



Fairhaven Board of Selectmen  
Meeting Minutes  
May 10, 2021

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2021 JUN -3 A 9:55

FAIRHAVEN,  
MASS.

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

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

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

Chairman Freitas opened the meeting at 6:32 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 minutes of April 26, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve the executive minutes of April 26, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Ms. Graves said she met with the Sue Loo and Doug Brady to discuss quotes for the addition portion of Rogers School.



Ms. Graves has been busy this week working on Town Meeting articles with Department Heads.

Ms. Graves recently held interviews for a part time recording secretary.

Mr. Espindola thanked Ms. Graves for coordinating with the Fire Chief to have the upstairs records room inspected for safety.

Mr. Espindola said he would like to discuss the Town Administrator search at the next meeting and discuss the conflict of interest of having the interim Town Administrator coordinating the search process.

### **Committee Liaisons Reports**

Mr. Silvia told the Board the Historical Commission met, Chairman Wayne Oliveira updated the commission regarding the Town Hall lamp article for town meeting and the railings for the ADA project have been ordered.

Mr. Silvia met with Rogers Reuse Committee to gather more information on the potential lease at the Rogers School.

Mr. Espindola told the Board, Elevation Retail has reached out to him looking for a moderator for their outreach event.

Mr. Espindola said the Broadband Study Committee recently held a webinar hosted by Alyssa Botelho.

Mr. Espindola said the Marine Resources Committee met last week to discuss 2 new aquaculture sites. The Committee is still seeking information regarding the land swap at Union Wharf and would like to meet at the next Selectmen's meeting to discuss this.

Mr. Espindola met on April 28 with the Bikeway Committee, where they discussed the Complete Streets and the safe route to school. There are currently openings on the Bikeway Committee for anyone interested in joining.

### **Approve Waterways Rules and Regulations**

Harbormaster Tim Cox and Marine Resources Committee (MRC) Chairman Mike McNamara met with the Board to discuss the waterway rules and regulations. Mr. McNamara told the Board the MRC had met with Foth Engineering to review the draft rules and regulations; a public forum has already been completed for community input and there are very few changes from the last time the Board of Selectmen received this document. Mr. McNamara would like the approval of the Board on the final document. Mr. Cox told the Board he reached out to the Cape and Islands Harbormaster Association and most towns require all moorings be inspected. Mr. Cox would like the words "all vessels" not 26ft. and above. The Board, Mr. McNamara and Mr. Cox discussed moorings and the liability of a boat not being inspected. (Attachment A)

Mr. Espindola made a motion to adopt the Marine Resources rules and regulations as submitted and review in one year. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Year End budget transfers**

Ms. Graves reviewed the year end budget transfers with the Board.



Mr. Espindola made a motion transfer from Unemployment to Assessors- Contracted Services for \$28,500. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to transfer from Wind Turbines to Town Hall electricity, Police Department electricity, Street lights, Rec Center electricity for \$47,100. Mr. Silvia seconded. Vote was unanimous.

Mr. Espindola made a motion to transfer from Unemployment to legal for \$36,000. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to transfer from \$11,860 from Unemployment to Town insurance - \$4,800 and Workers Compensation insurance- \$7,000. Mr. Silvia seconded. Vote was unanimous. (3-0)

Tree Warden Don Collasius met with the Board to request transfers for the Tree Department. The Board and Mr. Collasius discussed some issues with one of the Tree Department trucks and decided to hold off until the next meeting for more information. Mr. Espindola suggested Mr. Collasius research if the Town has a mutual aid agreement with another town for tree issues. Mr. Collasius rescinded his request for a \$3000 transfer. The Board will table this item.

Mr. Collasius stated he would like to transfer \$15,000 from payroll for tree removal. Ms. Graves suggested not to transfer that amount in the event that a reclassification is done for the tree laborers, there will need to be money left to cover the retroactive pay.

Mr. Espindola made a motion to approve \$7,500 from payroll to tree removal. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to approve \$2,000 from payroll to tree purchase account. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola thanked Mr. Collasius for his hard work on the Arbor Day event that was recently held, and the planting of 12 new trees.

#### **Southeastern Massachusetts Metropolitan Planning Organization (MPO) nomination**

The Board tabled this until the next meeting.

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

The Board tabled this until the next meeting.

#### **Appoint Fire Chief Todd Correia- oil spill coordinator**

Mr. Espindola made a motion to appoint Fire Chief Todd Correia as the Oil Spill Coordinator. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Mr. Espindola made a motion to appoint Fire Chief Todd Correia to the Local Emergency Planning Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to appoint Building Commissioner Chris Carmichael to the Local Emergency Planning Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)



### **Request to join Historical Commission**

Mr. Freitas read the request to join the Historical Commission from resident Michael Kelly.

Mr. Espindola made a motion to appoint Michael Kelly to the Historical Commission as an associate member. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Buzzards Bay Swim**

Mr. Espindola made a motion to approve the annual Buzzards Bay Swim on June 26, 2021 and the one-day beer and wine license. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **15th Annual Watershed Ride**

Mr. Espindola made a motion to approve the Buzzards Bay Watershed ride to be held on October 03, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **Rogers Reuse Committee- lease and funding for addition**

Rogers Reuse Committee Chairperson Sue Loo explained to the Board what steps are needed in order to have the addition part of the building up and running after being vacant for 9 years. Ms. Loo said Southeastern Massachusetts Educational Collaborative (SMEC) is willing to make the investment and are very eager to expand their program in the Rogers building. Ms. Loo said the Reuse committee had done the research and to tear the building down would cost quite a bit more than renovating. (Attachment B)

Ms. Loo introduced Catherine Cooper, Executive Director of SMEC and Chris Hardegan, Financial Director of SMEC to the Board of Selectmen. Ms. Cooper told the Board parking would not be an issue, they currently have a staff of 25 people and 6 vans. There are only 40 elementary age students that attend the program during school hours. Ms. Cooper told the Board SMEC will be responsible for some of the repairs to the building and the building is in better shape than expected.

Mr. Espindola asked how the committee determined the costs. Ms. Loo told Mr. Espindola the reuse committee had 3 quotes and used the middle of the road amount. Ms. Graves and the Board discussed the article for Town Meeting for the Rogers addition renovation.

Mr. Freitas would like to see this agreement in writing. Mr. Espindola feels the Town Meeting members should have more concrete numbers and would like to see an independent architect look into the costs and plans to ensure that all costs and repairs are covered. Ms. Graves will have the Capital Planning Committee look into this project.

Town Accountant Anne Carreiro stated that the Rogers School preservation money for the main building still has funding left from a previous Town Meeting and Ms. Carreiro has suggested requesting a transfer at Town Meeting to move the funds for the 1950's addition.

Rogers reuse committee member Doug Brady reminded the Board about the short timeline for this project. Mr. Brady said this project started in April and SMEC would like to be in the building by September.

Mr. Freitas made a motion to hire a structural engineer and use the money from the Rogers Preservation funds and look at the quotes and send this to other committees and breakdown the



costs over the years, not to exceed the mothballing amount. Mr. Espindola seconded. Vote was unanimous. (3-0)

Mr. Espindola said he is in favor of this project but he wants to feel comfortable with the figures.

### **Discuss Board of Selectmen Policy Goals and Objectives Meeting**

Mr. Freitas would like to wait until October when the Goals and Objective normally are discussed. Ms. Graves reminded the Board there was no goal setting meeting in October of 2020 because retiring Town Administrator Mark Rees had suggested waiting until a permanent replacement was hired. Mr. Espindola would still like to see this happen for this year and feels this is very helpful because it is not about financial. Mr. Espindola would like to discuss this further when the Board discusses the American Rescue Plan Act (ARPA).

*At 8:09 pm Mr. Freitas recused himself and left the room*

### **Recall Election**

Mr. Espindola chaired the meeting for this item as he read a memo from Town Counsel regarding guidance on the recall election of Selectman Freitas. Mr. Espindola would like to see the recall election take place on July 12, 2021. Mr. Silvia said he had a recent conversation with Town Clerk Carolyn Hurley and Ms. Hurley is recommending July 26, 2021 as the date for the recall election. (Attachment C)

Resident Leon Correy suggested speaking to the Town Clerk for her opinion because all the labor falls on the Town Clerk's office.

Assistant Town Clerk Linda Fredette via Zoom, told the Board the reason for pushing the date out to July 26, 2021 is not because of the nomination paper deadline but more because of all the other factors that are needed in order to hold an election.

Resident Phil Washko said if the recall group can collect 2700 signatures, then the candidates can gather 50 signatures.

Resident Diane Hahn stated that July 12, 2021 is 8 weeks away and that is plenty of time for there to be an election.

Mr. Espindola feels it is in the Town's best interest to hold this election as soon as possible.

Resident Anne Richard feels that the Town Clerk should have been present at this meeting if she felt the date was that important.

Mr. Espindola and Mr. Silvia discussed the possibility of other dates.

Mr. Espindola made a motion to hold the recall election on July 26, 2021. Mr. Silvia seconded. Vote passed. (2-0-1)

*At 8:41 pm Mr. Freitas returned to the meeting and resumed the role of Chairman.*

*At 8:42 pm Mr. Silvia recused himself and left the Banquet room.*

### **Town Administrator Search**



Ms. Graves told Mr Espindola and Mr Freitas she reached out to several companies that were listed in the Beacon. She read the responses from each company that was received. Mr. Espindola would like to see this on the next agenda and would like something from Paradigm Associates stating that they are not interested in bidding on the search process again. Ms. Graves will reach out to Paradigm Associates. Mr. Freitas stated he does not want to be involved in the search process for a town administrator.

*The Board took a recess from 8:49pm to 8:51pm. Mr. Silvia returned to the room.*

#### **American Rescue Plan Act (ARPA)**

Ms. Graves and Town Accountant Anne Carreiro told the Board they tried to attend a webinar for the ARPA but when they tried to log on the webinar was already full. Ms. Graves and Ms. Carreiro suggested setting up a working group for ARPA.

Mr. Espindola made a motion to appoint Selectman Espindola as the liaison to the ARPA working group. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Freitas made a motion for Ms Graves to hire a consultant for the ARPA. Mr. Silvia seconded. Vote was unanimous. (3-0)

#### **General Fund Operating Budget**

Ms. Graves reviewed the updated operating budget with the Selectmen. Ms. Graves said some budgets were increased back to the original amounts due to the revenue figures coming back better than expected.

Mr. Espindola made a motion to approve the operating budget. Mr. Silvia seconded. Vote was unanimous. (3-0)

#### **Closing and signing of the warrant for the Annual Town Meeting**

The Board skipped over this item

#### **Approve Articles for the June 12, 2021 Annual Town Meeting**

The Board of Selectmen took the following votes on the Town Meeting Articles:

Mr. Espindola made a motion for adoption of Article 5: Bills of prior year Southcoast Physicians Service for \$122.22. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 5: Bills of prior year: SMB Compass Medical for \$362.21. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 5: Bills of prior year: Covell Corp for \$41.10. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 5: Bills of prior year: HKT Architects for \$1,333.16. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 6: FY21 Budgets: Assessor's \$9,000 reval. Mr. Silvia seconded. Vote was unanimous. (3-0)



Mr. Espindola made a motion for adoption of Article 6: FY21 Budgets: \$50,000 Broken sewer pipe at Town Meeting. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 7: Roadwork FY21- Bellevue Street from Adams Street to Francis Street, \$88,800. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 7: Roadwork FY21- Fisherman Road from Balsam Street to Ebony Street, \$78,800. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 7: Roadwork FY21- on Massasoit Avenue from Adams Street to Francis Street, \$173,000. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for adoption of Article 8: Sewer Capital Fee - \$296,868. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Yield to petitioner of Article 17: Roadwork FY22- Bonney Street. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 17: Roadwork FY22- Cove Street. Hathaway to Beechwood. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 17: Roadwork FY22- Eaton Road, Briercliffe to Waybridge. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 17: Roadwork FY22- Littleneck Road, Balsom to Ebony. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 17: Roadwork FY22- Pleasant Street. Washington to South. Mr. Silvia seconded. Vote was unanimous. (3-0)

The Board will table Article 19 for this meeting.

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Skateboard Park resurface. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Green Meadow roof. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to table Article 23: Community Preservation Appropriations- Academy Building Front door.

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Old Stone School Exterior. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- High School Windows Phase 4. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Millicent Library Chimney. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Unitarian Church. Mr. Silvia seconded. Vote was unanimous. (3-0)



Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Whitfeild-Manjiro Carriage House Extension. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 23: Community Preservation Appropriations- Community Preservation Committee's annual expenses. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 24: New Revolving Fund- Mooring Fees. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 30: Floodplain by-law. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 31: Waterways Rules and Regulations. Mr. Silvia seconded. Vote was unanimous. (3-0)

The Board tabled Article 33: Land Acquisition & Engineering design for Public Safety Facility.

Mr. Espindola made a motion for Adoption of Article 35A: Short Term rentals by-law. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 35B: Community Impact fee of 3%- MGL section 3D(a). Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 35C: Community Impact fee of 3%- MGL section 3D(b). Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 39: Historic Town Hall Street Lamps. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 40: Authorize BOS to petition to impose a checkout bag charge. Mr. Silvia seconded. Vote was unanimous. (3-0)

The Board tabled Article 45: Transfer from Surplus Revenue.

The Board tabled Article 57: Rehab new wing at Rogers School.

The Board tabled Article 58: North street drainage.

Mr. Espindola made a motion for Yield to petitioner of Article 59: Chapter 194 Stormwater Management amendment bylaw. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion for Adoption of Article 60: Chapter 198-16 Zoning By-Law change. Mr. Silvia seconded. Vote was unanimous. (3-0)

#### **Guidance from the Board of Health on public meetings**

Mr. Freitas read an updated guidance memo from Health Agent Dave Flaherty regarding COVID guidelines. (Attachment E)



### **Committee Resignations**

Mr. Espindola made a motion to accept the resignation from Lois Callahan (effective 5/31/2021) on the Bikeway Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the resignation from Kristine Daniels on the Fairhaven Cultural Council. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the resignation from Kathyne Moniz on the Sustainability Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to accept the resignation from Kathyne Moniz on the Historical Commission. Mr. Silvia seconded. Vote was unanimous. (3-0)

The Board thanked them for their service to the community.

### **Notes and Announcements**

Mr. Espindola reminded residents that Boards and Committees are always looking for new members. Mr. Espindola would and attendance list from Committee chairs for the next meeting.

Mr. Silvia mentioned that he would still like to see each precinct be able to hold a monthly office hour at a Board of Selectmen's meeting.

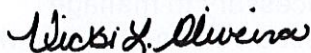
At 10:03 pm Mr. Espindola made a motion to enter into executive session, not to reconvene to open session to:

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

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

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

Respectfully submitted,



Vicki L. Oliveira  
Administrative Assistant  
(Approved 06/1/2021)

Attachments:

- A. Waterways email
- B. Rogers School new wing documents
- C. Recall election email from Town Council
- D. ARPA Article
- E. Guidance from Health Department





## MRC request for agenda: Waterway Rules and Regulations

1 message

**MICHAEL McNAMARA** <mcnamaramike@comcast.net>

Mon, May 3, 2021 at 8:54 AM

To: "vloliveira@fairhaven-ma.gov" <vloliveira@fairhaven-ma.gov>, "Ksilvia@fairhaven-ma.gov" <Ksilvia@fairhaven-ma.gov>, "bspindola@fairhaven-ma.gov" <bspindola@fairhaven-ma.gov>, "dfreitas@fairhaven-ma.gov" <dfreitas@fairhaven-ma.gov>, TIM Cox <shellfish@fairhaven-ma.gov>, Tim Cox <tim@fairhaven-ma.gov>

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

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

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

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

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

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

Respectfully yours,

Michael McNamara

Chairman - Fairhaven Marine Resources Committee

[mcnamaramike@comcast.net](mailto:mcnamaramike@comcast.net)

508.400.2653

CC:

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



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

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

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2 attachments



MRC- Waterway Rules and Regs Vote .doc  
284K



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



Rogers Building New Wing					
Rehab					
Roof - medium price	\$130,000.00				
Windows	\$2,000.00				
asbestos removal / tile replacement	\$98,000.00				
parking lot engineer plans	\$20,000.00				
parking lot creation & striping	\$123,000.00				
Fencing	\$7,500.00				
fire Alarm upgrade	\$35,000.00				
fire wall	\$9,500.00				
TOTAL TOWN INVESTMENT	\$425,000.00				
SMEC Investment +/-					
internal structure	\$250,000.00				
handicapp bathrooms					
door frames handicapp access.					
ceilings, flooring					
wiring, internet					
security, lighting other items etc..					
Utilities ( residual to town)					
eletric costs - solar panels	\$0.00				
heating costs- SMEC percentage of actual bill	\$0.00				
Maintenance of building	\$0.00				



Southeastern Mass Educational Collaborative ( SMEC)  
Has expressed sincere desire to utilize the Rogers school  
newer wing only. **They are NOT moving from Tripp**  
school but need additional space. They are seeking the  
new wing only and not the main building.

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

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

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

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

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

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

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

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

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

There are also rental scenarios and return on investment



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

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

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

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

## **New England Preservation and Design 01-01-2018**

### **Rogers new wing only**

Construction	
Demolition	\$ 625,000
Environmental Clearances	\$ 15,000
total	= <u>\$640,000</u>



Demolition Scenario <b>MARCH 2017</b> KIRK & Co.			
Demolition Expense	SF	Cost/SF	Total Cost
Site Control			\$0
Demolition	43,210	\$5.00	\$216,050
Hazardous Material Removal	43,210	\$10.00	\$432,100
Site Work			\$0
Demolition Contingency		15.00%	\$97,223
<b>Total Demolition Cost</b>	<b>\$745,000</b>		
SF Lot Sales - 15,000 SF Lots	\$6	\$85,000	\$510,000
SF Lot Sales - 25,000 SF Lots	\$2	\$125,000	\$250,000
Subtotal Sales		5.00%	\$760,000
Single Family Sales Expenses			\$38,000
Brokerage Commission/Marketing			\$745,000
			<b>(\$23,000)</b>

Demolition Cost Net Income



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

## Recall Election Scheduling

1 message

Thomas P. Crotty <tomcrotty@tcrottylaw.com>

Thu, May 6, 2021 at 11:58 AM

Reply-To: tomcrotty@tcrottylaw.com

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

Cc: Daniel Freitas <dfreitas@fairhaven-ma.gov>, "Robert J. Espindola" <respindola@fairhaven-ma.gov>, Keith Silvia <ksilvia@fairhaven-ma.gov>

Wendy

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

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

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

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

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

-

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

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

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

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

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

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

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





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

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## Recall Election Scheduling

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Thomas P. Crotty &lt;tomcrotty@tcrottylaw.com&gt;

Thu, May 6, 2021 at 2:27 PM

Reply-To: tomcrotty@tcrottylaw.com

To: Robert Espindola &lt;respindola@fairhaven-ma.gov&gt;

Cc: Wendy Graves &lt;wgraves@fairhaven-ma.gov&gt;, Carolyn Hurley &lt;churley@fairhaven-ma.gov&gt;

Bob

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

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

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

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

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

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

Tom

Thomas P. Crotty

Thomas P. Crotty & Associates, PLLC

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



## Chapter A502. Special Acts

### § A502-6. Town Administrator.

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

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

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

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

The board of selectmen shall:

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



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

(j) set the compensation for the town administrator, not to exceed an amount appropriated by the town meeting; and

(k) designate a qualified person as acting town administrator to perform the duties of the office during any vacancy exceeding 30 days, caused by the town administrator's absence, illness, suspension, removal or resignation; provided, that the appointment of an acting town administrator shall be for a period not to exceed 180 days.

SECTION 2. The town administrator shall be the chief administrative officer of the town of Fairhaven and shall act as the agent for the board of selectmen. The town administrator shall be responsible to the board of selectmen for coordinating and administering all town affairs under the jurisdiction of the board of selectmen.

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

(a) Consult and advise the board of selectmen regarding its policies and implement those policies.

(b) Attend all meetings of the board of selectmen, except when excused, and consult with and advise the board of selectmen on all matters that come before the board.

(c) Attend all town meetings and advise the town meeting on all warrant articles within the jurisdiction of the board of selectmen.

(d) Attend all finance committee meetings, except when excused by the board of selectmen, and keep the finance committee informed on all matters under the jurisdiction of the town administrator that come before the committee.

(e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen including: assessors, building commission, council on aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, highway, water, sewer, tree and park, planning, finance, finance director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the board of selectmen and the fire department, subject to section 42 of chapter 48 of the General Laws.

(f) Review and advise the board of selectmen on all warrants for the payment of town funds as prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws.

(g) Except with respect to the school department, the town administrator shall have sole authority over the administration of personnel policies for all town employees. With respect to the fire department, such authority shall be subject to section 42 of chapter 48 of the General Laws. The town administrator shall act as the personnel board under all applicable laws and by-laws, except as otherwise set forth in this act. The personnel board as presently constituted shall be eliminated upon the appointment of the town administrator. The town may enact by-laws establishing the wages, salaries and other benefits of employees, which shall be consistent with the authority granted to the town administrator in this act. Notwithstanding the elimination of the personnel board, all actions taken prior to the appointment of the town administrator by the personnel board within its authority, and by any other town official or board, with respect to personnel, including the appointment of all officers and employees, shall continue in full force and effect subject to future action by the town administrator within the town administrator's authority.

(h) Administer the town's insurance policies, including the ability to settle claims; provided, however, that all insurance contracts and claims settlements shall receive the approval of the board of selectmen.

(i) With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator. Each department head, with the approval of the town administrator, shall appoint and remove all department staff within their respective departments. All appointments shall be based entirely on merit and fitness. All appointments and terminations shall be conducted in accordance with the General Laws, personnel policies, by-laws of the town of Fairhaven



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

(j) With the approval of the board of selectmen, reorganize any departmental structures under the jurisdiction of the town administrator.

(k) With the approval of the board of selectmen, negotiate all collective bargaining agreements on behalf of the town, except for the school department. The town administrator may seek the assistance of labor counsel if the town administrator deems it necessary to effect successful negotiations. All final agreements must be approved and executed by the board of selectmen.

(l) With the approval of the board of selectmen, establish compensation packages for all town employees under the jurisdiction of the town administrator, not subject to a collective bargaining agreement. Such compensation shall not exceed the amount appropriated therefor by town meeting and shall be subject to all applicable laws and by-laws.

(m) Submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing 5 years. The proposed budget shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law establish additional financial information and reports to be provided by the town administrator. To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, the finance director, all boards, officers and committees of the town, including the school committee, shall furnish to the town administrator, in a writing in such a form as the town administrator shall establish, all relevant information in their possession, including a detailed estimate of the appropriations required and any available funds.

(n) Report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the necessary tax rate.

(o) Establish calendar dates by which the proposed budget, revenue statement and tax rate estimate are to be submitted to the board of selectmen.

(p) Submit annually to the board of selectmen a 5-year capital improvements program, or the same as approved by a formal capital planning committee, to include: (i) a list of all capital improvements and supporting data proposed to be undertaken during the next 5 years; (ii) cost estimates, methods of financing and recommended time schedule; and (iii) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.

(q) Advise the board of selectmen at least monthly, of all departmental year-to-date revenues.

(r) Direct action as deemed necessary to ensure that all operating and capital budgets under the direct control of the town administrator are maintained in accordance with the town meeting vote that approved those budgets and coordinate efforts with the governing bodies of those departments not under the direct supervision of the town administrator to ensure that those operating and capital budgets are maintained in accordance with the town meeting vote that approved those budgets.

(s) Keep and complete records of the office of the town administrator and annually submit to the board of selectmen, unless requested to do so more frequently, a full report of the operations of the office.

(t) Be responsible for coordination of operational and strategic planning for the town.

(u) Serve as the procurement officer for the town, establish and enforce procurement policies and guidelines in accordance with applicable state laws.

(v) Manage and oversee the use, maintenance, security and, with the approval of the board of selectmen, regulate the rental for all the town buildings, properties and facilities, including information technology, except those under the jurisdiction of the school department, unless requested by the school department.

(w) Prepare the application of all town warrants for approval by the board of selectmen.



(x) With the approval of the board of selectmen, prosecute, defend and settle all litigation for or against the town, subject to such appropriation as may be necessary to effect settlement, except for litigation involving only the school department, or its officers and employees.

(y) Delegate and direct any qualified town official or employee to carry out any duty that is within the authority of the town administrator.

(z) During a temporary absence, with the approval of the board of selectmen, the town administrator may designate a qualified administrative employee or officer to exercise the powers and perform the duties of the town administrator.

(aa) Perform any other duties or tasks assigned by the board of selectmen, assigned by the town meeting or mandated by applicable state law.

SECTION 3. The town administrator of the town of Fairhaven shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town administrator. The town administrator may, without notice, cause the affairs of any division or department under the town administrator's supervision, or the conduct of any officer or employee thereof, to be examined.

SECTION 4. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town of Fairhaven or any other authority, which are in force in the town on the effective date of this act, not inconsistent with this act, shall continue in full force and effect.

SECTION 5. No contract existing, and no action at law or suit in equity, or other proceeding pending, on the effective date of this act shall be affected by this act.

SECTION 6. The town of Fairhaven shall be governed by this act. To the extent that this act modified or repeals existing General Laws and special acts or the by-laws of the Town of Fairhaven, this act shall govern.

SECTION 7. This act shall not impair the rights or obligations of any person holding a town office, or employed by the town, on its effective date, except those duties assigned by this act to another officer or employer, and except those duties which are subsequently assigned to another officer or employee pursuant to this act. No person who continues in the permanent full-time service or employment of the town shall forfeit their pay, grade or time in service as a result of this act.

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

Approved, November 25, 2014.

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## House approves FY22 state budget

By Jackie Lavender Bird

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

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

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

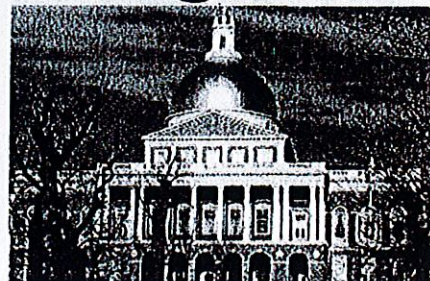
The House endorsed amendments to

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

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

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

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



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

nue-sharing practice over the last several years.

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

■ **BUDGET** continued on 19

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

By Jackie Lavender Bird

The U.S. Department of the Treasury is expected to issue guidance by May 10 — and possibly sooner — for the State and Local Fiscal Recovery funds included in the American Rescue Plan Act.

The \$1.9 trillion federal relief package, signed into law on March 11, includes \$360 billion for State and Local Government Fiscal Recovery Funds, with \$7.9 billion coming to Massachusetts.

The law gives the Treasury 60 days from enactment to distribute funds directly to states, counties, territories, and Metropolitan communities (generally cities and towns with populations over 50,000). Funds for non-entitlement communities (mostly those with populations below 50,000) will be issued to the states on the same timeline and will be distributed to



U.S. Treasury Building

individual municipalities within 30 days thereafter.

Detailed guidance from the Treasury around allowable use of funds is expected to be released in conjunction with the first round of funds. The text of the ARPA

■ **RESCUE PLAN** continued on 22



## MMCA holds webinar on school finance issues

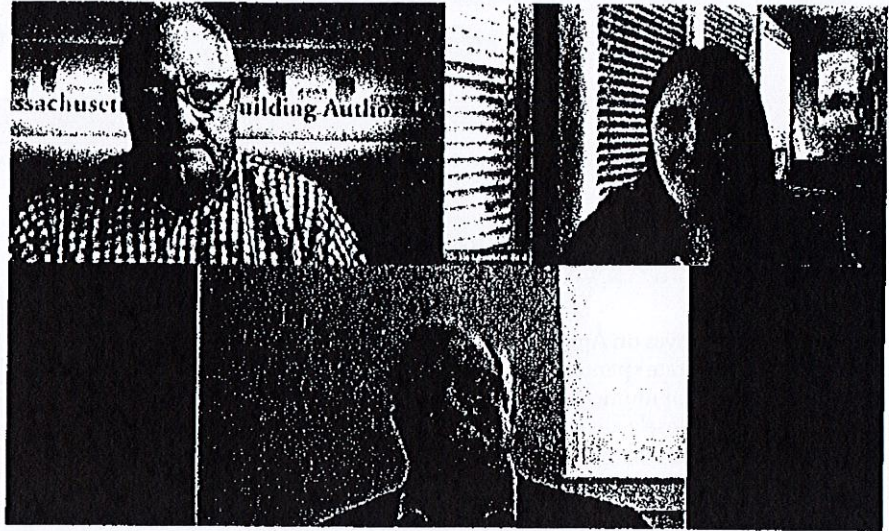
The Massachusetts Municipal Councilors' Association held a webinar on April 8 focused on school finance.

The Lunch and Learn session featured Mark Abrahams, president of The Abrahams Group, and Jack McCarthy, executive director of the Massachusetts School Building Authority.

The speakers provided an overview of school budget basics and the building project process. Questions ranged from predicting district numbers to issues around regional transportation.

More than 50 councillors attended the webinar.

- Denise Baker



Jack McCarthy, executive director of the Massachusetts School Building Authority (top left), MMA Legislative Analyst Jackie Lavender Bird (top right) and Mark Abrahams, president of The Abrahams Group, discuss school finance during an April 8 webinar hosted by the Massachusetts Municipal Councilors' Association.

### RESCUE PLAN

*Continued from page 1*

identifies four eligible use categories for State and Local Government Fiscal Recovery Funds:

- Response to the public health emergency or its negative economic consequences
- Provision of premium pay to eligible workers (as designated by the local chief municipal official)
- Revenue replacement (relative to fiscal 2019 local revenue figures)
- Investments in water, sewer and broadband infrastructure

The covered period runs from March 3 of this year through Dec. 31, 2024.

Once the Treasury issues its guidance,

Heath Fahle, special director for federal funds at the Executive Office for Administration and Finance, said his office will produce a document highlighting key items for Massachusetts cities and towns.

The American Rescue Plan Act will provide direct assistance to municipalities in the form of two payments, with the first half coming shortly after enactment and the second half arriving 12 months after the first. Federal assistance is being made available to all municipalities nationwide through this non-competitive grant program.

Local officials do not need to apply for funding, or outline their intended expenditures in advance, but they do need to ensure that the proper systems are in place to receive the funds, as outlined by the Treasury on April 15.

Metropolitan cities will need a valid DUNS number, which is used by the federal government to track fund expenditures. Metropolitan cities should also have an active SAM registration, which allows entities to register to do business with the federal government. Payment information, including an Entity Identification Number, contact information, and information about the municipality's financial institution will be required as well.

Non-entitlement communities also need a valid DUNS number, but they do not need an active SAM registration, as they will receive their funds through the state.

The MMA has a dedicated website area for federal funding resources and will share information from the Treasury as soon as it becomes available. ●



# ARPA includes numerous funding streams

By Jackie Lavender Bird

On April 21, the MMA and the National League of Cities co-hosted a webinar about the range of programs in the American Rescue Plan Act that are not direct aid to state and local governments but could directly or indirectly impact municipalities, including funds for education, transit, housing, small businesses, and public health initiatives.

Presenters from the NLC outlined the range of programs included in the \$1.9 trillion relief package. They stressed the importance of using other dedicated federal grant programs to assist local residents, businesses and programs before tapping their dedicated local aid recovery funds. As municipal officials engage with community stakeholders and assess the needs of both government operations and the community at large, this approach will allow for maximizing available federal resources, they advised.

Many of the ARPA programs will be administered through the state, and the MMA is working closely with administration officials to provide information about these programs to municipal leaders as soon as possible.

## Education

The American Rescue Plan Act includes \$170 billion for education funding, ranging from early childhood programs through higher education. Nearly \$122 billion was included for K-12 relief, creating a third round of Elementary and Secondary School Emergency Relief (ESSER) grants.

## Housing

To address the severe, negative economic impacts from the pandemic, the relief package includes two major funding sources to address housing insecurity. The first is a \$21 billion investment in emergency rental relief and utility assistance, and the second is \$10 billion for a Homeowners' Assistance Fund, to assist homeowners with mortgage payments, property taxes and utilities.

Homeless intervention programs were also prioritized, with \$5 billion allocated for emergency housing vouchers and \$5 billion for HUD Homeless Assistance programs. An additional \$400 million will support the Federal Emergency Management Agency's emergency food

and shelter program.

In addition, the Low-Income Home Energy Assistance Program receives \$4.5 billion, and the Low-Income Household Water Assistance Program gets \$500 million.

## Small businesses

A large piece of the ARPA is dedicated to stabilizing small businesses, with \$50 billion distributed to the Small Business Administration and \$7.2 billion for the Paycheck Protection Program. Economic Injury Disaster Loans were allocated \$15 billion to support businesses in low-income communities.

There's also \$28.6 billion in targeted relief for the food service industry, including restaurants, food trucks and caterers, and \$1.25 billion to help shuttered arts and cultural venues.

## Human services

To stabilize the child care industry, a \$23.9 billion one-time grant program will support child care providers. An additional \$15 billion will be available in one-time community development block grants to provide child care support to essential workers. Significant investments were also made to programs such as the Maternal, Infant and Early Childhood Home Visiting Program, Head Start, Child Abuse Prevention and Treatment state grants, and violence prevention programs.

The Older Americans Act, which provides for in-home services, nutrition programs, transportation, caregiver support, and elder abuse prevention services, receives \$1.4 billion.

Food insecurity will be addressed through the Supplemental Nutrition Assistance Program, including an extension of benefits through September 2021, and funding for the Women, Infants and Children program.

For veterans negatively impacted by

## American Rescue Plan Act



- Prioritizes stabilization of local government operations, households, and small businesses
- Positions communities on a path to economic recovery

Irma Esparza Diggs, senior executive and director of federal advocacy for the National League of Cities, breaks down some major components of the American Rescue Plan Act during an April 21 webinar.

COVID, there are funds for retraining, housing, and health care programs.

## Public health

Close to \$68 billion was included in the ARPA to address the ongoing public health emergency and response, including funds for COVID testing, contact tracing, and mitigation.

The package includes funding to support vaccine distribution and to strengthen confidence in vaccines, as well as funds for mitigating COVID risks in nursing facilities and for providing emergency medical supplies.

Additional investments for public health include \$1.5 billion for Substance Abuse Prevention and Treatment block grants and \$1.5 billion for Community Mental Health Services block grants. There are also funds for youth suicide prevention, pediatric mental health, and community health centers, and a \$7.6 billion investment to expand and sustain the public health workforce.

## Broadband

Within the \$360 billion State and Local Recovery fund, \$10 billion is earmarked for the states' Coronavirus Capital Improvement Projects Fund, which is intended to increase broadband access for remote work, education and health monitoring. An additional \$7.17 billion Emergency Connectivity Fund will support schools and libraries through the E-rate program.

■ ARPA continued on 13

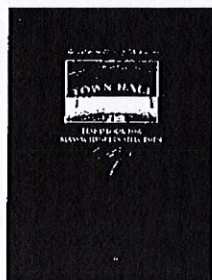


## MMA's Handbook for Massachusetts Selectmen now available digitally

The MMA's Handbook for Massachusetts Selectmen, a 250-page comprehensive guide to the roles and responsibilities of select board members in Massachusetts, is available to all select board members for free in a digital format.

During the spring town election period, the searchable PDF is sent by email to all new select board members, along with other welcoming materials from the Massachusetts Select Board Association.

The 11-chapter handbook covers subject areas such as administrative and regulatory responsibilities; financial management; human resources, personnel and



labor relations; and land use and community development. It covers topics such as complying with the open meeting and ethics laws, making appointments, holding public meetings and hearings, town meeting, Proposition 2½, insurance, tax rates, collective bargaining, legal representation, public safety, public works, and the role of a town manager or administrator.

labor relations; and land use and community development. It covers topics such as complying with the open meeting and ethics laws, making appointments, holding public meetings and hearings,

The handbook is also available as a hard copy, at a cost of \$25 for MMA member communities and \$49 for nonmembers.

To order a hard copy of the handbook, visit the [publications page](#) of the MMA website. (There's an additional \$5 charge for postage.) To order a PDF, email Jessica Obasohan at the MMA at [jobasohan@mma.org](mailto:jobasohan@mma.org).

— MMA Member Services Coordinator  
Isabelle Nichols

## Municipal Directory updates begin this month

In May, the MMA will begin gathering updated information from municipalities for the 2021-2022 edition of the Massachusetts Municipal Directory, a comprehensive resource for connecting with colleagues.

Starting in early May, municipalities will begin receiving emails with a link, username and password that they can use to update their community's information. Towns that have already had their spring election will receive the email in the first week of May, as will cities. Towns that have not yet had their spring elections will receive the email following their election.



In most cases, the email will go to the chief municipal official and a selected designee. They will be asked to review and update an online form, which is pre-populated with personnel information that

the MMA currently has on file. The form should take only a few minutes to update and submit.

The MMA's annual directory includes

listings of local officials and contact information, as well as demographic and financial data, for all of the state's 351 cities and towns. The guide also has sections devoted to regional school districts, state and federal government agencies, and relevant professional organizations, as well as a guide to products and services for municipalities.

The new edition of the directory will be published in September.

For more information, contact Directory Editor Jennifer Kavanaugh or Database Administrator Ruby Sadoques at [directory@mma.org](mailto:directory@mma.org). ●

### ARPA

*Continued from page 5*

#### FEMA Public Assistance

FEMA will receive an additional \$50 billion in Disaster Relief and Recovery Effort funding, which will help the FEMA Public Assistance program reimburse municipalities at 100% (rather than the typical 75%) for eligible COVID-related expenses retroactive to January 2020. Additionally, \$650 million will fund programs to ward off cyberattacks on federal, state and local government infrastructure.

### Transit

The Federal Transit Administration will administer \$30.5 billion in grant programs, primarily for transit agencies to use for operating expenses, including payroll and personal protective equipment expenses. This total includes grants within existing formula grant structures for programs including transit for older adults and adults living with disabilities, as well as support for rural transit agencies.

### Panelists

The NLC speakers during the webinar were Irma Esparza Diggs, senior executive and director of federal advocacy; Mike Wallace, legislative director for Community and Economic Development; and Yucel Ors, legislative director for Public Safety and Crime Prevention. ●





## Town of Fairhaven Board of Health

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

April 20, 2021

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

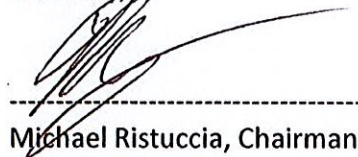
Dear Sirs,

At the regularly scheduled meeting of the Fairhaven Board of Health on April 14, 2021, discussion regarding the following subject resulted in a consensus of the Board:

"The Town of Fairhaven's Board of Selectmen is considered an adjudicatory board; as such, they may establish their own standards of in-person public participation. We, the Town of Fairhaven's Board of Health, feel that due to the ongoing COVID 19 pandemic, prudence should be utilized and public participation should be limited to on-line only. The Commonwealth of Massachusetts' Attorney General has confirmed that on-line meetings meet the acceptable standards of public participation for Municipal Meetings that are deemed "Public Meetings". Therefore, we will continue to meet in person with social distancing and face coverings but will limit public participation to on-line only."

While we recommend this to all Boards and Commissions in Fairhaven, we also understand their right to establish their own policies. Thank you for your attention.

Sincerely,

  
-----  
Michael Ristuccia, Chairman  
-----  
Peter DeTerra, Vice Chairman

-----  
Kevin Gallagher, Clerk

2021 APR 30 P 12:52

RECEIVED

