motion to approve the open session minutes of May 10, 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to approve the executive session minutes of May 10, 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to approve the open session minutes of May 14, 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to approve the open session minutes of May 25, 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

**Town administrator's report**

Ms. Graves told the Board town hall custodian Kevin Fournier has been clearing the boxes in the over crowded storage areas and will be contacting a shredding company to shred the papers.

**Committee liaison reports**

Selectman Silvia said he will meet with the Historical Commission on Wednesday, June 2, 2021. Selectman Silvia expressed his concerns for the remote Town Meeting and would like to speak to the Moderator about setting up a place at the Senior Center for those folks who are not technologically savvy, where they could go and have a member of the Technology staff available in person to help those who need it during the remote town meeting.

Mr. Espindola was away on vacation last week but told the Board the Bikeway Committee met and discussed the complete streets program with Town Planner Paul Foley, and will be looking to add a bike lane to several town streets. Mr. Foley is working on the shared streets program to help the community and businesses. Mr. Espindola said there some vacancies on the Bikeway Committee for anyone interested in joining.

Mr. Espindola thanked Ms. Oliveira for forwarding information from the Mass Municipal Association regarding a code of conduct webinar. Mr. Espindola said the webinar was very informative.

### **Fire Apparatus Study Committee**

Mr. Espindola read a letter from Fire Chief Correia requesting to dissolve the Fire Apparatus Study Committee and establish a Fire Apparatus working Group for the future apparatus needs.

Mr. Silvia made a motion to dissolve the Fire Apparatus Study Committee and form a Fire Apparatus working group. Mr. Espindola seconded. Vote was unanimous. (2-0)

### **Reappointments to Boards and Committees**

The Board took the following votes to reappoint members to Town Boards and Committees:

Mr. Silvia made a motion to reappoint Peter DeTerra to the Agricultural Commission for a term of three years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to reappoint Art Curator Mark Badwey and Associate Art Curator Kelly Smith for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to reappoint Pamela Davis, Ronnie J. Manzone and Ellis B. Withington to the Board of Assessor's for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to reappoint Lee Baumgartner, Doug Brady, Nils Isaksen, Jacqueline Kenworthy, Helena Oliveira and Cody Thibault to the Bell Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to reappoint James Anderson and Justin Gledhil to the Bikeway Committee, each for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to reappoint Sean Powers and Alyssa Botelho to the Broadband Study Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to reappoint Barbara Acksen, Maria Carvalho, Ronald Medina and John Methia to the Cable Advisory Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Vincent Furtado (BPW representative) and Robert Baldwin (School representative) to the Capital Improvement Planning Committee for a three year term. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Donna Lavalley and Glen Gabbard to the Commission on Disability for a term of three years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Gary Lavalette and John Dallen to the Conservation Commission for a term of three years each. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Steven Borges, Mathrew M. Botelho, Pamela A. Bourgault, Richard E. Ferreira, Carolyn Hurley (Town Business), Robert Jones, Keven W. Kobza,



Lawrence Machado, Scott McGarty, David Miller, Nicholas Sylvia, Herve W. Vandal, Jr., Milan Whitaker as Constables for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Lee Allaire, Susan Oiestad (associate member), Carol Burt (associate member) and Robert Ryan (associate member) to the Council on Aging for a term of three years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Eddie Lopez, Kevin McLaughlin, Bernard Roderick, and Cathy Melanson to the Economic Development Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Marc Jodoin as the Director of Emergency Management for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Maria Carvalho (full member) to the Historical Commission for a term of three years and David Braga (associate member) and John Medeiros (associate member) for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Patricia Pacella (at- large member) to the Lagoa Friendship Pact Committee for a term of two years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Robert Baldwin, Peter Deterra, Vincent Furtado, Marc Jodoin, Michael Myers, Jay Simmons, Bryan Wood, and Brian Wotton to the Local Emergency Planning Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Mark Rees to the Martha's Vineyard/Nantucket Steamship Authority for a term of three years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Eric Dawicki, Michell Potter, David Heber, Michael McNamara and Andrew Jones to the Marine Resources Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Kathy Lopes to the Library Trustees for a term of four years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Police Chief Michael Myers as the Municipal Hearing Officer for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Vicki Oliveira as the Parking Clerk for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Eileen Lowney (D) and Kim Hyland (R) to the Registrar of voters for a term of three years. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Doug Brady, Gail Isaksen, Nils Isaksen, Susan Loo, Beverly Rasmussen, Barbara Acksen (associate member) and Gary Lavalette (associate member) to the Rogers Reuse Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Robert Espindola to the Southcoast Bikeway Alliance (SCBA) for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Ann Richard, Leon Correy, Karen Gent, Susan Spooner, Diedre Healy, Jim Anderson, Wendy Drumm, and Christian Ritz (alternate member) to the Sustainability Committee for a term of one year. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Kenneth Kendall (associate member) to the Zoning Board of Appeals for a term of three years. Mr. Espindola seconded. Vote was unanimous. (2-0)

#### **Request to join Conservation Commission**

Mr. Espindola read a letter of interest to join the Conservation Commission from resident Karen Isherwood.

Mr. Silvia made a motion to appoint Karen Isherwood to the Conservation Commission as a voting member. Mr. Espindola seconded. Vote was unanimous (2-0)

#### **Request to join Disability Commission**

Mr. Espindola read a letter of interest from Pamela Whynot to join the Commission on Disability.

Mr. Silvia made a motion to appoint Pamela Whynot to the Commission on Disability. Mr. Espindola seconded. Vote was unanimous. (2-0)

#### **Request to join Bikeway Committee**

Mr. Espindola read a letter from Mike Rotondo and Chip Hathorne requesting to join the Bikeway Committee

Mr. Silvia made a motion to appoint Mike Rotondo to the Bikeway Committee. Mr. Espindola seconded. Vote was unanimous. (2-0)

Mr. Silvia made a motion to appoint Chip Hathorne to the Bikeway Committee. Mr. Espindola seconded. Vote was unanimous. (2-0)

#### **Joint Transportation Planning Group (JTPG)**

Mr. Silvia made a motion to appoint Planning Director Paul Foley to the Joint Transportation Planning Group (JTPG). Mr. Espindola seconded. Vote was unanimous. (2-0)

#### **Southeastern Massachusetts Metropolitan Planning Organization**

Mr. Silvia made a motion to appoint Selectman Bob Espindola to the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO). Mr. Espindola seconded. Vote was unanimous. (2-0)

#### **July 26, 2021 Board of Selectmen's meeting**

The Board discussed a date change for July 26, 2021 due to the recall election scheduled for the same date. Mr. Silvia made a motion to cancel the Board of Selectmen's meeting scheduled for Monday, July 26, 2021. Mr. Espindola seconded. Vote was unanimous. (2-0)

### **Tree Laborer/Climber/Operator position classification**

Ms. Graves updated the Board regarding the Tree Warden's request to reclass the position of Tree Laborer. Ms. Graves said the position was sent to Human Resources Services Inc (HRS). for review. HRS has recommended the position be moved from a Grade 5 to a Grade 7. Ms. Graves and Town Accountant Anne Carneiro have reviewed the job positions and are satisfied with the results. (Attachment A)

Mr. Silvia made a motion to approve the classification change for the Tree Laborer from a Grade 5 to a Grade 7. Mr. Espindola seconded. Vote was unanimous. (2-0)

### **Fowler Aquaculture**

The Board met with Harbormaster Tim Cox regarding adding resident Steve Doonan to the existing aquaculture Farm owned by Larry Fowler. Mr. Cox explained this was a request from the Division of Marine Fisheries because Mr. Doonan does the purchasing of the seeds for Mr. Fowler and it is required that he be on the license. Mr. Cox said the Marine Resources Committee has already unanimously voted in the affirmative for this change. Mr. Cox will draw up the necessary paperwork for the Board to sign. (Attachment B)

Mr. Silvia made a motion for the Board of Selectmen to sign the new document adding Steve Doonan to Larry Fowler's aquaculture site. Mr. Espindola seconded. Vote was unanimous. (2-0)

### **Use of Town Hall Auditorium: June 10 & 11, 2021**

Mr. Jason Nunez from Category 5 Media met with the Board via Zoom from California to request the use of the Town Hall Auditorium for interviews for a documentary that they will be filming in Fairhaven. The Board told Mr. Nunez he will have to pay for the overtime custodian fees for any time that goes over after the time hall is closed for the day.

Mr. Silvia made a motion to approve filming in the Town Hall auditorium June 10 & 11, 2021 upon the payment of the overtime fees. Mr. Espindola seconded. Vote was unanimous. (2-0)

### **Handicap sign- 54 Bayview Avenue**

The Board would like more information from the Police Safety Officer before taking any action.

### **ARPA update**

Ms. Graves said many towns are still waiting on guidance from the State. Ms. Graves will be forming a working group to review the America Rescue Plan Act (ARPA) once the guidance from the State comes back. These funds are for local governments to respond to the COVID – 19 emergencies. (Attachment C)

### **Celebration of the 500th anniversary of the city of Lagoa-Azores**

Mr. Espindola read a letter from Christina de Fatima Silva Calisto, Mayor of Lagoa, Azores regarding an upcoming visit later in the summer. (Attachment D)

Mr. Espindola reviewed some of the process of the Rogers School lease prior to entering into executive session to make the public aware of where the committee is in the negotiations.

Rogers Reuse Committee members Sue Loo and Doug Brady told the Board there could be a possible lease of the 1950's addition of Rogers School by Southeastern Massachusetts Educational Collaborative (SMEC). Mr. Espindola expressed his concerns about pricing and additional issues arising so close to Town Meeting. Mr. Brady said the SMEC group realizes that September would be too soon to try to finalize a lease. Mr. Espindola is concerned that Town Meeting members won't have enough information before Town Meeting.

At 7:47 pm Mr. Silvia made a motion made a motion to enter into executive session, not to reconvene to open session to discuss: Real Estate Matters: MGL Chapter 30A, Section 21 (6): Rogers School lease. Mr. Espindola seconded. Vote was unanimous. (2-0)

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

Respectfully submitted,



Vicki L. Oliveira  
Administrative Assistant

- A. Tree Laborer classification
- B. Memo from Harbormaster
- C. ARPA article
- D. Lagoa letter



**Fairhaven Board of Selectmen  
Meeting Minutes  
June 7, 2021**

Present: Chairman Daniel Freitas, Vice-Chairman Robert Espindola, Selectman Keith Silvia, Town Interim Administrator Wendy Graves and Videographer Nick Doyle

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 6:30 pm in the Town Hall Banquet Room.

**Town administrator's report**

Ms. Graves told the Board she has been busy finalizing all Town Meeting materials before Saturday's meeting.

**Committee liaison reports**

Mr. Silvia said Historical Commission Chairman Wayne Oliveira will be filming a video to support Article 23 for the academy front entrance project.

Mr. Silvia said Town Planner Paul Foley will be doing a presentation of the status of the Dog Park committee at a future Board of selectmen's meeting.

Mr. Silvia said the Council on Aging will be hosting anyone who would like technical assistance in person for Town Meeting. This will be on a first come first serve basis.

Mr. Espindola said the Broadband Study Committee will be presenting a video for the annual town meeting on Article 34.

**Boys Creek saltmarsh parcels**

Allen Decker from the Buzzards Bay Coalition was in attendance to meet with the Board regarding the Boys Creek saltmarsh parcels. Mr. Decker reminded the Board this process was started at the special town meeting on October 20, 2020. The Buzzards Bay Coalition acquired the 5.75 acres from Eversource and this land will be used for conservation land to increase the north side of Fort Phoenix.

Mr. Espindola made a motion to approve the gift of Boys Creek - Saltmarsh parcels. Mr. Silvia seconded. Vote was unanimous (3-0)

### **Request to fly the Pride Flag**

Kyle Bueno met with the Board with a request flying the Pride Flag over the archway of Town Hall for the month of August. Mr. Bueno presented the Board with some information about the meaning of the pride flag and some facts about the LGBTQ community. (Attachment A)

Mr. Espindola feels this is an important issue, especially after coming out of the COVID pandemic. Freitas is worried about approving this request and this starting a precedence with other groups that are associated with hate groups requesting to fly their flags.

Mr. Espindola reminded the Board that there was a flag policy put into place in 2020.

Mr. Espindola made a motion to approve the request. There was no second.

Mr. Freitas suggested to Mr. Bueno to fly the flag at Town Hall for a few hours like he did the first year in 2019. Mr. Bueno declined.

### **Appointment to the Historical Commission**

Mr. Fruits read a memo from Historical Commission Chairman Wayne Oliver requesting John Medeiros be appointed to the full-time position on the Historical Commission due to an opening.

Mr. Espindola made a motion to appoint John Medeiros to the full-time position on the Historical Commission. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Appointment to the Lagoa Friendship Pact**

Appoint Maria (MJ) Carvalho to the Lagoa Friendship Pact Committee as the Historical Commission representative

Mr. Espindola made a motion to appoint Maria Carvalho to the Lagoa Friendship Committee as the Historical Commission representative. Mr. Silva seconded. Vote was unanimous. (3-0)

### **Hive Motorcars, LLC**

At 7:00 pm Mr. Freitas opened the public hearing by reading the public hearing notice that was published in the paper.

Andrew Medeiros met with the Board and explained he will be continuing the business previously owned by Howard Katz (Howie's Auto Sales) and there will be no changes.

Mr. Espindola made a motion to approve the Class II Car Dealers license. Mr. Silvia seconded. Vote was unanimous. (3-0)

After no comments, questions or concerns from the public, Mr. Freitas closed the public hearing at 7:03 pm.

### **99 Restaurant of Boston, LLC d/b/a 99 Restaurant and Pub**

Mr. Freitas opened the hearing for the change of manager for 99 Restaurant. Pub 99 manager Amy Sherburne told the Board she has worked for the company for 19 years and is looking forward to being a

part of the community. Mr. Espindola made a motion to approve the change of manager for 99 Restaurant of Boston, LLC d./b/a 99 Restaurant and Pub. Mr. Silvia seconded. Vote was unanimous. (3-0)

After no comments, questions or concerns from the public, Mr. Freitas closed the public hearing at 7:07 pm.

### **Precinct One**

Precinct One Chairman Brian Bowcock met via Zoom with the Board. Mr. Bowcock thanked Mr. Charbonneau, highway superintendent, Public Works Superintendent Vinnie Furtado and the public works department for finishing up the green street project.

### **Rogers School lease proposal**

Members of the Rogers School Reuse Committee were in attendance to discuss the possible lease of the 1950's addition of Rogers school.

The members discussed the idea of adding Solar to the building and other uses for the Original portion of Rogers School and also applying for grants for the building. Town Planner Paul Foley told the Board he would like to search for possible grants but the Town would need to know what the use would be before he could apply for any grants

Selectman Silvia feels the Board is moving in the right direction and this could lead to other opportunities for Rogers School.

Ms. Loo, Chairwoman of the Rogers Reuse Community, reminded the Board that the mothball process for the former school is already in place and the roof has already been fixed and the bricks have been resealed. Currently there will be dehumidifiers in the school to help preserve it.

Mr. Brady expressed that there is a group that is ready and willing to lease the space at the school and if the Board puts them off, they will find a space elsewhere. The mothball process will still go on for the original part. Mr. Brady reminded the Board, if Article 57 passes, there will be no money spent unless a lease is signed.

Mr. Espindola said the Economic Development Committee has been discussing options for Rogers School and discussed multiple uses and ideas for the former school. Mr. Freitas and Mr. Silvia are both in favor of Article 57.

### **Handicap sign- 54 Bayview**

Resident Scott Hyman resident of 54 Bayview Street met with the Board to request a handicap sign across the street from his property. Mr. Hyman stated that he lives on the hydrant side of the street therefore the sign cannot go directly in front of his property, and he has a driveway but he has his hot rod parked there. Mr. Espindola reminded the Board at their previous meeting; the Police Safety Officer did not recommend the handicap sign at this time.

Mr. Silvia told the Board he spoke to the Department of Fair Housing and was told Mr. Hyman is entitled to a handicap space even though he has a driveway.



Mr. Espindola made a motion to approve the handicap space at 54 Bayview Street as determined by the Police Safety Officer, as soon as possible. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Remote Town Meeting participation**

Mr. Espindola told the Board the Mass Municipal Association is trying to extend the remote participation for government meetings. This would allow members of the community to participate remotely in meetings. Mr. Espindola would like to see the Board of Selectmen endorse this. (Attachment B)

Mr. Silvia is not in favor of remote meetings continuing, he likes having the community in the room in person. Mr. Freitas also would like to see in person meetings be brought back and feels that it is more personal to have people in the room and not on Zoom.

Cable Access Director Derek Frates discussed with the Board the drawbacks of the remote meetings and the challenges it causes for his department including the coordination for multiple meetings to take place at the same time when time, space and zoom permissions are limited.

Mr. Silvia made a motion to go back to “in person” meetings on June 15, 2021. Mr. Freitas seconded. Vote was passed. (2-1)

### **Preparation for Annual Town Meeting, June 12, 2021**

Board members reviewed the Articles for Town meeting.

Mr. Espindola made a motion to Pass Over Article 33: Land Acquisition and engineering design services for Public Safety Facility and disposal of Bridge Street pier- FY22. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to Pass Over Article 58: Land Acquisition North Street. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Notes and Announcements**

Mr. Espindola congratulated the Fairhaven High School seniors that graduated this past Sunday.

At 8:02 pm Mr. Espindola made a motion to adjourn to Executive session, not to reconvene to open session to discuss Real Estate Matters: MGL Chapter 30A, Section 21 (6): Rogers School lease. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Respectfully submitted,

Vicki L. Oliveira  
Administrative Assistant

- A. Pride fact sheets
- B. MMA remote participation article



## Fairhaven Board of Selectmen

### Meeting Minutes

June 09, 2021

**Present:** Vice- Chairman Bob Espindola, Clerk Keith Silvia, Interim Town Administrator Wendy Graves, Conservation Agent Whitney McClees, Administrative Assistant Vicki Oliveira, Sue Loo, Doug Brady, Catherine Cooper, Christopher Haraden and John Nunes

**Present via Zoom:** Chairman Daniel Freitas and Attorney Thomas Crotty

Chairman Freitas opened the meeting at 9:11 am

#### Rogers School proposal

Mr. Espindola inquired if a meeting had taken place with Ms. Graves and the Rogers Reuse Committee and Southeastern Massachusetts Educational Collaborative (SMEC) representatives? Ms. Graves said a meeting had not taken place since the last time the Board had met on June 7, 2021.

Attorney Crotty update the Board on the lawsuit filed by Michael Ristuccia and Zachary Mayo. Mr. Crotty said the lawsuit has a lien on the Rogers building there is an “order of claim” stating the town is required to sell Mr. Ristuccia and Mr. Mayo the building. The Town has filed a dismissal in February but because of the pandemic the courts are backed up.

*At 9:14 am Mr. Freitas turned the meeting over to Vice-Chairman Espindola.*

Attorney Crotty hopes to have a decision in the case next in the next few months. Ms. Cooper stated that SMEC would like to withdraw their proposal for a lease because they cannot tie up a lease not knowing the outcome of the lawsuit.

Mr. Brady reminded the Board the Article for Town Meeting is for borrowing of the money regarding the lease, if there is no lease, there will be no borrowing of money. Attorney Crotty told the Board there is no reason why Town Meeting can’t authorize the borrowing. The Board of Selectmen will have the legal authority to enter into the lease. By having the lease this will be one more opportunity for the law suit to move forward.

*There was a recess due to loss of the internet 9:38 am- 9:41 am*

Conservation Agent/ Sustainability Coordinator Whitney McClees told the Board the Rogers School could have Solar similar to the Wood School and the East Fairhaven School.

Ms. Cooper told the Board she would write a letter for Mr. Crotty to present to the court stating SMEC's intention to continuing the discussion for a lease once the lawsuit is dissolved. Ms. Cooper and Mr. Haraden would still like to keep the process moving forward.

The Board and Attorney Crotty discussed Town Meeting and Article 57: Rehab new wing at Rogers School.

Mr. Espindola said Executive session for today was tabled.

Mr. Silvia made a motion to adjourn at 10:18 am. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Respectfully Submitted,

Vicki Oliveira  
Administrative Assistant



**Fairhaven Board of Selectmen  
Meeting Minutes  
June 10, 2021**

**Present:** Vice- Chairman Bob Espindola, Clerk Keith Silvia, Interim Town Administrator Wendy Graves, Attorney Thomas Crotty, Sue Loo, Doug Brady and Administrative Assistant Vicki Oliveira

**Present via Zoom:** Chairman Daniel Freitas

Chairman Freitas requested to have Vice-Chairman Espindola chair the meeting.

Vice- Chairman Bob Espindola opened the meeting at 9:08 pm

Mr. Silvia said “thank you” to the Town’s Information Technology Department for helping the senior citizens in town with their technical issues for town meeting.

**Rogers School Lease**

Mr. Silvia would like to see Article 57: Rehab new wing Rogers School, pass town meeting and help this project move forward; because if it passes there is still not any cost to the tax payers until a lease has been signed between the Town and Southeastern Massachusetts Educational Collaborative (SMEC).

Mr. Espindola would like to wait for the Finance Committee before making a vote. On article 57

Mr. Espindola wants to be sure that the Town Meeting members have the full information before voting at Town Meeting. Mr. Espindola would like the information presented to the public that the Board received at a previous meeting.

Mr. Silvia reminded Mr. Espindola that this lease negotiations can’t move forward without the support at Town Meeting.

Mr. Freitas agreed with Mr. Espindola and would like to see the Town Meeting members have as much information as possible.

Mr. Crotty said most of the information can be shared without compromising the negotiations. Mr. Crotty reminded the Board the Town Meeting vote is approving the borrowing of the funds but the Board will be entering into the contract.

Mr. Espindola asked Mr. Crotty if he received the letter from SMEC stating that they are interested in leasing the 1950’s portion of the school. Mr. Crotty stated he has received the letter and will pass it along to attorney Harrington.

Mr. Silvia made a motion to support Article 57: Rehab new wing of Rogers School and to include all supporting documents and a draft sheet to be presented to town meeting members. Mr. Freitas seconded. Vote passed (2-1)

Mr. Espindola and Mr. Silvia would like to see the negotiating team continue to meet with SMEC.

The Board will not go into executive session as planned.

Mr. Silvia made a motion to adjourn at 9:30 am. Mr. Freitas seconded. Vote was unanimous. (3-0)

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

Respectfully Submitted,

Vicki Oliveira  
Administrative Assistant

DRAFT



**Fairhaven Board of Selectmen  
Meeting Minutes  
June 12, 2021**

Present: Chairman Daniel Freitas, Clerk Keith Silvia, Interim Town Administrator Wendy Graves, and Finance Chairman Padraic Elliot

Present via Zoom: Vice-Chairman Robert Espindola, Police Chief Michael Myers, Assistant to the Town Administrator Vicki Oliveira, Erick Sa, Finance Committee members: Robert Grindrod, Lisa Plante, Jessica Dwelly, Bernard Roderick, Jennifer Dupras, Kathi Carter, Tracy Diggins

Meeting was opened at 8:06 am. Chairman Freitas turned the meeting over to Finance Chairman Pat Elliot.

**Preparation for Town Meeting**

Mr. Elliot said the purpose of this meeting this morning is to review several Articles prior to Town Meeting to bring a balanced budget to the Town Meeting members.

Mr. Elliot asked Ms. Graves how the town stands with Article 9: General Fund Operating Budget. Ms. Graves said the Town will be getting some funds through the CARES Act and there will be money going to the schools

Mr. Elliot discussed the concerns of the Finance Committee for Article 14A: General Fund Capital Plan-SCBA Replacement.

Mr. Elliot discussed Article 7: Roadwork FY21- Bonney Street and explained this was a citizen petitioned article but the Public Works has not an approved project, therefore there is no money in the budget for; Bonney Street.

Mr. Elliot questioned why Article 39: Historic Town Hall Street lamps was not put through as a Capital Improvement project.

Historical Commission Chairman Wayne Oliveira told the committees that he was never directed to the Capital Planning Committee for this project. This project was not approved by the Community Preservation Committee (CPC), then it was added as an article.

Mr. Elliot addressed the wording of Article 57: Rehab new wing at Rogers School, and is worried about the funds coming from free cash.

Ms. Graves said Articles 49: Citizens Petition - establish and Ethics Committee, Article 52: Citizen Petition- amend town bylaw chapter 115 "right to farm" and Article 53: Citizen Petition: Amend town

bylaw chapter 516 “recall Elections” should be voted as Pass Over due to the language in the article. Mrs. Graves said the Moderator is waiting to hear back from the petitioner.

Mr. Espindola expressed his concerned over Article 57: rehab new wing at Rogers School.

Mr. Freitas would like to see this pass to start the process of SMEC leasing the former Rogers School 1950’s addition. Mr. Silvia said he has toured the Rogers School and the building is in sound condition.

Mr. Espindola is worried about missing something that may cost money to the taxpayers.

Ms. Graves said the wording for Article 57 has been reworted to include SMEC.

Mr. Silvia made a motion to recommend adoption for Article 19: Funding Capital Stabilization Fund- FY22. Mr. Espindola seconded. Vote was unanimous. (3-0)

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

Mr. Silvia made a motion for Pass Over due to the language for article 49: Citizens Petition- Establish an ethics committee. Mr. Freitas seconded. Vote passed (2-1)

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

Mr. Silvia made a motion to Pass Over due to the language Article 52: Citizens Petition- amend Town Bylaw Chapter 516 “recall Elections” Mr. Freitas seconded. Vote passed. (2-1)

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

Mr. Silvia made a motion to Pass Over due to the language article 53: Citizens petition- amend Town Bylaw Chapter 516” Recall Elections”. Mr. Freitas seconded. Vote passed (2-1)

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

Mr. Espindola made a motion to transfer \$285,000 from surplus revenue for the reduction of the tax levy. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

### **Year End Transfers**

The Board voted on year end transfers as follows

Mr. Espindola made a motion to approve the Planning Department transfer of \$550. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Mr. Espindola made a motion to approve the Historical Commssiion transfer of \$525. Mr. Silvia seconded. Vote was unanimous (3-0)

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



Mr. Espindola made a motion approve the Fire Department transfer of \$5000. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Mr. Espindola made a motion to approve the Conservation Department transfer of \$1600. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. C in favor, Mr. Espindola in favor, Mr. Freitas in favor

Mr. Espindola made a motion to approve the Police Department transfer of \$41,000. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Mr. Espindola made a motion to approve the Police Department transfer of \$17,800. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Mr. Espindola made a motion to approve the Animal Control Department transfer of \$1,200. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

The meeting adjourned to town Meeting

Selectman Silvia joined town meeting remotely.

The Moderator opened town meeting at 9:10 am

Town Meeting adjourned at 5:00 pm to be continued to Monday, June 14, 2021

Town Moderator Mark Sylvia re-opened Town Meeting on Monday, June 14, 2021 at 7:01 pm

Selectman Espindola was in attendance in place of Selectman Freitas at the Hastings Middle School.

At 9:58 pm a motion was made to adjourn the Annual Town Meeting.

Respectfully Submitted,

Vicki Oliveira  
Administrative Assistant

# SELECTMEN'S MEETING

Agenda Item  
For approval  
June 21, 2021

**Application submitted for:**

**A THIRD PARTY PERMIT**

**From:**

**OFF THE HOOK  
56 Goulart Memorial Drive  
Hosting a Fishing Tournament put on by  
North Atlantic Monster Shark Tournament**

**Dates: July 22-25, 2021  
(Hours attached)**



BOARD OF SELECTMEN  
TOWN OF FAIRHAVEN  
PERMIT FOR THIRD PARTY USE OF LICENSED  
PREMISES

(For rental or donated use of hall or club by third party)

Please Print

Licensee Name: ~~W. B. B. B.~~ JCR Bar & Grill, Inc. d/b/a Off the Hook

Date and Hours of Function: July 22-25, 2021 - See attached hours

Name, Address and Telephone Number of Third Party Group or Individual:

North Atlantic Monster Shark Tournament - 300 Oak St. Pembroke MA 02359

Name and Telephone Number of Responsible Person: Frank Papp (617) 908-5543 or Jessica (781) 285-3115

Type of Event (Detailed Description) Fishing tournament - details attached

Will There Be Entertainment, If Yes, Describe: Band on Saturday night (July 24)  
Starting at 6:30 pm

Will Persons Under 21 Be Allowed to be Present ☒ Yes ☐ No

Estimated Number of Attendees: 100+

Will There Be Security For the Event: Yes ☒ No - Requesting Police detail

If Yes, Describe:

MUST BE A [REDACTED] SUBMITTED TO BOARD OF  
SELECTMEN AT LEAST 3 BUSINESS DAYS BEFORE EVENT

(Licensing Authority Use Only)

Police Detail Required YES NO Number of Officers

Police Chief or Designee Signature

Date

RECEIVED  
2021 JUN 15 P 01  
TOWN OF FAIRHAVEN  
BOARD OF SELECTMEN



## Monster Shark Tournament

July 22nd – 25th, 2021

West Island Marina

Fairhaven, MA

### To Benefit:

The Monster Shark Tournament is a not for profit event dedicated to promoting, the science and education required to maintain the balance and perpetual sustainability of our marine fisheries, as well as, to protect fishermen against any further infringements of our rights to fish.

Proceeds from our past events have been donated to organizations including:

- The Steve James Memorial Scholarship Fund
- Dr. Greg Skomal, and the Massachusetts Shark Research Program
- The Stellwagen Bank Charter Boat Association
- The School for Marine Science & Technology
- The Recreation Fishing Alliance
- The Fishing Partnership

### Calendar of Events:

#### Thursday, July 22nd:

- MST Captain's Meeting, begins at 4pm at Off the Hook Bar & Grill, at West Island Marina. Your crew can register for the tournament at the meeting, and can also enter Calcutta added entry division categories for even bigger cash payouts. Tournament rules will be discussed at the meeting and Capt's Buckets will be given out.

#### Friday, July 23rd:

- Fishing Begins at 6am, no lines, bait or chum may be in the water before this time. There is no "lines out" time for Friday.
- The 2021 MST Weigh Station will be located at West Island Marina, in Fairhaven, MA, and will be open from 4pm - 8pm Friday afternoon. The public is encouraged to attend the family friendly atmosphere of the weigh-ins, so bring the kiddos down for an unforgettable and educational afternoon learning about these amazing pelagic species.

see back →

## Saturday, July 24th:

- Fishing concludes at 2pm.
- Weigh Station hours for Saturday will be from 2pm - 6pm.
- The MST Awards Banquet begins at 6:30pm under the tent at West Island Marina. The 2021 MST champion will be crowned, and other annual prizes will be awarded. This year's raffles will be amazing as always, with tables overflowing with fantastic gear and other impressive loot. Meanwhile the band Whiskey Affair will rock the night once again, as the MST gets our groove on Saturday night. For those that do not wish to fish but still want to join the party, additional banquet tickets can be purchased for \$75.00 each at the Capt's Meeting or at [sharksfundfishing.com](http://sharksfundfishing.com)

## Sunday, July 25th:

- The event concludes with the MST Farewell Bloody Mary / Spiked Coffee Party beginning at 10am.

### MST NEWS

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Coming soon.

30 YEARS OF MST

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**[Fairhaven MA] Broadband Committee (Sent by Nicole Antonio,****[REDACTED])**

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

Tue, Jun 15, 2021 at 12:43 PM

Reply-To: [REDACTED]t

To: Board of Selectmen &lt;selectmen@fairhaven-ma.gov&gt;

Hello Board of Selectmen,

Nicole Antonio ([REDACTED]t) 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:

Hello-my name is Nicole Antonio and I would love to be a part of your broadband committee. I have lived in Fairhaven for over 21 years. I would love to see this network built for our community. It would be a great asset to all Fairhaven residents. I currently work for a large telecommunications company and feel like I could contribute some experience and knowledge.

Thank you-  
Nicole Antonio



D3

TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall • 40 Center Street • Fairhaven, MA 02719

## Memorandum

Date: June 17, 2021

To: Selectboard

From: Whitney McClees, Conservation Agent

RE: Conservation Commission Appointments

---

One of the individuals expressing interest in joining the Conservation Commission, Gerald Delano, is currently in front of the Commission addressing a wetlands violation for which he was issued an Enforcement Order last summer. Appointing him to the Commission could constitute a conflict of interest.





Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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**[Fairhaven MA] Joining Conservation Commission (Sent by Gerald Delano,**

**[REDACTED])**

5 messages

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**Vicki Oliveira** <vloliveira@fairhaven-ma.gov>

Wed, May 26, 2021 at 10:02 AM

To: Whitney McClees <wmcclees@fairhaven-ma.gov>

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

Yes, I would.

[Quoted text hidden]

---

**Whitney McClees** <wmcclees@fairhaven-ma.gov>

Wed, May 26, 2021 at 9:57 AM

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

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

Good morning,

Currently there are no vacancies on the Conservation Commission for either voting or non-voting positions.

Vicki, would you be able to keep Mr. Delano's letter of interest on file in the event that vacancies arise?

Best,  
Whitney

Whitney McClees

Conservation Agent and Sustainability Coordinator

**Town of Fairhaven**

**40 Center Street**

**Fairhaven, MA 02719**

508-979-4022 ext. 128

she/her/hers

On Tue, May 25, 2021 at 8:26 AM Vicki Oliveira <vloliveira@fairhaven-ma.gov> wrote:

[Quoted text hidden]

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**Vicki Oliveira** <vloliveira@fairhaven-ma.gov>

Wed, May 26, 2021 at 8:32 AM

To: Whitney McClees <wmcclees@fairhaven-ma.gov>

What is the status of the ConCom and any openings? should I send this to you for an associate position for now and then you can request for him to move up? or is there a full time opening?

[Quoted text hidden]

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**Vicki Oliveira** <vloliveira@fairhaven-ma.gov>

Tue, May 25, 2021 at 8:26 AM

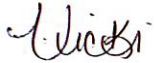
To: [REDACTED]

Cc: Daniel Freitas <dfreitas@fairhaven-ma.gov>, Whitney McClees <wmcclees@fairhaven-ma.gov>, Wendy Graves <wgraves@fairhaven-ma.gov>

Thank you Mr. Delano, for your interest in joining the Conservation Commission. I will forward your letter of interest to

the Board of Selectmen for their next meeting.

Best Regards,



Vicki L Oliveira  
[vloliveira@fairhaven-ma.gov](mailto: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  
Town of Fairhaven

[Quoted text hidden]

**Contact form at Fairhaven MA** <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>

Mon, May 24, 2021 at 2:45 PM

Reply-To: [REDACTED]

To: Board of Selectmen <[selectmen@fairhaven-ma.gov](mailto:selectmen@fairhaven-ma.gov)>

Hello Board of Selectmen,

Gerald Delano (g [REDACTED]) 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:

Sirs,

I would like to submit my name to be considered for a seat on the conservation commission.  
I have a BS in Political Science and 40 years experience running a small business.  
Bringing a balance between conservation and landowner rights would be my goal.

Thank You,

Gerald Delano



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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

**[REDACTED])**

12 messages

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**Vicki Oliveira** <vloliveira@fairhaven-ma.gov>

Tue, Jun 15, 2021 at 3:49 PM

To: Michael Kelly <[REDACTED]>

Cc: Whitney McClees <wmcclees@fairhaven-ma.gov>

Hi Mike!

Thank you for your willingness to serve on the Conservation Commission. There is no conflict because you are on the Historical Committee. I will pass along your interest to the Board of Selectmen.

Vicki

[Quoted text hidden]

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**Michael Kelly** <[REDACTED]>

Tue, Jun 15, 2021 at 3:38 PM

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

Cc: Whitney McClees <wmcclees@fairhaven-ma.gov>

Hi Vicki, hope you are well!

Whitney mentioned that there are potential openings on the Conservation Committee. If there is a voting member opening (if I'm eligible for that), I'd be interested in joining this committee in addition to my current spot on the Historical Commission. I'm assuming it is ok to serve on more than one at a time, but let me know if that is not the case.

Please let me know if you need more info, and thank you!

Michael

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



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## Lagoa Committee Appointment

1 message

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**Melissa Bouchard** <mbouchard@fairhavenps.net>  
To: Vicki Paquette <vloliveira@fairhaven-ma.gov>

Thu, Jun 17, 2021 at 2:35 PM

Good afternoon,

Per the School Committee's meeting on June 16, 2021, Kyle Bueno has been nominated and appointed to serve on the Lagoa Committee.

Please let me know if you have any questions or if you need anything else.

Thanks!

Best regards,

Melissa Bouchard  
Executive Assistant to the Superintendent  
[128 Washington Street](#)  
[Fairhaven MA 02719](#)  
508-979-4000 x. 121



D5

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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## Taylor Seafood

1 message

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**Sheri Souza** <ssouza@fairhaven-ma.gov>

Thu, Jun 17, 2021 at 12:43 PM

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

Wendy / Vicki,

Can we please add Taylor Seafood's Lease Transfer Application to the next Board of Selectmen's Meeting Agenda?

The Marine Resources Advisory Committee voted unanimously in favor of this change at their last meeting on June 10, 2021.

Thanks

Sheri



**To Board of Selectmen.pdf**

399K

## **Taylor Cultured Seafood**

56 Goulart Memorial Dr, Fairhaven, MA 02719

info@taylorculturedseafood.com

06/11/2021

Fairhaven Town Hall

Board of Selectmen

40 Center Street,

Fairhaven, MA 02719

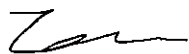
Subject: Lease Transfer Application

To Board of Selectmen:

We, Taylor Cultured Seafood, are restructuring the company and selling our aquaculture business in Fairhaven, MA. We are writing this letter to apply the title transfer of the 44 acres aquaculture lease, and plan to transfer the lease to a new company West Island Seafood, a subsidiary fully owned by Taylor Cultured Seafood. We will continue to operate the farm and take responsibility and obligation of the aquaculture lease until we find the new owner to take over the business.

Please let us know if you have any questions and look forward to hearing from you.

Thank you,



Zack Zhang

Taylor Cultured Seafood

**TOWN OF FAIRHAVEN**  
**Request for Appropriation Transfers**  
**Between or Within Departments**

D6

Date: 6-15-21

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).

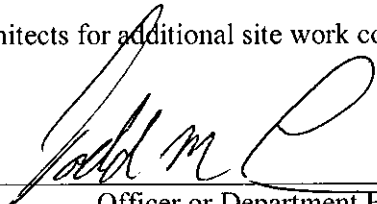
Amount requested: \$ 1,614.00

1. To be transferred from (account number): 01-220-00-5111-00

2. To be transferred to (account number): 01-220-00-5390-00

Comments: Unexpected bill received from HKT Architects for additional site work completed.

Request submitted by (signature required):

  
\_\_\_\_\_  
Officer or Department Head

**APPROVALS**

**Board of Selectmen:**  
**Date of Meeting:** \_\_\_\_\_

**Signatures:**

**Finance Committee:**  
**Date of Meeting:** \_\_\_\_\_

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.



**MONTHLY INVOICE****BILL TO**

**Ms. Wendy Graves**  
**Town of Fairhaven**  
**Town Hall**  
**40 Center Street**  
**Fairhaven, MA 02719**

**Project Description: Fairhaven - Public Facility Improv Study**

Professional Services: March 1, 2021 through March 31, 2021

INVOICE NUMBER	INVOICE DATE	PAYMENT DUE DATE	OUR PROJECT NO.	BALANCE DUE
000023-021713	Apr 05, 2021	May 05, 2021	021713.0	<b>\$13,741.05</b>

	Fee Summary		Previously Invoiced		Current Invoice		Remaining
	%	Stipulated	% phase Completed	Amount Billed	% complete	Value of Completed	Amount remaining
01-Historic Billing System	41.58%	\$84,350.00	100.00%	\$84,350.00	0.00%	\$0.00	\$0.00
01-Facilities Improvement Plan	27.44%	\$55,650.00	79.84%	\$44,430.75	0.00%	\$0.00	\$11,219.25
Amendment #1 - 194 Bridge Street Evaluation	3.20%	\$6,500.00	100.00%	\$6,500.00	0.00%	\$0.00	\$0.00
Amendment #2 - 267 Huttleston Ave. Evaluation	15.78%	\$32,000.00	100.00%	\$32,000.00	0.00%	\$0.00	\$0.00
Amendment #3 - Cost Estimates - Various	3.50%	\$7,100.00	100.00%	\$7,100.00	0.00%	\$0.00	\$0.00
Amendment #4 Drive-In Site	8.50%	\$17,238.00	77.41%	\$13,344.43	86.77%	\$1,613.46	\$2,280.11
	<b>100.00%</b>	<b>\$202,838.00</b>	<b>92.55%</b>	<b>\$187,725.18</b>	<b>0.80%</b>	<b>\$1,613.46</b>	<b>\$13,499.36</b>

**Invoice Total: \$1,613.46****Previous Balance: \$12,127.59****Account Balance: \$13,741.05**

Please make payments to HKT Architects, Inc.

**TOWN OF FAIRHAVEN**  
**Request for Appropriation Transfers**  
**Between or Within Departments**

Date: 6-15-21

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: \$22,000.00

1. To be transferred from (account number): 001-913-00-5170-03-0561 (Unemployment)
2. To be transferred to (account number): 001-710-00-5925-00-0121 (Debt-Interest Other)

Comments: Additional interest expense due to a large number of abatement refunds created by ATB cases, which includes interest to be refunded to the taxpayer.

Request submitted by (signature required): \_\_\_\_\_

\_\_\_\_\_  
Officer or Department Head

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**APPROVALS**

**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.



Vicki Oliveira &lt;vloliveira@fairhaven-ma.gov&gt;

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**Fwd: Inquiry for proposed Purple Heart dedication signs of bike path in Fairhaven-----FW: Purple Heart**

1 message

**Brad Fish** <bfish@fairhaven-ma.gov>

Tue, Jun 15, 2021 at 2:06 PM

To: Vicki Oliveira &lt;vloliveira@fairhaven-ma.gov&gt;

FYI

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

From: **Sousa, Shane (DOT)** <[shane.sousa@state.ma.us](mailto:shane.sousa@state.ma.us)>

Date: Fri, Jun 11, 2021 at 9:26 AM

Subject: RE: Inquiry for proposed Purple Heart dedication signs of bike path in Fairhaven-----FW: Purple Heart

To: [bfish@fairhaven-ma.gov](mailto:bfish@fairhaven-ma.gov) <[bfish@fairhaven-ma.gov](mailto:bfish@fairhaven-ma.gov)>Cc: Bilotta, Linda (DOT) <[linda.bilotta@state.ma.us](mailto:linda.bilotta@state.ma.us)>, Rodrigues, Michael (DOT) <[michael.rodrigues2@state.ma.us](mailto:michael.rodrigues2@state.ma.us)>, Simpson, Grant (DOT) <[grant.simpson@state.ma.us](mailto:grant.simpson@state.ma.us)>, Travers, Bill D. (DOT) <[bill.travers@state.ma.us](mailto:bill.travers@state.ma.us)>

Mr. Fish,

The District will gladly assist in supplying the appropriate materials once the trail is formally dedicated by the Town. Please reach out when the time comes.

Thanks

***Shane M. Sousa, P.E.***

District Five Bridge Engineer



Highway Division District 5

[1000 County St., Taunton, MA 02780](#)

Office: (857)-368-5150

Cell: (781) 853-7065

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**From:** Simpson, Grant (DOT) <[Grant.Simpson@dot.state.ma.us](mailto:Grant.Simpson@dot.state.ma.us)>**Sent:** Monday, June 7, 2021 10:06 AM**To:** Sousa, Shane (DOT) <[Shane.Sousa@dot.state.ma.us](mailto:Shane.Sousa@dot.state.ma.us)>**Cc:** Bilotta, Linda (DOT) <[Linda.Bilotta@dot.state.ma.us](mailto:Linda.Bilotta@dot.state.ma.us)>; Rodrigues, Michael (DOT) <[Michael.Rodrigues@dot.state.ma.us](mailto:Michael.Rodrigues@dot.state.ma.us)>**Subject:** Inquiry for proposed Purple Heart dedication signs of bike path in Fairhaven-----FW: Purple Heart

Good morning Shane,

I have received the email below from Mr. Fish, VSO in Fairhaven. He is going before the town to dedicate a bike trail as a "purple heart" trail and is asking if the state would supply the appropriate dedication signs, posts, etc. for their bike trail. Would someone contact him on this? I believe his contact info is still good- **508.979.4023 ext 114**, and email:

[bfish@fairhaven-ma.gov](mailto:bfish@fairhaven-ma.gov)

Thank you,

--

Grant Simpson  
District Bridge Inspection Engineer  
Massachusetts Department of Transportation, Highway Division – District 5  
[1000 County Street](#)  
[Taunton, Ma 02780](#)  
[Office: 857.368.5165](#)

Cell: 774.286.9255

Email: [Grant.Simpson@dot.state.ma.us](mailto:Grant.Simpson@dot.state.ma.us)

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**From:** Brad Fish <[bfish@fairhaven-ma.gov](mailto:bfish@fairhaven-ma.gov)>  
**Date:** Monday, June 7, 2021 at 9:28 AM  
**To:** "Simpson, Grant (DOT)" <[Grant.Simpson@dot.state.ma.us](mailto:Grant.Simpson@dot.state.ma.us)>  
**Subject:** Purple Heart

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi, I believe you have helped me in the past with signs for the town of Fairhaven and we are going in front of the selectboard to name our bike trail a purple heart trail. So my question is would the state supply us with a few signs for this project. Thanks again for your help in the past.

Bradford Fish

Veterans Service Officer



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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**Fwd: [Fairhaven MA] Purple Heart Town Designation (Sent by Kathy Lopes, [REDACTED])**

1 message

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**Brad Fish** <bfish@fairhaven-ma.gov>  
To: Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Tue, Jun 15, 2021 at 2:08 PM

FYI

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

From: <[REDACTED]>

Date: Wed, Feb 10, 2021 at 2:57 PM

Subject: Re: [Fairhaven MA] Purple Heart Town Designation (Sent by Kathy Lopes, [REDACTED])

To: bfish@fairhaven-ma.gov <bfish@fairhaven-ma.gov>

Hi Brad,

That is great news. I believe the next step would be to organize a presentation for the Selectmen. I have made an example of a Proclamation. I don't know how many other Purple Heart recipients we have in Fairhaven. My phone number is [REDACTED] if you want to discuss next steps.

Thanks.

Kathy

-----Original Message-----

From: Brad Fish <bfish@fairhaven-ma.gov>

To: [REDACTED]

Sent: Wed, Feb 10, 2021 12:51 pm

Subject: Re: [Fairhaven MA] Purple Heart Town Designation (Sent by Kathy Lopes, [REDACTED])

Hey Kathy, Yes I can assist you on this.

On Mon, Feb 8, 2021 at 1:57 PM Contact form at Fairhaven MA <cmsmailer@civicplus.com> wrote:

Hello bfish,

Kathy Lopes ([REDACTED]) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/1684/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/1684/edit>.

Message:

Hi Brad,

My name is Kathy Lopes and, I am a lifelong Fairhaven resident. About a year ago, I was in Taunton, Mass and saw a "Purple Heart Trail" sign. It caught my attention and it made me think of Fairhaven resident Frank Faria - who is a purple heart recipient. I think this is a designation that Fairhaven should get. I downloaded some info on it which I have attached. Is this something that you could assist with?

Kathy Lopes



**Proclamation - Fairhaven Purple Heart Community.docx**

15K



**Town of Fairhaven  
Massachusetts  
Office of the Selectmen**

**PROCLAMATION  
PURPLE HEART TOWN**

**Whereas**, the town of Fairhaven, Massachusetts and our community have a great admiration and the utmost gratitude for all the men and women who have, and are, selflessly serving their country and this community in the Armed forces; and

**Whereas**, Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

**Whereas**, the contributions and sacrifices of the men and women who served the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and,

**Whereas**, many men and women in uniform have given their lives while serving in the Armed Forces; and,

**Whereas**, citizens of our country have received the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force construed as a singularly meritorious act of essential service; and,

**Whereas**, Town of Fairhaven seeks to remember and recognize veterans who are recipients of the Purple Heart Medal; and,

**Whereas**, We, the Board of Selectmen, proclaim the Town of Fairhaven, Massachusetts to be a Purple Heart Town, honoring the service and sacrifice of our nation's men and women in uniform, wounded or killed by the enemy while serving to protect our freedoms.

THEREFORE, BE IT ORDAINED BY THE TOWN OF FAIRHAVEN, MASSACHUSETTS as follows:

Now, therefore, be it resolved on this 21st day of June, 2021, We, Daniel Freitas, Robert J. Espindola and Keith Silvia, the Board of Selectmen of the Town of Fairhaven, support the Town of Fairhaven becoming a Purple Heart Town in recognition of our communities Purple Heart recipients.

\_\_\_\_\_  
Daniel Freitas

\_\_\_\_\_  
Robert J. Espindola

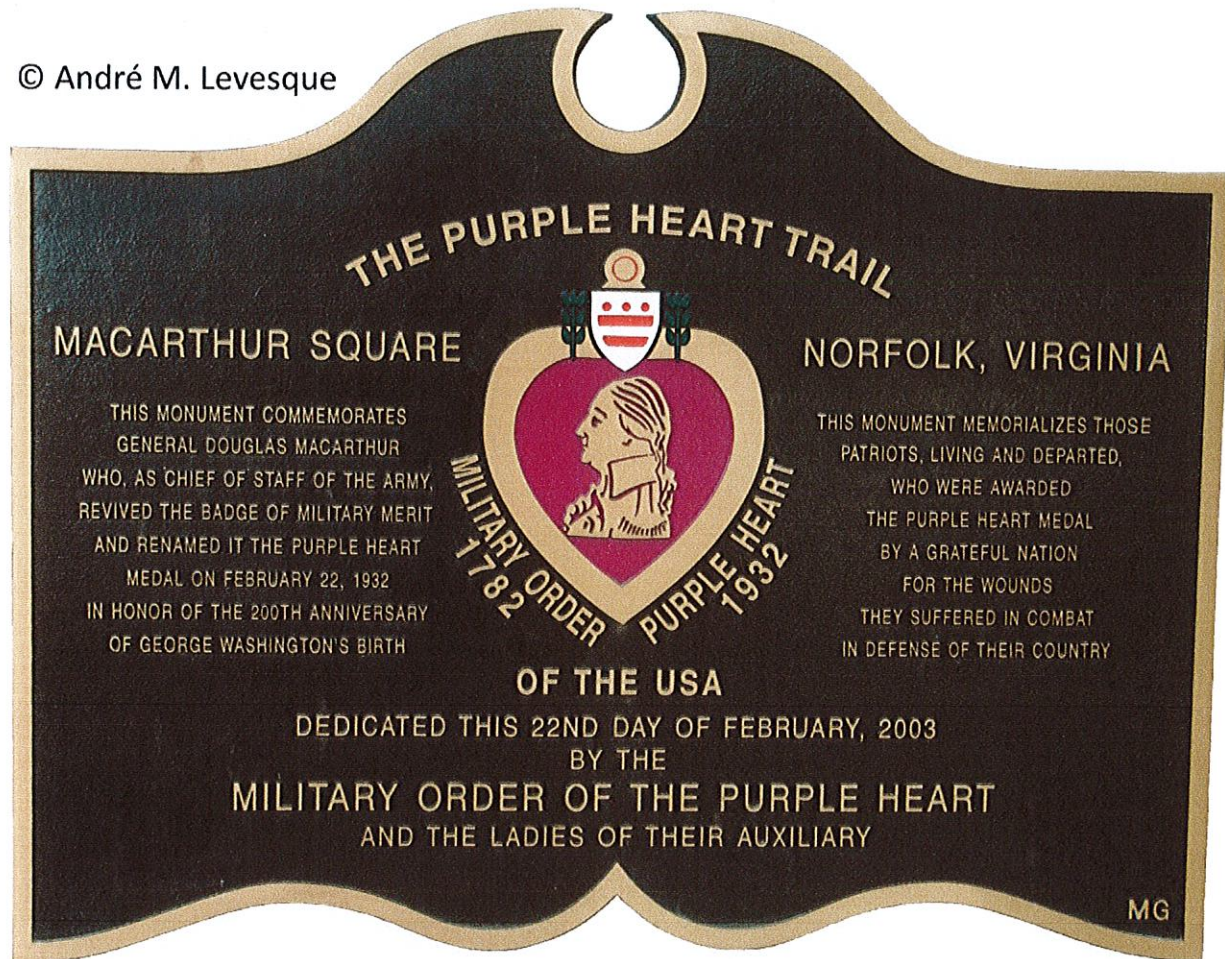
\_\_\_\_\_  
Keith Silvia



# Did you Ever Wonder...

## What is the Purple Heart Trail?

© André M. Levesque



(/pages/entries/posts/n68/image (Medium).jpg)

Click Image to Enlarge.

The Purple Heart Trail was established in 1992 by the Military Order of the Purple Heart (MOPH) to be a symbolic trail that commemorates and honours all men and women who have been wounded or killed in combat while serving the U.S. armed forces. The trail originates in Mount Vernon, Virginia – the burial location of General George Washington – and traverses across the United States and overseas as far as Puerto Rico and Guam. The signage program consists of the designation of an extensive system of roads, highways, bridges and memorials that pay tribute to the recipients of the Purple Heart medal and act as a visual reminder to those travellers that others have paid a high price for their freedom and live in a free society. The tradition of the Purple Heart dates back to the Revolutionary War, when General

George Washington created the 'Badge of Military Merit' to honour gallantry. This cloth badge fell into disuse after the war but on 22 February 1932 in honour of the bicentennial anniversary of George Washington's birth, General Douglas MacArthur restored it as the 'Purple Heart' medal.

The origin of the Purple Heart Trail is well defined on the monument dedicated on 7 August 1998 at Mount Vernon, whereby it "commemorates the establishment of the Purple Heart decoration by General George Washington, Commander-in-Chief of the Continental Army, on August 7, 1782" and "the Purple Heart Trail memorializes those patriots who were awarded the Purple Heart medal in combat in defense of their nation." The idea of the Purple Heart Trail came from Frank J. Kuhn, Jr., and was established at the national level by George Gallagher – both from Virginia – as a resolution during the 1992 national convention of the MOPH held in Cherry Hill, New Jersey. The design of the tablet was created by Mickey Gallagher, the wife of George Gallagher. There are many such tablets erected across the U.S., including one that was fittingly placed at MacArthur Square, Norfolk, Virginia and dedicated on 22 February 2003. As shown in the photograph, "This monument commemorates General Douglas MacArthur who, as chief of staff of the Army, revived the Badge of Military Merit and renamed it the Purple Heart Medal on February 22, 1932 in honor of the 200th anniversary of George Washington's birth. This monument memorializes those patriots, living and departed, who were awarded the Purple Heart medal by a grateful nation for the wounds they suffered in combat in defense of their country".

On this day, 7 August 2020, we commemorate the 238th anniversary of the creation of General George Washington's original concept of the Purple Heart and mark 27 years since the establishment of the Purple Heart Trail across the United States.

André M. Levesque

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# Town of Fairhaven

## Board of Health

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

### MEMO

To: Fairhaven Board of Selectmen  
Daniel Freitas, Chair

From: David D. Flaherty, Jr.  
Health Agent

RE: **Rodger School**

RECEIVED  
2021 JUN 18 P 12:24  
BOARD OF SELECTMAN  
FAIRHAVEN MASS

Mr. Freitas,

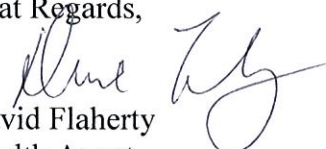
On June 14, 2021 I was asked by your fellow Selectman Robert Espindola to do a visual assessment of existing conditions at the Rodgers School at 100 Pleasant Street Fairhaven. I arrived at about 11:00 am and met Chris Carmichael, Fairhaven's Building Commissioner. We did a short walk-through with Mr. Espindola in the "new" section of the school.

I noticed extensive water damage as evidenced by the water stains around most of the sky lights in the wing. Some areas under the sky lights had enough infiltration as to show evidence of "puddling" underneath those sky lights. Many windows had evidence of moisture as well. The floor tiles, to the best of my assessment, were made of asbestos.

While I am not a licensed General Contractor, I believe these problems would be abated by removal of all affected materials and by replacement of the roof, windows and sky lights. Removal of the asbestos tile under the supervision of a Licensed Site Professional (LSP) would solve that problem as well. Part of the removal process would be to seal off these affected areas with plastic sheeting and filter the air of any particulate matter as the removal process is accomplished. This procedure is considered Best Management Practices and would be a solution to these issues. I always defer to LSP's for these practices.

To sum up, while this project is fairly extensive, it is not impossible; the cost of remediation would be the limiting factor.

Best Regards,

  
David Flaherty  
Health Agent



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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## Fwd: Agenda item

1 message

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**Doug B.** <[REDACTED]>  
To: Vicki Paquette <vloliveira@fairhaven-ma.gov>  
Cc: Daniel Freitas <dfreitas@fairhaven-ma.gov>

Tue, Jun 15, 2021 at 10:38 AM

Hello Vicki:  
Please see My request below.

Thank you  
Doug

Begin forwarded message:

**From:** "Doug B." <[REDACTED]>  
**Date:** June 14, 2021 at 10:31:51 PM EDT  
**To:** Wendy Graves <[wgraves@fairhaven-ma.gov](mailto:wgraves@fairhaven-ma.gov)>, Daniel Freitas <[dfreitas@fairhaven-ma.gov](mailto:dfreitas@fairhaven-ma.gov)>  
**Cc:** Sue Loo <[REDACTED]>  
**Subject:** Agenda item

Hello :

As A concerned citizen I would like to request the select board ask the health inspector to come before them and explain the issues discussed with selectman espindola in regards  
To selectman espindolas assertion that the slide represents a serious mold issue and exists in the building which was a major concern for Ann Richards in putting at risk students in such an environment. Since Mr. Espindola toured the building with the health department inspector I would like answers from the health inspector.

Thank you  
Doug Brady  
Precinct 4

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

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

Regards  
Doug Brady

# Meet Precinct Two





**Town of Fairhaven  
Massachusetts  
Clerk's Office**

Town Hall · 40 Center Street · Fairhaven, MA 02719  
Telephone (508) 979-4023 x105 · FAX (508)-979-4079

Carolyn Hurley  
Fairhaven Town Clerk

DATE: June 15, 2021  
TO: Wendy Graves  
Board of Selectmen  
REF: Early Retirement Notice

Dear Ms. Graves,

I am respectfully submitting my notice of early retirement from the elected position of Fairhaven Town Clerk. I will be retiring on June 30, 2021.

Know that the Town Clerk's Office as well as my Assistant, Ms. Linda Fredette, are prepared and ready to move forward with Fairhaven's upcoming Recall/Special Election in July and to continue the duties of excellence expected from the Town Clerk's Office.

On a personal note, I would like to extend my appreciation to the Board of Selectmen, the staff at the Town Hall and all other Town Departments for their support that was given to me and the Town Clerk's Office.

Kind regards,

Carolyn Hurley  
Fairhaven Town Clerk

**Memo**

**Re: Town Clerk Vacancy and Appointment**

**From: Tom Crotty**

**May 9, 2018**

This memo will address the options and procedures to follow in the event of the resignation of the town clerk.

**1. Assistant Town Clerk**

If the clerk has appointed an assistant pursuant to GL c 41 §19 (and I believe she has) then upon the effective date of the clerk's resignation, the assistant town clerk shall perform the clerk's duties, unless the selectmen have appointed a temporary clerk pursuant to GL c 41 §14.

**2. Temporary Appointment Pursuant to GL c 41 §14 (Optional)**

The selectmen have the option in the event of a vacancy in the office of town clerk to appoint a temporary town clerk. The only procedural requirement for the board to appoint a temporary town clerk pursuant to GL c 41 §14 is that the appointment be in writing by the board. (Neither the assistant clerk or the temporary clerk appointed by the board are required to be residents of the town, or registered voters.)

**3. Special Election Pursuant to GL C 41 §10 (Optional)**

Under GL C 41 §10, the selectmen also have the option in the event of a vacancy in the office of town clerk to call a special election to fill the vacancy for the remainder of the vacated term. In this case, that would be from the date of the special election until the April 2019 election. The special election may not be held prior to the effective date of the resignation.

If the board does call for a special election, the rules for election of town officers apply. The new town clerk would take the position upon election, and would hold the position until the April 2019 election. (In an election, whether special or annual, the candidates must be registered voters in the town.)

If the board does not call for a special election, then the Assistant Town Clerk or Temporary Appointee will remain in the position until April 2019, when the position will be filled at the April 2019 election.

To be discussed at meeting



## EMERGENCY ALERTS

## Coronavirus Update

COVID-19 Vaccine: Safe, effective, free. Get the vaccine today: *Jun. 2nd, 2021, 9:25 am* [Read more](#) <sup>Ⓢ</sup>

VaxMillions Giveaway: Registration starts July 1 for fully vaccinated residents *Jun. 15th, 2021, 11:05 am* [Read more](#) <sup>Ⓢ</sup>

HIDE ALERTS

Mass.gov

## Updated guidance on holding meetings during the COVID-19 state of emergency

To assist public bodies in complying with the Open Meeting Law, as modified by the Governor's executive order, the Division of Open Government offers the following guidance.

On March 12, 2020, Governor Baker issued an Executive Order Suspending Certain Provisions of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing.

First, the executive order relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body instead provides adequate, alternative means of public access to the deliberations of the public body. "Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, the executive order authorizes all members of a public body to participate in a meeting remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location is suspended.

All other provisions of the Open Meeting Law and regulations, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect.

### What means of access will be considered "adequate, alternative means?"



"Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body as they are occurring (i.e., "live" or "in real time"). The methods listed in the executive order and here are non-exhaustive, and we recognize that there are myriad methods that will be acceptable. "Adequate, alternative means" could include Zoom, a high-capacity telephone conference line, Facebook Live, YouTube Live, and broadcasting on live TV, including local cable access television. The brief delay of approximately 20 seconds when Zoom meetings are streamed to Facebook or YouTube Live is acceptable.

## **May a public body post a recording or transcript of the meeting afterwards, instead of providing access to the meeting as it is occurring?**

The executive order provides that a municipal public body that, for reasons of economic hardship and despite best efforts, is unable to provide alternative means of public access that will enable the public to follow the proceedings in real time, may instead post a full and complete transcript, recording, or other comprehensive record on its website as soon as practicable after the meeting. In light of the various free and low-cost technologies that could be used to provide the public with real time access, the Division of Open Government strongly recommends that a municipal public body consult with our office before determining that it is unable to provide the public with real time access to a meeting.

## **May public body members meet in person, while requiring the general public to follow the proceedings remotely?**

Yes. Section (1) of the executive order allowing public access through adequate, alternative means is independent from Section (2), which allows members of the public body to participate remotely. The public body may conduct its proceedings under the relief provided in section (1) or (2) or both.

## **If a public body will provide access to its meeting through "adequate, alternative means," what information must be included on the meeting notice?**

Public bodies must continue to post notice of every meeting at least 48 hours in advance of the meeting, not including weekends or state holidays, using the official notice posting method (physical notice or website), even if the clerk's office is closed. The notice must include the "location" of the meeting. If access to the meeting will be provided through "adequate, alternative means," the meeting notice must include clear instructions for accessing the meeting remotely. A public body may require members of the public to call to obtain access information for the meeting, rather than including such information on the public meeting notice, to minimize Zoom-bombing and similar disruptions. In such situations, the meeting notice must include clear contact information, and members of the public must be able to obtain the meeting access information up to and throughout the duration of the meeting (members of the public cannot be required to register in advance).



## What other requirements apply to remote meetings?

The Open Meeting Law regulations governing remote participation, 940 CMR 29.10, remain in effect, except where the Governor's executive order specifically suspends certain requirements. In particular, when any—or all—public body members participate in a meeting remotely, the following requirements apply:

1. At the start of the meeting, the chair must announce the name of the member or members who are participating remotely; such information must also be recorded in the meeting minutes.
2. All votes must be taken by roll call.
3. Members of the public body must be clearly audible to each other and to members of the public at all times.
4. When holding an executive session remotely, the public body must still take all required procedural steps for entering into executive session in open session. At the beginning of the executive session, each public body member participating remotely must state that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

Should the public body encounter technical problems while meeting remotely, the person chairing the meeting may decide how to address the technical difficulties, but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred must be noted in the meeting minutes.

## What about public comment, public participation, and public hearings?

The Open Meeting Law does not require that public bodies allow public comment or public participation during meetings -- to the contrary, the Open Meeting Law specifies that nobody shall address the public body without permission of the chair. However, the Attorney General encourages public bodies to allow public comment and/or public participation when feasible. Because the Open Meeting Law does not require that public bodies allow for public comment or public participation during meetings at all, the manner that public bodies may choose to accept comment or questions is outside the scope of the Open Meeting Law. Public hearings, on the other hand, are governed by separate laws that impose additional requirements, and may require opportunity for public comment or testimony. Those requirements are outside the scope of the Open Meeting Law and therefore do not fall within the Division of Open Government's jurisdiction. Public bodies and members of the public should consult with legal counsel for guidance on the requirements for public hearings.



MUNICIPAL GOVERNMENT

JUN  
16  
2021

## Legislature sends pandemic policy extension bill to governor

[Home](#) → [News](#) → [Municipal Government](#)

Late last night, the Legislature sent a compromise bill to the governor to extend certain special allowances that were tied to the COVID-19 state of emergency, which had expired nearly 24 hours earlier.

The Senate passed its version of the bill last Thursday, and the House approved its version yesterday afternoon. A six-member conference committee worked out differences between the two bills into the evening.

In the end, the committee decided to leave some items on the table for further discussion in order to fast-track the more time-sensitive provisions, like extending the allowance for public bodies to hold remote meetings, which ended at 12:01 a.m. on Tuesday.

The bill sent to the governor ([S. 2475](#)) would:

- Allow for remote meetings and hearings by public bodies through April 1, 2022
- Ratify any remote meetings held between the expiration of the state of emergency and the signing of the law
- Extend the ability to reduce the quorum at any town meeting through Dec. 15, 2021
- For towns with representative town meetings, extend their ability to hold those meetings using remote participation through Dec. 15, 2021

- Extend local authorization for outdoor table service through April 1, 2022
- Allow for the continued sale of wine, beer and mixed drinks for off-premises consumption through May 1, 2022

The MMA supports the temporary extensions in S. 2475, but is continuing to advocate for lawmakers to consider making the following permanent:

- The option for public bodies to conduct remote or virtual meetings
- Allowance for remote town meetings that is also extended to open town meeting communities
- Election provisions such as the option to vote by mail and to move municipal election and caucus dates during emergencies
- Expedited permitting for outdoor table service and take-out alcoholic beverages

Written by [Brittney Franklin, Senior Legislative Analyst](#)

## | News Categories

**ECONOMIC AND COMMUNITY DEVELOPMENT**

**LABOR AND PERSONNEL**

**LOCAL AID AND FINANCE**

**MUNICIPAL GOVERNMENT**

**MUNICIPAL SERVICES**

**PUBLIC WORKS, ENERGY AND UTILITIES**

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## | Recent posts

- [Legislature sends pandemic policy extension bill to governor](#)
- [Senate OK's pandemic policy extension bill; House action expected shortly](#)
- [MMA hosts webinar on CARES extension and ARPA process](#)



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

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

F4

- 1) Any request to fly a flag / banner on Town Property must be made through the Selectmen's office at least 60 days in advance of the requested flying period.
- 2) The Board will only permit flags acknowledging proclamations made by from the federal government and/or the Commonwealth of Massachusetts, as well as flags/banners announcing local upcoming events that are open to the public, provided they are not in support of a candidate or political party, and are not primarily commercial in nature.
- 3) The Board of Selectmen will have final say, at their own discretion, on whether any flag / banner is appropriate to be displayed on any Town Facility.
- 4) Requests will not be granted for flags/banners to be displayed for longer than 30 days.
- 5) The Board of Selectmen shall have the right, at their own discretion, and upon a vote of the Board, to remove any flag / banner prior to the end of the approved time period. The Selectmen may choose, at the time of approval, to pass this authority to remove any flag / banner on to the Town Administrator.
- 6) For any time period where multiple requests are made, the time will be shared equally by all approved requests with not more than one flag or banner flown at any time.
- 7) The Town will not be responsible for hanging or taking down the banner but will provide direction on where it may be hung.
- 8) The flag, as displayed, must not interfere with any aspect of the operation of any Town Facility.
- 9) The requestor must present a signed, dated copy of the attached waiver along with their request to fly a flag/banner.

### General Release and Indemnity

I/we, \_\_\_\_\_, in consideration of the approval of my/our request to the Town of Fairhaven to be allowed to display a flag or banner on public property, do hereby agree to release the Town, and its officers, agents, and employees, from any and all liability for damage or injury suffered by me/us including but not limited to personal injury or property damage resulting from, or related to, the placement, display or removal by me/us or by any other person, of the flag or banner: and further I/we agree to indemnify, defend and hold harmless the Town, and its officers, agents, and employees, from any and all claims for damage or injury, including but not limited to personal injury or property damage resulting from, or related to, the placement, display or removal by me/us or by any other person, of the flag or banner.

Date: \_\_\_\_\_

Signed:

\_\_\_\_\_

Name (print) \_\_\_\_\_

Title (if signed on behalf of an organization):

\_\_\_\_\_



NEWS > NATIONAL NEWS • News

## Biden signs bill making Juneteenth a federal holiday



FILE- In this June 19, 2020, file photo, protesters chant as they march after a Juneteenth rally at the Brooklyn Museum, in the Brooklyn borough of New York. (AP Photo/John Minchillo, File)

By **ASSOCIATED PRESS** |

PUBLISHED: June 17, 2021 at 1:46 p.m. | UPDATED: June 17, 2021 at 1:46 p.m.

By **KEVIN FREKING**

WASHINGTON (AP) — President Joe Biden signed legislation Thursday establishing a new federal holiday commemorating the end of slavery, saying he believes it will go down as one of the greatest honors he has as president.





Biden signed into law a bill to make Juneteenth, or June 19, the 12th federal holiday. The House voted 415-14 on Wednesday to send the bill to Biden, while the Senate passed the bill unanimously the day before.

“This is a day of profound weight and profound power, a day in which we remember the moral stain, the terrible toll that slavery took on the country and continues to take,” Biden said.

Juneteenth commemorates June 19, 1865, when Union soldiers brought the news of freedom to enslaved Black people in Galveston, Texas — two months after the Confederacy had surrendered. That was also about 2 1/2 years after the Emancipation Proclamation freed slaves in the Southern states.

It’s the first new federal holiday since Martin Luther King Jr. Day was created in 1983. One of the federal holidays, Inauguration Day, happens every four years.

The U.S. Office of Personnel Management, which is the human resources office for the federal government, tweeted Thursday that most federal employees will observe the new holiday — Juneteenth National Independence Day — on Friday since June 19 falls on a Saturday this year.

Biden noted the overwhelming support for the bill from lawmakers in both parties. He had run for president promising to unite the country and work with Republicans, but his first major legislation to provide more COVID relief to American consumers and businesses was passed along party lines and he has struggled to unite lawmakers to support a major public works bill.

“I hope this is the beginning of a change in the way we deal with one another,” Biden said.

Biden signed the legislation surrounded by members of the Congressional Black Caucus as well as the lead sponsors of the legislation in the Senate, Sens. Edward Markey, D-Mass., and John Cornyn, R-Texas. He was introduced by Vice President Kamala Harris, the nation’s first African-American vice president.

“We have come far and we have far to go, but today is a day of celebration,” Harris said.

The White House moved quickly to hold the signing ceremony after the House debated the bill and then voted for it Wednesday.

“Our federal holidays are purposely few in number and recognize the most important milestones,” said Rep. Carolyn Maloney, D-N.Y. “I cannot think of a more important milestone to commemorate than the end of slavery in the United States.”



Rep. Sheila Jackson Lee, D-Texas, speaking next to a large poster of a Black man whose back bore massive scarring from being whipped, said she would be in Galveston on Saturday to celebrate along with Cornyn.

“Can you imagine?” said Jackson Lee. “I will be standing maybe taller than Sen. Cornyn, forgive me for that, because it will be such an elevation of joy.”

The Senate passed the bill Tuesday under a unanimous consent agreement that expedites the process for considering legislation. It takes just one senator’s objection to block such agreements.

The vote comes as lawmakers struggle to overcome divisions on police reform legislation following the killing of George Floyd by police and as Republican state legislators push what experts say is an unprecedented number of bills aimed at restricting access to the ballot box. While Republicans say the goal is to prevent voter fraud, Democrats contend that the measures are aimed at undermining minority voting rights.

Several members of the Congressional Black Caucus went to the floor Wednesday to speak in favor of the bill. Rep. Bonnie Watson Coleman, D-N.J., said she viewed Juneteenth as a commemoration rather than a celebration because it represented something that was delayed in happening.

“It also reminds me of what we don’t have today,” she said. “And that is full access to justice, freedom and equality. All these are often in short supply as it relates to the Black community.”

Some Republican lawmakers opposed the effort. Rep. Matt Rosendale, R-Mont., said creating the federal holiday was an effort to celebrate “identity politics.”

“Since I believe in treating everyone equally, regardless of race, and that we should be focused on what unites us rather than our differences, I will vote no,” he said in a press release.

The vast majority of states recognize Juneteenth as a holiday or have an official observance of the day, and most states hold celebrations. Juneteenth is a paid holiday for state employees in Texas, New York, Virginia and Washington.

Rep. Clay Higgins, R-La., said he would vote for the bill and that he supported the establishment of a federal holiday, but he was upset that the name of the holiday included the word “independence” rather than “emancipation.”

“Why would the Democrats want to politicize this by coopting the name of our sacred holiday of Independence Day?” Higgins asked.



Rep. Brenda Lawrence, D-Mich., replied, “I want to say to my white colleagues on the other side: Getting your independence from being enslaved in a country is different from a country getting independence to rule themselves.”

She added, “We have a responsibility to teach every generation of Black and white Americans the pride of a people who have survived, endured and succeeded in these United States of America despite slavery.”

The 14 House Republicans who voted against the bill are Andy Biggs of Arizona, Mo Brooks of Alabama, Andrew Clyde of Georgia, Scott DesJarlais of Tennessee, Paul Gosar of Arizona, Ronny Jackson of Texas, Doug LaMalfa of California, Thomas Massie of Kentucky, Tom McClintock of California, Ralph Norman of South Carolina, Mike Rogers of Alabama, Matt Rosendale of Montana, Chip Roy of Texas and Tom Tiffany of Wisconsin.

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Tags: **Joe Biden**, **social justice**



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selectmen@Fairhaven-MA.gov

## MEMO

Date: April 12, 2021  
From: Wendy Graves, Acting Town Administrator  
To: Town Departments  
Re: Selectmen's Meeting Schedule for the 2<sup>nd</sup> half of calendar year 2021

At their April 12, 2021 meeting, the Board of Selectmen voted to set the 2<sup>nd</sup> half of the calendar year 2021 meeting schedule as follows:

**Please note the meeting of Monday, May 24, 2021 has been rescheduled for Tuesday, June 1, 2021**

- Monday, July 12, 2021
- ~~Monday, July 26, 2021~~ Cancelled due to Recall Election
- Monday, August 9, 2021
- Monday, August 23, 2021
- Monday, September 13, 2021
- Monday, September 27, 2021
- Tuesday, October 12, 2021
- Monday, October 25, 2021
- Monday, November 8, 2021
- Monday, November 22, 2021
- Monday, December 6, 2021
- Monday, December 20, 2021

All meetings start at 6:30 p.m.



June 17, 2021

Select Board,

Upon request, here is the info pertaining to additional hybrid/ remote meeting room(s) equipment needed based on Yes vote on Article 56 at the June 14, 2021 Annual Town Meeting.

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 Meetings 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

**Option 1:** Large Scale meetings (Location Auditorium)

A/V Equipment (10-12 Wireless Mics, Mixer, Speaker PA, Zoom A/V Adapters) -  
**\$10,546.20**  
 86" ViewSonic Smartboard - **\$6505.00**  
 Total: **\$17,051.20**



**Option 2:** Small Scale Meetings (Possible locations – Banquet Room, East Room, BPW)

4K Conference Camera System with Dual-Speakers and Mic Pods Set  
(Possible locations – East Room, BPW) - **\$2386.79**

Accessories: 65” ViewSonic Smartboards (Possible locations – East Room, BPW) -  
**\$4505 each**

Total per location: **\$6891.79**

**ZOOM Platform Costs:**

\$140/month for webinar for up to 500 participants (**\$1680/yr**)

\$199.90/month for 10 standard business licenses (**\$2388/yr**)

Currently paid for by Covid-19 Cares Reimbursement, set to expire at some point.

**Fairhaven Town Cable Access Enterprise  
Retained Earnings Available as of 6-17-21**

<b>Beginning Balance 7/1/20</b>	<b>\$693,838</b>
<b>Amount used for FY 22 Budget</b>	<b><u>(\$ 49,587)</u></b>
<b>Retained Earnings as of 6/17/21</b>	<b>\$644,251</b>

Currently the Comcast Cable Budget is split between Town and School:

Town Cable = 56% ( 2 Channels: Government Access Channel 18 & Public Access Channel 95)

School Cable = 44% ( 1 Channel: Educational Access Channel 9)

An increase to the Town Cable percentage would allow us to hire a Part-Time Production Assistant (19 hrs per week) in addition to Full time positions of Cable Access Director and Production Coordinator to guarantee coverage of all meetings. We currently rely on Videographers, paid an hourly rate with no set schedule and availability.

Thank You,

**Derek T. Frates**

Government /Public Access Director

Town of Fairhaven



F8

Wendy Graves &lt;wgraves@fairhaven-ma.gov&gt;

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**Interim contract****Thomas P. Crotty** <tomcrotty@tcrottylaw.com>

Thu, Jun 17, 2021 at 11:54 AM

Reply-To: tomcrotty@tcrottylaw.com

To: Wendy Graves &lt;wgraves@fairhaven-ma.gov&gt;

Wendy

I think the board should at least put this on the agenda for discussion to acknowledge that the 180 days is running out.

I believe that the 180 day provision should be viewed as 'suggestive' – meaning that it directs the board as to how it should treat the appointment. But there is no provision for circumstances where the appointment runs past 180 days. So if someone brought the issue to court, a judge would not be able to fashion a remedy.

If the board can't agree on renewing the current interim contract, or appointing another interim town administrator, then I think the current appointment continues of necessity.

Tom

[Quoted text hidden]



Vicki Oliveira &lt;vloliveira@fairhaven-ma.gov&gt;

---

**[Fairhaven MA] I would like to step aside from DISABILITY committ (Sent by RONNIE MEDINA, [REDACTED])**

1 message

---

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

Fri, Jun 11, 2021 at 7:56 PM

Reply-To: [REDACTED]

To: VIOliveira &lt;VIOliveira@fairhaven-ma.gov&gt;

Hello VIOliveira,

RONNIE MEDINA ([REDACTED]) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/33/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/33/edit>.

Message:

DEAR Vicki Oliveira I would like to step aside from DISABILITY committee because conservation commission need more of my time

I'm letting you know that

From

RONNIE MEDINA



---

**Fwd: Annual Renewal Appointments**

1 message

**Geoff Haworth** <geoffhaworth2@gmail.com>

Wed, Jun 2, 2021 at 12:50 PM

To: Vicki Oliveira &lt;vloliveira@fairhaven-ma.gov&gt;, Whitney McClees &lt;wmcclees@fairhaven-ma.gov&gt;

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

From: **John Dallen** <[REDACTED]>

Date: Wed, Jun 2, 2021, 12:33

Subject: Re: Annual Renewal Appointments

To: Geoff Haworth &lt;geoffhaworth2@gmail.com&gt;

Geoff,

I am regrettably going to have to step down from the Conservation Commission.

My three sons are all playing basketball at the BBA in Dartmouth this summer.

We just got their schedules yesterday and they have games every Monday - Thursday, between 6-8pm.

I don't want to put the board in a bad position with not having me there, so I would rather see someone else get a voting spot.

Again sorry for this as I enjoyed the time on the Commission.

Thank you.

Sincerely,

John Dallen

On Sun, Apr 25, 2021 at 12:19 PM Geoff Haworth <geoffhaworth2@gmail.com> wrote:

Good Morning All,

I have to submit to the Selectman's office by May 6th the annual renewal of the board.

If everyone (including consultants) can please email me separately (do not reply all) with the following information; name, address, phone number and email address so I can update the records. Also the following members terms expire this year so I need to know if the following members would like to be reappointed or wish to not be reappointed:

Dan Doyle term expires 2021

John Dallen term expires 2021

Gary Lavalette term expires 2021

All Consultants terms expires 2021 also so if the following could indicate if they would like to be voted to be appointed for another year:

Ronnie Medina

Karen Isherwood

Don Collasius

I'm asking everyone to please respond to me by April 30th so I can compile the information and turn it in on time. If anyone has any questions please let me know.

Thanks

Geoff Haworth



Whitney McClees <wmcclees@fairhaven-ma.gov>

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## Reappointments

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Susan Spooner <[REDACTED]>

Wed, May 12, 2021 at 8:02 AM

To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Whitney: I have not sent a formal letter as yet, but will be unable to continue with the committee. Thanks Susan

[Quoted text hidden]



Whitney McClees &lt;wmcclees@fairhaven-ma.gov&gt;

**Fwd: Reappointments**

1 message

**James Anderson** <[REDACTED]>  
To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Wed, Jun 9, 2021 at 3:50 PM

Whitney, apparently this message never was acted upon.  
Jim

Sent from my iPhone

Begin forwarded message:

**From:** James Anderson <[REDACTED]>  
**Date:** May 10, 2021 at 2:24:10 PM EDT  
**To:** Wendy Drumm <[REDACTED]>  
**Subject:** Re: Reappointments

Hi Whitney,  
After a lot of thought I've decided not to go for another appointment. This last year I've overextended myself and have a backlog of work to catch up on, and also travel. Next year I can reevaluate. Thanks for the opportunity, I appreciate it.

Jim

Sent from my iPhone

On May 7, 2021, at 4:44 PM, Wendy Drumm <[REDACTED]> wrote:

Yes, I would like to. Wendy Drumm

On Fri, May 7, 2021 at 10:10 AM Whitney McClees <wmcclees@fairhaven-ma.gov> wrote:  
Good morning,

The Selectboard will be doing annual reappointments at their June 1 meeting. If you haven't already done so, please let me know if you would like to be reappointed for another term.

Best,  
Whitney

Whitney McClees  
Conservation Agent and Sustainability Coordinator  
Town of Fairhaven  
40 Center Street  
Fairhaven, MA 02719  
508-979-4022 ext. 128  
she/her/hers