



RECEIVED  
TOWN CLERK  
2020 DEC 14 P 1:21  
FAIRHAVEN,  
MASS.

## Fairhaven Board of Selectmen Meeting Minutes November 2, 2020

**Present:** Chairman Daniel Freitas, Vice-Chairman Robert Espindola, Selectman Keith Silvia, Town Administrator Mark Rees, and Cable Access Director Derek Frates

**Present via Zoom:** Town Counsel Tom Crotty, Administrative Assistant Vicki Oliveira, Cable Production Coordinator Eric Sa, Geoff Haworth, Jeff Lucas, Cathy Melanson, Planning Director Paul Foley, and members of the public.

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

Chairman Freitas opened the meeting at 6:32 pm in the Town Hall Banquet Room and read the following statement:

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

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

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

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

### **Minutes**

Mr. Espindola made a motion to approve the minutes of October 19, 2020 – Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the minutes of October 20-21, 2020 – Open Session. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Town Administrator's Report**

Bids were opened for the Academy Building project, one for the front door restoration and the second for the handicap access project. Since the Commission didn't have enough money for both projects, the



Historical Commission decided to go forward with the Handicap Access portion and has awarded the contract to Kneeland Construction out of Medford Mass at a cost of \$149,175 and to seek funding for the front door restoration at the next town meeting.

The Town was recently awarded a \$14,300 grant through the state's Sustainable Material Recovery Program. The Board of Public Works, with the assistance of the Board of Health, is anticipating using the funds to enhance Fairhaven's hazardous waste day collection program.

The Police Chief has said the department is moving forward with being fully accredited by the Massachusetts Police Accreditation Program with the required internal assessment being completed by December 9, 2020. The Fairhaven Police Department was awarded the initial certification for accreditation status in September of 2019 and are now moving forward with full accreditation status. This accreditation is a coveted award that symbolizes professionalism, excellence and competence and as a community we should be just proud of the department's accomplishments.

Mr. Rees has approved the Police Chief's appointment of Fairhaven resident Josue Ostolaza has new police officer in the department, subject to his passing required tests and graduating from the police academy. Mr. Ostolaza comes highly recommended, is currently a corrections officers at the Bristol County Sheriff's Office and has earned an Associate's Degree in Legal Services from the Community College of Rhode Island. He also a Marine Corp. Veteran who served during Operation Iraqi Freedom.

Chris Carmichael started today as the Town's Building Commissioner he and Mr. Rees and held a brief meeting with the other inspectors in the department to introduce him to them and to talk about ways the department operations can be streamlined and improved going forward.

### **Committee Liaison Reports**

Mr. Espindola said he met with the Bikeway Committee and members Mat Coes and Lois Callahan are working on a video that will highlight the Fairhaven bike path.

Mr. Espindola met with SRPEDD where they held a conference on climate change.

Mr. Espindola said the Broadband Study Committee has received approximately 104 surveys back so far.

Mr. Silvia said the Library has not met since the last Selectmen's meeting.

Mr. Freitas expects Bristol Aggie to meet soon.

### **Request to join Cultural Council**

Mr. Espindola made a motion to appoint Wendy Drumm to the Fairhaven Cultural Council. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr., Espindola made a motion to appoint Suzan Galpin to the Fairhaven Cultural Council. Mr. Silvia seconded. Vote was unanimous. (3-0)

Request to join Conservation Commission

Mr. Espindola made motion to appoint Cory Pietraszek to the Conservation Commission. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to appoint John Dallen to the Cultural Council. Mr. Silvia second. Vote was unanimous. (3-0)



The Board will recommend Ronnie Medina to the Conservation Commission to an associate position.

**Open Meeting Law Complaint- Stephane Robbins**

Mr. Rees told the Board that Town Counsel has reviewed the Open Meeting Law complaint filed by Stephane Robbins and has drafted a response for the Board stating that the Board was not in violation of the Open Meeting Law. (Attachment A)

Mr. Espindola made a motion to authorize Mr. Rees to send the response letter to the Attorney General's office and to Mr. Robbins. Mr. Silvia seconded. Vote was unanimous. (3-0)

**Union Wharf: Property Available for Disposition, Art 11, Oct 20, 2020 Special Town Meeting**

Mr. Espindola made a motion to declare the town property at Union Wharf available for disposition as per Article 11, at the October 20, 2020 Special Town Meeting. Mr. Silvia seconded. Vote was unanimous. (3-0)

**Joint meeting with the Planning Board— to fill vacancy appointment: Jessica Fidalgo**

Via Zoom, members of the Planning Board, Jeff Lucas, Geoff Haworth, and Cathy Melanson met in a joint meeting with the Board of Selectmen for the purpose of appointing someone to the vacant seat on the Planning Board. This position will be held until the next election. There was one applicant interested in filling the vacant seat. Jessica Fidalgo answered questions, via Zoom, and explained why she would like to be appointed to the Planning Board.

Mr. Espindola made a motion to appoint Jessica Fidalgo to the Planning Board until the next election. Mr. Silvia seconded. Vote was unanimous. (6-0)

Roll call vote: Cathy Melanson in favor, Jeffrey Lucas in favor, Geoff Haworth in favor, Bob Espindola in favor, Keith Silvia in favor, Dan Freitas in favor

**Continued Public Hearing: Fairhaven Meadows, LLC, d/b/a Nasketucket Bay Vineyards: Farmer's Series Pouring License**

Mr. Rees told the Board Mr. Christy is aware that he needs to submit more information before the Board can approve the license.

Mr. Espindola made a motion to continue the public hearing until November 16, 2020. Mr. Silvia seconded. Vote was unanimous. (3-0)

**Robert Hobson- Lobster Basin, Union Wharf**

Robert Hobson and Michelle Potter met in the Banquet Room with the Board regarding Union Wharf. Mr. Hobson feels that the Town is giving away spots at Union Wharf that should belong to the commercial fishermen. Town Counsel explained that back in 1943 the Town owned all of Union Wharf but reserved ownership of the basin and the right to use the lobster basin. Town Counsel said permission to use the land can be revoked at any time. Ms. Potter and Mr. Hobson urged the Board to "do what is fair." Planning Board member, Jeff Lucas, feels the Planning Board and other committees should review this as they are there to assist the Board of Selectmen in their decisions.

Mr. Espindola made a motion to ask the Marine Resources Committee to address the Union Wharf issue and make a recommendation to the Board of Selectmen and to ask the Economic Development Committee to also review. Mr. Silvia seconded. Vote passed. (2-1)

**License Agreement with Casey Boat Realty, LLC**



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

#### **Audit of Building Fees**

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

#### **Town Administrator Recruitment position statement**

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

*Mr. Freitas left the meeting at 7:54 pm*

*Vice- Chairman Espindola took over the meeting.*

#### **Screening Committee for Town Administrator search**

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

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

#### **Annual Board of Selectmen Goal setting session**

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

#### **Notes and Announcements**

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

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

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

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

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

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

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



Respectfully submitted,

*Vicki L. Oliveira*

Vicki L. Oliveira  
Administrative Assistant  
(Approved 12/7/2020)

Attachments:

1. Open Meeting Law Complaint/Response
2. Memo from Zach Fentross
3. Town Administrator position statement



Draft  
from  
Tom Coffey

October \_\_\_\_, 2020

Stephane Robbins

Dear Mr. Robbins:

The Board of Selectmen has reviewed your complaint dated October 20<sup>th</sup>, 2020 in which you allege that the Board violated the open meeting law on September 21, 2020 and October 19, 2020.

With respect to the September 21<sup>st</sup> meeting:

- There were approximately 15 people in the meeting room that night. The meeting was not in violation of the governor's Covid-19 order. In any event, the Open Meeting Law does not compel compliance with the governor's Covid-19 order.
- There was no need for any of the Selectmen to recuse themselves from the discussion with the ZBA or A-1 Crane. But in any event the Open Meeting Law does not govern recusals.
- The joint meeting between the Board of Selectmen and the Zoning Board was properly noticed and properly held. After that meeting members of the zoning board stayed for the discussion with A-1 Crane. That was not a joint meeting of the two boards. Members of the ZBA stayed in attendance on their own volition, and there were no mutual or separate deliberations and no decisions made by the two boards with respect to A-1 Crane. There was no violation of the Open Meeting Law.

\* There was an earlier dated a complaint dated OCT 20, 2020 but the OCT 25 complaint was the same as the earlier complaint



- The manager of Douglas Wine and Spirits submitted that matter to be approved administratively, as is common practice. That is not a violation of the Open Meeting Law.

With respect to the October 19<sup>th</sup> meeting:

- There were approximately [redacted] people in the meeting room that night. The meeting was not in violation of the governor's Covid-19 order. In any event, the Open Meeting Law does not compel compliance with the governor's Covid-19 order.
- The fact that you were not recognized to speak is not a violation of the Open Meeting Law. This was a regular meeting of the Board of Selectmen, not a public hearing or public forum. The Open Meeting law does not require that meetings of public bodies be opened up for members of the public to speak.

Very truly yours,





The Commonwealth of Massachusetts  
Office of the Attorney General  
RECEIVED  
One Ashburton Place  
2020 OCT 26 A 9:58  
Boston, Massachusetts 02108

*Selectman  
Freitas*

BOARD OF OPEN MEETING  
FAIRHAVEN MASS  
**OPEN MEETING LAW COMPLAINT FORM**

## Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

### Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).





## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: stephane Last Name: robbins

Address: 89 middle street

City: fairhaven State: ma Zip Code: 02719

Phone Number: 5082213133 Ext.

Email: steve Robbins steve@gmail.com

Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/  
town, county or region, if applicable): Town of Fairhaven Selectmen  
bristol county

Specific person(s), if any, you allege  
committed the violation: Dan Freitas

Date of alleged violation: october 19 2020



## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Dan Freitas  
You are required by law to respond to this complaint. I expect these issues to be addressed.  
I am now also filing a complaint with the Ethics Commission in Boston, and filing an Official complaint with Governor Baker's Office on your Covid Violations.

Description of Violation  
On Sept 21st, 2020 you Dan Freitas held a meeting jointly with the ZBA that was in direct violation of the open meeting law. The meeting that was held was also in violation of the Governor's executive order concerning COVID.

1. It is a fact that you are friends with Jerry Bettencourt and Patt Carr. It is a fact that the new Selectmen had a fundraiser for his campaign with Jerry Bettencourt and Patt Carr prior to his appointment. Both of you did not recuse yourself or file written disclosure of this prior to the meeting.
1. The meeting with A1-Crane was supposed to be a Selectmen's meeting in regard to "land use". Agenda Item E.3 Between the Selectmen and A1-Crane Instead you knowingly and intentionally held a joint meeting with ZBA members, and your FRIENDS - Business owners Patt Carr and Jerry Bettencourt. Their Attorney was also invited to attend. They were all physically present in the town hall for the meeting.  
<https://www.fairhaventv.com/governmentmeetingvideos>
3. You also notified the manager of Douglas Wine and Spirits not to attend due to Covid Restrictions and the open meeting law.
4. Instead of ending the meeting with the ZBA in regards to "Educational Opportunity" you chose to have a joint meeting with the ZBA, Town attorney and the other Selectmen. You all discussed strategy in order to vacate the decision of the Building Commissioner in regards to the "Cease and Desist" who was not present at the meeting.
5. The public was not notified appropriately the ZBA's own agenda shows no meeting concerning A1-Crane but specifically states the meeting will be only a "Joint Meeting to discuss Educational Opportunity".

October 19, 2020 Selectmen's Meeting  
1. At approximately 1910 you again brought in your friends Patt Carr and Jerry Bettencourt to the Town Hall in order to try and place blame on Various Town Departments in order to persuade the Board to vacate the Cease and Desist.  
2. You again ignored the Covid Restrictions even though EMERGENCY ALERTS had been sent out.  
3. The meeting was scheduled to be for 5 minutes but went on for almost 45 minutes. You again granted your friend numerous time extensions to continue to speak.  
4. You again notified the public not to come to the Town Hall but invited your friends to attend the meeting.  
5. I attended the Public meeting via Zoom and was not allowed to talk. Which I believe is again another violation of open meeting laws. If you truly wanted to find out what is going on why not have an actual open meeting. I find it ridiculous that Patt Carr is able to lie and not one neighbor is allowed to rebut his statements. Certainly, this is part of your orchestrated plan.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Read and comply with  
1, The Conflict of Interest Law. Test as required by law  
<https://www.mass.gov/service-details/board-of-selectmen-members-explanation-of-the-conflict-of-interest-law>  
2, Read and Follow the open meeting laws.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: OCT 25 2020

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:





# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

RECEIVED  
2020 OCT 20 A 10:44  
OFFICE OF THE ATTORNEY GENERAL  
COMMONWEALTH OF MASSACHUSETTS

## Your Contact Information:

First Name: Stephane Last Name: Robbins  
Address: 89 middle street  
City: Fairhaven State: Ma Zip Code: 02719  
Phone Number: 508 221 3133 Ext. \_\_\_\_\_  
Email: Steve.robbins@steve@gmail.com  
Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

## Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/  
town, county or region, if applicable):

Fairhaven Selectmen

Specific person(s), if any, you allege  
committed the violation:

Daniel Freitas

Date of alleged violation:

Sept 21, 2020, Oct 19, 2020



## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Attached

RECEIVED  
2020 OCT 20 A 10:44  
OFFICE OF SELECTMAN  
COMMONWEALTH OF MASSACHUSETTS

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Attached

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: Oct 20 2020

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

Stephane Robbins  
89 middle street  
Fairhaven, Ma 02719  
(508)221-3133  
Steve Robbins Steve@gmail.com

Board of Selectmen Chair  
Daniel Freitas

Town of Fairhaven  
40 Center Street,  
Fairhaven, Ma 02719  
Email and Hand Delivery.

### Description of Violation

On Sept 21st, 2020 you held a meeting jointly with the ZBA that was in direct violation of the open meeting law. The meeting that was held was also in violation of the Governor's executive order concerning COVID. You did not recuse yourself or file written disclosure.

1, The meeting with A1 -Crane was supposed to be a selectmen's meeting in regard to "land use". Agenda Item E, 3 A1-Crane. Ex1 Between the Selectmen and A1-Crane

2, Instead you knowingly and Intentionally held a joint meeting with ZBA members, and your FRIENDS - Business owners Patt Carr and Jerry Bettencourt. Their Attorney was also invited to attend. They were all physically present in the town hall for the meeting.

<https://www.fairhaventv.com/governmentmeetingvideos>

3, You also notified the manager of Douglas Wine and Spirits *not to attend* due to Covid Restrictions and the open meeting law. Agenda item E, 1

@ 23:52 of the video -  
"Den States"



---

4, Instead of ending the meeting with the ZBA in regards to "Educational Opportunity" you chose to have a joint meeting with the ZBA, Town attorney and the other Selectmen. You all discussed strategy in order to Vacate the decision of the Building Commissioner in regards to the "Cease and Desist" who was not present at the meeting.

'Your claim that you did not know what was going on is simply a ruse as you are quite aware that you received multiple emails, letters and walkin verbal complaints from the abutting neighbors and Town employees, regarding the ongoing problems.

5, The public was not notified appropriately the ZBA's own agenda shows no meeting concerning A1-Crane but specifically states the meeting will be a only a 'Joint Meeting to discuss Educational Opportunity'. ex2

Furthermore on October 19, 2020

You again brought in your friends Patt Carr and Jerry Bettencourt to the Town Hall in order to try and place blame on Various Town Departments in order to persuade the Board to vacate the Cease and Desist.

You again ignored the Covid Restrictions even though EMERGENCY ALERTS had been sent out. Again as I asked you before "Do you have a magic pill" you would like to share? Why are you risking lives to meet your own agenda?

The meeting was scheduled to be for 5 minutes but went on for almost 45 minutes. Why did you grant your friend numerous time extensions to continue to speak?

I attended the Public meeting via Zoom and was not allowed to talk. Which I believe is again another violation of open meeting laws. If you truly wanted to find out what is going on why not have an actual open meeting. I find it ridiculous that Patt Carr is able to lie and not one neighbor is allowed to rebut his statements. Certainly, this is part of your orchestrated plan.

I suggest you and the selectmen request from the police department **every** call that was made over the years concerning A1-Crane/Jerry's Auto by **all** the neighbors and you will see the ongoing problem.

**Action**

Read and comply with

1, The Conflict of interest Law. Test as required by law

<https://www.mass.gov/service-details/board-of-selectmen-members-explanation-of-the-conflict-of-interest-law>

2, Read and Follow the open meeting laws .

Cc:Mark Rees <mrees@fairhaven-ma.gov>,"dfreitas@fairhaven-ma.gov"  
[respindola@fairhaven-ma.gov](mailto:respindola@fairhaven-ma.gov),"Thomas P. Crotty" <tomcrotty@tcrottylaw.com>



RECEIVED  
TOWN CLERK

**FAIRHAVEN BOARD OF SELECTMEN**

2020 SEP 17 P 4:16

**Agenda**

**Monday, September 21, 2020**

**6:30 p.m.**

**Town Hall Banquet Room – 40 Center Street – Fairhaven**

**FAIRHAVEN,  
MASS.**

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

Log on to:

<https://zoom.us/j/94822328589?pwd=TzEzUXdlTUUVuQStCU1JlJeHg1L1BIOT09>

or call 1-929-205-6099

Meeting ID: 948 2232 8589

Passcode: 792512

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

**A. MINUTES**

1. Approve minutes of August 17, 2020 – Open Session
2. Approve minutes of August 17, 2020 – Executive Session
3. Approve minutes of September 8, 2020 – Open Session
4. Approve minutes of September 8, 2020 – Executive Session

**B. TOWN ADMINISTRATOR'S REPORT**

**C. COMMITTEE LIAISON REPORTS**

**D. ACTION**

1. Badge Pinning Ceremony: Fairhaven Fire Department
2. Taylor Seafood License renewal
3. Larry Fowler: Aquaculture License
4. CDBG: Discharge of Mortgage – Lois Grindrod
5. Request for Executive Session minutes: June 30, 2020 & July 13, 2020
6. Approval of Poll Workers: November 3, 2020 election
7. Request to join the Cultural Council: Sarah Buck
8. Community Nurses Contract for Public Health Nursing
9. Sidewalk Easement Acceptance: 79 Green Street
10. Approval of stop sign: Glenhaven Avenue and Parker Street
11. Approval of consolidated I.T. Director
12. Appoint Board member to review Executive Session Minutes
13. SRTA Advisory Board Representative

**E. APPOINTMENTS**



1. 7:00 pm People's Super Liquor Store, Inc d/b/a Douglas Wine and Spirits: Change of Manager
2. 7:05 pm Joint Meeting with the Zoning Board of Appeals to discuss Educational Opportunity
3. 7:15 pm Meeting with A-1 Crane re: land use issues

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

1. Revised FY21 Budget
2. Preparation for October 20, 2020 Special Town Meeting- review of the warrant
3. Travelers Ale House, 111 Huttleston Ave: request for Special Town Meeting Article, Special Legislation
4. PILOT agreement: 46 Charity Stevens Lane: request for Special Town Meeting Article
5. Consider Changes to the Wellness Committee mission, structure and membership
6. Discuss policy for public participation during Open Public Meetings
7. Discuss Communication with other Boards and Committees
8. Municipal Electrical Aggregation
9. Discuss the process for replacing retiring Town Administrator Mark Rees
10. Accept draft report from Entry Point, Consultant to the Broadband Study Committee
11. Discuss the Broadband Study Committee survey and flyer
12. Audit of Building Fees
13. RFP for Workplace Climate Assessment
14. Policy on Display of Flags
15. Social Media policy
16. Dog Park Update
17. Report from Town Planner re: Metro Harvest's application for Marijuana retailer license

#### **G. CORRESPONDENCE**

1. Resignation on Planning Board: Jay Simmons
2. Resignation on Conservation Commission: Jay Simmons
3. Resignation on Fairhaven Housing Authority: Jay Simmons
4. Resignation on Wellness Committee: Patricia Pacella
5. Commander's Award Toys for Tots: Fairhaven Town Hall
6. ABCC Advisory: Extension of Allowance of Outdoor Table Service
7. Letter from Mary Lorenzo: Zoning Board of Appeals

#### **H. EXECUTIVE SESSION**

1. Discuss strategy with respect to litigation – Dan Shae: pursuant to M.G.L. Ch. 30A Section 21(a) (3)
2. Real Estate Matters: MGL Chapter 30A, Section 21(a) 6 :Union Wharf

#### **I. NOTES AND ANNOUNCEMENTS**

1. The next regularly scheduled meeting of the Board of Selectmen is Monday, October 5, 2020 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.*





E 2

# Town of Fairhaven MEETING NOTICE

## Zoning Board of Appeals

<https://zoom.us/j/94822328589?pwd=TzEzUXdlTUVuQStCU1JJeHg1L1BIQT09>

or call 1-929-205-6099  
Meeting ID: 948 2232 8589  
Passcode: 792512

PLACE OF MEETING FAIRHAVEN TOWN HALL -- Banquet room  
40 Center Street

DATE AND TIME Monday, September 21, 2020 at 7:05 p.m.

Agenda:

Joint Meeting with the Zoning Board of Selectmen  
to discuss Educational Opportunity

*Vicki Oliveira*

Vicki Oliveira, Admin. Assistant

September 17, 2020

Posting Date



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**Building Department Fee Review**

3 messages

**Mark Rees** <mrees@fairhaven-ma.gov>

Fri, Oct 30, 2020 at 10:10 AM

To: Zackary Fentross &lt;zfantross@melansonheath.com&gt;, Anne Carreiro &lt;acarreiro@fairhaven-ma.gov&gt;

Hi Zack, the Board of Selectmen is requesting an update on the status of the Building Department Fee Review engagement at their meeting on November 2, 2020. Could you provide me with a brief status report including expected date of completion? Thanks

Mark

--

Mark H. Rees  
Town Administrator  
Town of Fairhaven  
Fairhaven Town Hall  
40 Center Street, Fairhaven, MA 02719  
(508) 979-4023  
mrees@fairhaven-ma.gov

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**Zackary Fentross** <zfantross@melansoncpas.com>

Fri, Oct 30, 2020 at 12:02 PM

To: Mark Rees &lt;mrees@fairhaven-ma.gov&gt;

Cc: "Anne Carreiro (amc@fairhaven-ma.gov)" &lt;amc@fairhaven-ma.gov&gt;

Good Morning Mark,

So far we have spoken with John Cottrill, Henry Daigle, and Norman Lussier. All three indicated that they do not believe there is any fraud that is taking place. All three indicated that there is a degree of subjectivity involved in the permit fee process. Scott and I anticipate calling Patti within the next few days and should have a record with some recommendations for improvements that should be made to the department. Some of the recommendations that will be included in are report are as follows:

1. Having a subsequent review of permit fee calculations to ensure they are accurate (The Town already implemented this for the Electrical permits).
2. Ensuring applications for permits are completed in full before approval (it was brought to our attention that many times the permits are incomplete)
3. Provide additional training to Patti

If you have any questions or concerns please feel free to reach out.

Thanks so much!

**Zackary Fentross, CPA**



# Fairhaven, MA – Town Administrator

Attachment C



## Position Statement

Fairhaven, MA (16,000 pop.), is a charming seaside community located on the shore of Massachusetts' Buzzards Bay, approximately one mile from New Bedford, 35 miles east of Providence, R.I., and 50 miles south of Boston. [Fairhaven](#) is a community of homes, commercial development, the marine trades, and industrial companies. The Town, settled in 1653, has a rich history dating back to the days of the Pilgrims. Fairhaven was incorporated in 1812 after separating from New Bedford and grew in prosperity during the whaling days in the 1800s. The Town's most remarkable features are the magnificent European-style public buildings built between 1885 and 1906 by Standard Oil Company executive and millionaire Henry Huttleston Rogers, a native of the Town.



Fairhaven has an S&P rating of AA+ and an FY21 operating budget of approximately \$52 million. Fairhaven's population skews slightly older than the state average with approximately 20 percent of residents in the over 65 age group compared to the state average of about 15 percent. The Town tends to be fiscally conservative. Fairhaven's current challenges include the implementation of necessary wastewater treatment plant upgrades which will be funded via the Sewer Enterprise Fund, implementing the recommendations of the Public Facilities Improvement Plan of which the first priority is a Public Safety Facility, enhancing collaboration and unifying Town staff as well as a desire for economic development that will allow the community to retain its rural charm and character. Fairhaven's local government is led by a three-member Board of Selectmen.

To serve as the second Town Administrator since this form of local government was enacted in 2014, Fairhaven is seeking a seasoned, collaborative leader with strong financial acumen, who has the ability to unify and make difficult decisions, has strategic vision, excellent communication skills, and experience with economic development and personnel management. Candidates should have a bachelor's degree (advanced degree preferred) in public administration or a related field. Preferred candidates will have a proven record of leadership, exceptional financial skills, and be able to build strong, collaborative relationships. The Town Administrator should be approachable and highly communicative. Given Fairhaven's seaside location, candidates should understand coastal resiliency issues and the importance of the blue economy.

**Annual salary: \$155K+/- DOQ.** The successful candidate will receive an attractive compensation package including health and retirement plans, commensurate with qualifications and experience. Fairhaven is an Equal Opportunity/Affirmative Action Employer.

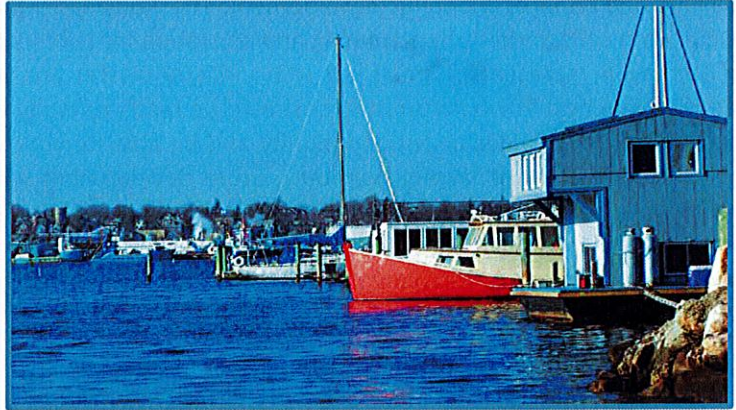




## Government

Fairhaven has a Board of Selectmen-Town Administrator form of government with Representative Town Meeting. The Board of Selectmen serves as the Town's principle elected executive board and, acting through the Town Administrator, are responsible for the day-to-day operations of town government. The Town Administrator position was established via a Special Act in November 2014. The first Town Administrator, who is retiring, established support for the position and instituted the shifts in power and responsibility required by the Special Act. The next Town Administrator must exhibit professionalism, superior substantive knowledge, and confidence.

Fairhaven has a number of elected positions, boards, and committees including: Board of Selectmen, School Committee, Board of Public Works, Planning Board, Board of Health, Housing Authority, Commissioner of Trust Funds, Town Clerk, and Town Moderator. Fairhaven has two fire stations, a central police department, one library, and its own school department with two elementary schools, a middle school, and a high school. The elementary schools were built within the past eight years. High school students may also attend either Greater New Bedford Regional Vocational-Technical High School or Bristol County Agricultural High School. The Town of Acushnet has no high school and Acushnet students are, therefore, able to choose from New Bedford High School, Fairhaven High School, Bristol Aggie, and GNBVTRHS. In recent years, Fairhaven has been successful in drawing many students from Acushnet and this has resulted in very significant financial benefit for the Town.



## Finances

Fairhaven has an FY21 operating budget of approximately \$52 million. The Town is typically conservative with its spending, but strongly supports investing in the upkeep of its historic buildings. In FY20, free cash was certified at \$4.39 million, the Town had a General Fund Stabilization Fund of \$3.09 million and General Fund Capital Stabilization Fund of \$5.66 million. The FY20 tax rate is \$11.06 for residential and \$22.04 for commercial, industrial, and personal properties. The property tax base is nearly 86% residential, about 10.7% commercial, and approximately 1% industrial. Nearly 45% of the Town's revenue comes from the tax levy, with about 17.3% from state aid. Local receipts bring in about 25% of the annual revenue. New growth in FY20 was \$229,325. The Town's non-Proposition 2½ excluded debt service ratio is currently 0.55% of the budget with projections that it will rise to 0.83% in FY22, 1.8% in FY23, 1.19% in FY24, and 1.11% in FY25. At the October Special Town Meeting, the Finance Committee noted that there was a 2021 shortfall in revenues of \$877,572. The amount has been covered through \$387,399 in cuts in the general fund operating budget and \$490,173 from free cash/surplus revenues.

Like most municipalities, Fairhaven is facing potential revenue constraints due to the ongoing COVID-19 crisis as well as the overall pressure of increasing costs and infrastructure needs. Preferred Town Administrator candidates will have exceptional financial acumen with a proven record of building balanced budgets that reflect needs while adhering to the Town's financial policies and respecting its limited resources. It is important for the next Town Administrator to maintain the good working relationship with school officials that currently exists.

According to a 2017 Moody's issuer comment, Fairhaven has a robust financial position, and a strong socioeconomic profile with a sizable tax base. It has a moderate pension liability with an affordable debt burden. Commercial businesses are located primarily along Route 6. There is a desire for some economic development to help fund town services, support infrastructure needs and provide additional employment for residents, but available land is limited.

The Town has made a concerted effort in recent years to seek and apply for grants and has been very successful in doing so. The new Town Administrator should be willing to continue these efforts to add to Fairhaven's revenue and allow the Town to provide services that would not otherwise be attainable.





## Economic and Community Development

Fairhaven is a seaside community with a working waterfront. While retail trade is now the leading segment of the economy, fishing and ship maintenance are still important segments. Acushnet Company, a leading manufacturer of golf equipment, is located in Fairhaven, and there is a burgeoning healthcare-driven job cluster along Route 240. The Town's economic development goals include preserving the financial viability of the working waterfront, maintaining healthy commercial occupancies along Route 6 and other commercial areas, supporting mixed-use projects, support of small business incubation and growth, and collaboration with New Bedford and other area towns on workforce training and regional economic development. The Northeast Maritime Institute (NEMI), located in the Town Center, is a private college that offers training and education for careers in the maritime industry. Maritime-related business in Fairhaven represents a small but vital industry cluster and it is an important aspect of the Town's legacy and identity. The next Town Administrator should be ready to study the benefits an institution of higher education in the Maritime field provides in our community and be able to work with leadership at NEMI to support their expansion plans. As the Town is largely built-out, future development will mostly consist of redevelopment. Nearly 90% of businesses in Town can be considered "small business." Apart from the commercial and industrial areas and three working farms, Fairhaven is mainly a quiet residential community. The next Town Administrator will be expected to help advance the goals and objectives detailed in [Fairhaven 2040](#), the Town's master plan.

### Important Links:

- [Town of Fairhaven](#)
- [FY21, FY20, FY19 Operating Budgets](#)
- [FY21, FY20, FY21 Capital Improvement Budgets](#)
- [2017 Moody's Issuer Comment](#)
- [Collective Bargaining Agreements](#)
- [2020 Town Meeting Warrant](#)
- [General Town Code](#)
- [Fairhaven 2040 Master Plan](#)
- [Community Development Strategy](#)
- [FY21 Policy Goals with Objectives](#)
- [Annual Town Reports](#)
- [Information on demographic trends](#)
- [Public Safety Facility Study](#)
- [Fairhaven Public Improvement Plan](#)

## Open Space and Recreation

Fairhaven strives to preserve and protect its agricultural resources and landscapes, cultural and historic places, open space, recreational, and forest and marine resources. The Town has a total area of 14.1 square miles and 29.4 miles of shore property as well as significant rural areas, including three working farms. Fairhaven is home to a public state beach overlooking Buzzards Bay, two large public parks, several recreational marinas, commercial wharves, a yacht club, historical Fort Phoenix and the Rogers buildings, and provides free walking tours of scenic and historic sites. Candidates should understand the value of protecting open space, coastal waters, and historic structures. The Town is bordered by the Acushnet River and New Bedford to the west, Mattapoisett to the east, Buzzards Bay to the south, and Acushnet to the north. The Fairhaven Recreation Department oversees youth sports programs, a fitness room, a summer youth program, and school vacation programs as well as adult exercise, wellness, and day trip programs each year.

### Current projects

- Approximately \$30+ million for wastewater treatment plant upgrades to be funded through the Sewer Enterprise Fund via sewer user fees. This project is scheduled to begin in 2026.
- A \$1.4 million high school turf field project to be funded with surplus revenue and \$200,000 from the high school's trust fund.
- Ongoing maintenance of infrastructure.

### Potential projects

- Implementation of the \$110 million Public Facilities Improvement Plan of which the first priority is a new public safety facility, expected cost of about \$50 million, which would require a Proposition 2 ½ override.
- Work with committee to determine best use of the former Rogers School building.







### The Ideal Candidate

- Bachelor's degree (with advanced degree preferred), preferably in public administration, public policy, business administration, law, or a related field.
- Experience as a Town or City Manager/Administrator is preferred.
- Five years executive experience, managing a complex transparent organization similar in scale and complexity to the Town, preferably in a municipal setting, is preferred.
- Strong leadership, communication, and organizational skills.
- Strong financial acumen and budgeting skills.
- Economic and community development experience.
- Ability to unify; ability to break down silos.
- Ability to be fair but firm.
- Strong ability to articulate issues and achieve buy-in.
- Skilled in personnel management and collective bargaining.
- Analytical and technologically savvy.
- Forward thinking; strategic; diplomatic.
- A morale builder and creative problem-solver.
- Knowledgeable of municipal management best practices and ability to implement them.
- Team-oriented, innovative, highly ethical, and calm under pressure.
- Strong leadership qualities and experience.
- Enjoys engaging with the community.
- Ability to develop strong relationships.
- Experienced in goal setting and long-term planning.

### How To Apply

Send cover letter and résumé via email, in a single PDF, by December 9, 2020, 5:00 p.m. EST to:

**[Apply@communityparadigm.com](mailto:Apply@communityparadigm.com)**

**Subject: Fairhaven  
Town Administrator Search**

Questions regarding the position should be directed to:

Bernard Lynch, Principal  
Community Paradigm Associates  
[Bylnch@communityparadigm.com](mailto:Bylnch@communityparadigm.com)  
978-621-6733

*The Town of Fairhaven, Mass., is an Equal Opportunity/Affirmative Action Employer.*





