



# Fairhaven Board of Selectmen

## November 21, 2016 Meeting Minutes

**Present:** Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, Clerk Daniel Freitas, Town Administrator Mark Rees and Administrative Assistant Anne O'Brien.

Mr. Murphy called the meeting to order in the Town Hall Banquet Room at 6:38 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

### MINUTES

- Mr. Espindola motioned to approve the minutes of the **November 7, 2016** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **November 7, 2016** meeting, **executive** session. Mr. Murphy seconded. Vote was unanimous. (3-0).

### TOWN ADMINISTRATOR'S REPORT

In his report to the Selectmen, Mr. Rees:

- Updated the public to a recent forum held by the Director of Planning and Economic Development on November 9 regarding traffic flow on Main Street.
- Updated the public to a recent forum held on November 15 on the future re-use possibilities at the Rogers School; the forum was held with the Town consultant, Kirk and Company, as a part of their effort to gather information from the public before making their recommendation.
- Said that he was continuing his ongoing effort to become acquainted with the area businesses; most recently, he was given a tour of Fairhaven Lumber and the Shipyard.
- Said that Union negotiations are ongoing.

### ONE THEATER GROUP

The Board reviewed an application for the use of the Town Hall Auditorium for the ONE Theater Group for December 15 through 18, 2016. Applicant Ashley Bendiksen included a request for a waiver of the \$50/hour rental fee, as the event would be a charitable fundraiser.

Mr. Espindola motioned to approve the use of the Town Hall Auditorium for the dates requested, and to waive the hourly rental fee. Mr. Freitas seconded. Vote was unanimous. (3-0).

## **CULTURAL COUNCIL APPOINTMENT**

The Board read a letter of interest from resident William Levasseur, who requested appointment to the Fairhaven Cultural Council. Mr. Espindola motioned to appoint Mr. Levasseur to the Fairhaven Cultural Council. Mr. Freitas seconded. Vote was unanimous. (3-0).

## **MEETING SCHEDULE**

Mr. Espindola motioned to set the following schedule:

- March 13, 2017
- March 27, 2017
- April 10, 2017
- April 24, 2017
- May 8, 2017
- May 15, 2017
- June 5, 2017
- June 19, 2017

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

## **HASTINGS MIDDLE SCHOOL – MSBA FUNDING**

The Board reviewed reimbursement paperwork for funding on the Hastings Middle School roof. Mr. Espindola motioned to authorize the chairman to sign the reimbursement paperwork and submit to Massachusetts School Building Authority (MSBA). Mr. Freitas seconded. Vote was unanimous. (3-0).

## **EMPLOYEE ASSISTANCE PROGRAM**

Mr. Rees presented the Board with a recommended Employee Assistance Program (EAP) policy to accompany the rollout of the new EAP coverage with Outlook EAP. See Attachment A. Mr. Espindola motioned to approve the policy. Mr. Freitas seconded. Vote was unanimous. (3-0).

## **TOWN HALL USE POLICY**

Per request of the Board, Mr. Rees reviewed the current rules and application process related to the rental of the Town Hall auditorium. Mr. Rees reviewed his recommendations with the Board, which included a recommendation to change the rules and regulations related to the use of the Town Hall auditorium if private parties are going to be permitted to use the same, and a recommendation to include a “hold harmless” agreement in the application process. See Attachment B.

Mr. Rees will come back with recommended rules and regulations, based on feedback from Town Counsel, on how to proceed with an indemnification process.

## **TAX CLASSIFICATION HEARING**

At 7:00 p.m., the Chairman opened a public hearing for the purposes of the annual Tax Classification. Present were Assistant Assessor Delfino Garcia and Board of Assessors Ellis Withington, Pamela Davis, and Ronald Manzone. See Attachment C.

After a presentation from the Board of Assessors on the CIP (Commercial, Industrial, Personal) shift, the Chairman opened the hearing to public comment. There was none. The Board of Selectmen took the following votes (based on recommendations from the Board of Assessors):

- Mr. Espindola motioned to opt against adopting the residential exemption. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to opt against adopting a small commercial business exemption. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to support the split tax rate and a residential factor of 0.867981. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Rees said that new growth would equate to a \$274,000 increase on the tax levy, and thanked Mr. Garcia and the Board of Assessors for their hard work.

## **ICE HOUSE ALTERED PREMISE**

At 7:15 p.m., the Chairman opened a hearing for an altered premise to an existing liquor license at Ice House. Manager Chris Bentley was present.

After some discussion and verification that worker's compensation certificates have been provided, along with proof of TIPS certification, Board of Health and Building department approvals, Mr. Espindola motioned to approve the altered premise for Ice House. Mr. Freitas seconded. Vote was unanimous. (3-0).

## **CAR DEALER/REPAIR SITE PLAN UPDATE**

Mr. Rees provided an update to the Board on the ongoing site plan update for all used car dealer/repair license holders. See Attachment D.

Mr. Espindola motioned to accept the plans submitted from Sarkis Auto Enterprises (AAA Auto) and alter the license to reflect the new car allotment total. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to accept the Fairhaven Getty plans as submitted and alter the license to reflect the new car allotment total. Mr. Freitas seconded. Vote was unanimous. (3-0).

The Board agreed to accept Mr. Rees' recommendations related to Spring Street Auto's license, contained within Attachment D.

## **AUTO DIAGNOSTIC – AUTO DEALER/REPAIR LICENSE HEARING**

At 7:20 p.m. the Chairman opened a public hearing for Auto Diagnostic for consideration of a non-renewal of its auto dealer/repair license for the upcoming calendar year of 2017.

See Attachment E for the correspondence and hearing notification.

Auto Diagnostic (owner: George Brownell) has been notified several times, in writing and verbally, of the Town's new site plan requirement for renewal of an auto dealer/repair license. Mr. Brownell has continued to ignore the new requirement. Mr. Brownell was not present at the hearing.

The Chairman opened the hearing to public comment. Robert Hobson was recognized. Mr. Hobson questioned how Mr. Brownell was notified of the hearing. He stated that he knew Mr. Brownell and did not think Mr. Brownell would have ignored notice of the hearing in regards to his license.

The Board verified that Mr. Brownell had been notified in writing of the requirement over the past year at least three times and had been notified several times by office staff verbally. A notice of the license hearing had been mailed to him via certified mail to the address associated with the license, consistent with how all licensees are notified. Mr. Hobson said that the notice should have been sent to Mr. Brownell's home address.

Mr. Rees said that the licensee has made no attempt to comply and he recommended the Board carry through with a non-renewal of the license. Mr. Espindola motioned to authorize the Town Administrator to send a letter to Mr. Brownell, informing him of his failure to comply with the site plan requirement, and informing him that his license will not be considered for 2017 renewal as a result; further, this letter will be submitted to Mr. Brownell via regular and return receipt mail to his license address and his home address. Mr. Freitas seconded. Vote was unanimous. (3-0).

## **BPW RESIGNATION**

The Board read a letter of resignation from Board of Public Works (BPW) commissioner Kathy Sturtevant. The Board offered its thanks to Ms. Sturtevant for her years of service, and discussed posting a vacancy on the BPW. In anticipation of being notified officially by the BPW of the vacancy, the Board set a deadline of December 12 for letters of interest and will place the selection of a candidate on the December 19 meeting agenda. The appointment of a BPW commissioner to fill Ms. Sturtevant's seat will be until the next Annual Town Election in April, and then the position will be filled by the election.

Mr. Hobson was recognized. He suggested that the Board of Selectmen should not fill the vacancy, but leave it vacant until April 2017. The Board determined that the Town bylaw requires the Board of Selectmen to advertise and fill the vacancy within 30 days of notification of the vacancy.

## **REMOTE PARTICIPATION**

The Board discussed remote participation, and recent efforts made by Mr. Rees to poll local communities to their use of remote participation. Mr. Rees said that he was able to gather data from 59 responding communities. Of these communities, 27 do not allow remote participation; 9 allow remote participation with the exact CMR guidelines. 23 allow remote participation with further restrictions.

Mr. Espindola said that he had conducted a separate Facebook poll on remote participation and the results were overwhelmingly against the adoption of remote participation. Mr. Espindola said that he still did not see a reason to enact remote participation and would be against its adoption.

Mr. Murphy agreed, saying that some concerns have been raised to him about keeping executive session private remotely, and that he felt the Town was not in favor of the Selectmen adopting remote participation at this time.

No action was taken and the matter of remote participation was indefinitely postponed.

## **HEALTH INSURANCE HOLIDAY**

Mr. Rees said that he has reviewed the balance of the Town's trust fund and advises the Board to hold two weekly "holidays" from health and dental insurance premium payments. The Board asked if the payment holidays could be held to coincide with the Christmas season. Mr. Rees said that he would try to hold the premium holiday weeks in December if possible.

Mr. Murphy disclosed that he was a recipient of the Town health insurance and that he would be recusing himself from the discussion and vote. As such, Mr. Espindola presided over the matter as the Vice Chairman. Mr. Espindola motioned to authorize Mr. Rees to facilitate two weeks of health and dental insurance premium "holidays" in December (preferred) or January. Mr. Freitas seconded. Vote carried with one abstention from Mr. Murphy. (2-0-1).

## **OTHER BUSINESS**

In other business:

- The Board wished the public a Happy Thanksgiving
- The Board requested the Selectmen's Office compile a proclamation to thank those involved in a scallop boat rescue the weekend prior.
- Mr. Murphy offered condolences from the Board to the family of Eileen Desroches on her passing.
- Mr. Murphy thanked Anne Silvia for a successful Veteran's Day luncheon.

At 8:22 p.m. Mr. Espindola motioned to enter Executive Session pursuant to MGL ch. 30a section 21, for:

- Collective bargaining (clerical, police, dispatcher, fire)

Mr. Freitas seconded. Vote was unanimous. (3-0). Roll call vote: Mr. Murphy in favor. Mr. Espindola in favor. Mr. Freitas in favor.

Respectfully,

Anne O'Brien  
Administrative Assistant  
Minutes approved 12/05/2016

**TOWN OF FAIRHAVEN POLICY  
EMPLOYEE ASSISTANCE PROGRAM**

The Town of Fairhaven believes that the health and wellbeing of its employees is in the best interest of the Town, the employees and their families. It is recognized that anyone can experience excessive stress, behavioral or emotional problems which can at times impair job performance. The Town is providing an Employee Assistance Program (EAP) to make professional help available to all employees and their dependents.

Employee participation in the program is both voluntary and confidential. The EAP is accessed directly by an employee or family member or through a supervisory referral. In the event that the EAP is elected by a supervisor and employee as an option to disciplinary action, only that information related to job performance and corrective action will be noted in the employee's personnel record. Under no circumstances will any information regarding an employee's involvement with the EAP be disclosed without the written consent of the employee. Participation in the EAP will not jeopardize an employee's position or opportunity for career advancement. Additionally, participation in the EAP will not protect an employee's job status in the event of continued substandard work performance.

The Town Administrator shall select the EAP service provider in compliance with applicable procurement procedures and budget appropriateness. EAP staff will provide consultation to management and offer information, assessment, short term counseling, referral and case management services to employees and their dependents. Employees and family members are allowed up to three assessment sessions at no charge to them. Additional services received will be the responsibility of the employee with coverage as outline in their health care insurance plan.

Managers and supervisors have the primary responsibility within the Town of Fairhaven for the execution of this policy.

MEMORANDUM

TO: Board of Selectmen  
FROM: Mark H. Rees, Town Administrator   
DATE: November 17, 2016  
RE: Town Hall Auditorium Rules and Regulations

At the Board's last meeting it was requested that a discussion of the Town Hall Auditorium Rules and Regulations be placed on a future Board of Selectmen meeting agenda. To assist the Board in that review, attached are the current rules and regulations. Also attached is an application for a "Special One Day Liquor License" which is governed by MGL, Chapter 138, Section 14.

I will be providing you with my comments and suggestions in writing prior to your meeting on November 17, 2016.



# TOWN OF FAIRHAVEN

40 CENTER STREET  
FAIRHAVEN, MA 02719

## APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization \_\_\_\_\_

Responsible Officer \_\_\_\_\_ Tel. No. \_\_\_\_\_

Address \_\_\_\_\_

Purpose of Use \_\_\_\_\_

Date Requested \_\_\_\_\_ Begin Time \_\_\_\_\_ End Time \_\_\_\_\_

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### REQUESTED USE APPROVED TO AVAILABILITY:

Conditions:

\_\_\_\_\_  
Board of Selectmen

\_\_\_\_\_  
Police Chief/Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fire Department Inspection  
(if applicable)

\_\_\_\_\_  
Board of Health  
(if applicable)

\_\_\_\_\_  
Building Department Inspection  
(if applicable)

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### FEES (To be completed by Selectmen's Office)

Rental Fee x \_\_\_\_\_ hrs. at \$ \_\_\_\_\_ hr. = \$ \_\_\_\_\_

Plus refundable security deposit in the amount of the rental fee = \$ \_\_\_\_\_

\_\_\_\_ Custodian x \_\_\_\_\_ hrs. at \$ \_\_\_\_\_ hr = \$ \_\_\_\_\_

\_\_\_\_ Police x \_\_\_\_\_ hrs. at \$ \_\_\_\_\_ hr = \$ \_\_\_\_\_

**TOTAL FEES** = \$ \_\_\_\_\_

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I have received \$ \_\_\_\_\_ in fees and security deposit for the use of the Town Hall Auditorium on behalf of  
Town of Fairhaven from \_\_\_\_\_  
Organization

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

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

For Board of Selectmen

(Security Deposit will be returned after inspection of the premises by the Board of Selectmen or its deigned, less any charge for clean up or repair.)



## TOWN OF FAIRHAVEN

### USE OF THE TOWN HALL AUDITORIUM

#### NOTE:

Prior to submitting an application for the use of the Town Hall Auditorium, you **MUST** check with the Selectmen's Office to see if the date (s) you are requesting are available, and that there is no other event being held.

Our office will not accept an application, if another event is being held. "There can not be a conflict in events to be held at the Town Hall". There's a first come first served basis for the Use of the Town Hall Auditorium.

The Selectmen's Office is open from Mon.-Fri. 8:30 AM-4:30 PM, and our office telephone number is (508) 979-4023 if you have any questions.

Thank you.

#### OFFICE OF THE SELECTMEN

**(PS-** The Fairhaven Town Hall Auditorium (the "Auditorium") is available to the town's non-profit, civic, charitable and governmental organizations for cultural or educational purposes, but not for the purpose of partisan use to influence elections for office or ballot questions. However, Town government's (the "Town") programs and functions will have first priority in the scheduling of events in the Auditorium. Otherwise, the Auditorium will be reserved on a first come first served basis.

**\*\*\*Note: Police detail will be billed by the Police Dept., Please send your payment directly to the Police Dept., 1 Bryant Lane, Fairhaven, MA 02719. TO BE PAID UP FRONT PRIOR TO THE EVENT. Rate: \$39.00 per. Hr. with a min. of 4 hours. Call Juanna Adesso with any questions at (508) 997-7421. And to check if any rate increase has occurred. Thank you.**



# TOWN OF FAIRHAVEN

## FAIRHAVEN TOWN HALL AUDITORIUM RULES AND REGULATIONS

The Fairhaven Town Hall Auditorium (the "Auditorium") is available to the town's non-profit, civic, charitable and governmental organizations for cultural or educational purposes, but not for the purpose of partisan use to influence elections for office or ballot questions. However, Town government's (the "Town") programs and functions will have first priority in the scheduling of events in the Auditorium. Otherwise, the Auditorium will be reserved on a first come first served basis.

The following rules and regulations must be observed in the use of the Auditorium:

1. All requests for use of the Auditorium must be submitted to the Board of Selectmen (the "Selectmen") on the Application for Auditorium Use form.
2. The applicant is required to sign and complete the Auditorium License document.
3. Nothing shall be sold, given, exhibited, advertised or displayed without prior permission of the Selectmen.
4. Use of the Auditorium shall be limited to the hours of 8:00a.m. to midnight on Thursday, Friday, Saturday and Sunday and no event may extend beyond 12 midnight or be held on any other day unless permission is granted by the Selectmen.
5. No scenery shall be installed that is nailed or otherwise attached to any floors or walls of the stage or Auditorium. Set pieces, platforms, etc. must be free-standing or hung from overhead grid. No decorations may be stapled, tacked or tied to any Auditorium walls or fixtures. No walls or floors of the stage may be painted or otherwise altered. No scenery shall be installed that blocks safe access to stage or Auditorium doors or fire exits. If scenery or backdrop curtains, teasers, side legs, etc. are hung from overhead grid, all such materials must be removed following the production, and the Auditorium's drops, curtains, etc. must be re-hung in the correct positions. All scenery materials, curtain fabrics and decorations must meet fireproof or flame retardancy regulations of Massachusetts and/or Federal and/or local code. All such materials may be subject to inspection and approval, and any such installation may be subject to inspection. Under no circumstances shall scenery or other property of a using organization be stored in the Auditorium without express permission, and in no event when such storage will interfere in the use of the Auditorium by the Town. All electrical equipment and arrangements shall require prior approval by the Selectmen. All scenery and electrical equipment must be inspected and approved by the Chief of the Fire Department and the Building Inspector or their designees prior to the use of the stage or Auditorium.

6. The applicant shall be held responsible for the preservation of order and shall secure all licenses and permits require for public performances, including the provision for a police detail if required by the Selectmen or the Chief of Police. Police details shall be required at all events to be attended by two hundred or more persons, all events serving alcoholic beverages, and any other events which the Selectmen determine to require a police officer to maintain public order and safety. The applicant is responsible for the cost of police security.
7. A custodian will be required to be on duty during the event and thirty minutes prior to and following the event. The applicant is responsible for the cost of custodial services at the prevailing rate. ~~28.25~~ per hour \* *This is the current rate of pay - Custodian this amt. could change.*
8. The applicant is responsible for paying an Auditorium Use Fee at a rate of \$50 per hour with a minimum of three (3) hours per event.
9. Applicant is responsible for delivery, pick-up and rental of additional chairs and tables are required. The Auditorium is to be swept clean and all trash removed after use. The set-up and break-down of chairs and tables and clean-up by the custodian will be an additional charge at a rate of \$10 per hour and must be pre-arranged at least 48 hours in advance of the event. Restrooms are to be left clean after use.
10. No smoking is permitted within the Town Hall or within 15 ft. of the primary entrance of the building.
11. The event is limited to the occupancy limit as determined by the event and as approved by the Building Commissioner.
12. Only the preparation of light refreshments involving no cooking will be permitted in Auditorium area. Water is available for use in preparing coffee or tea. Any group serving refreshments must provide their own dishes, utensils, linens, etc.
13. The custodian is responsible for the opening and closing of the Town Hall.
14. The Board of Selectmen reserves the right to revoke permission to use the Auditorium for an applicant's non-compliance with the Rules and Regulations. The Selectmen reserve the right to waive any or all fees under these Rules and Regulations when it is in the public interest to do so.

ADOPTED BY THE FAIRHAVEN BOARD OF SELECTMEN – SEPTEMBER 9, 1996



# TOWN OF FAIRHAVEN

MASSACHUSETTS

## OFFICE OF THE BOARD OF HEALTH

TOWN HALL

40 Center Street

Tel. (508) 979-4022

Fax (508) 979-4079

*\* Important*

Only Licensed Caterers may provide food to consumers at a “public event”. 590.004(A)

If a public event is not catered, then only prepackaged **non-potentially hazardous** foods are allowed.

A **public event** is an event that is advertised as open to the public, an event that charges a fee or sells tickets, an event that requires a ticket and/or fee in order to enter, attend and/or participate.

A **consumer** is a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment and does not offer the food for resale.

**Potentially hazardous foods** include a food of animal origin (including milk, cream, butter, etc) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support bacterial and/or viral growth.

For questions: Board of Health office, 508-979-4022 or BOH@fairhaven-ma.gov *City, 125*



# TOWN OF FAIRHAVEN

## APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

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

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

\_\_\_\_\_ (Beer and Wine) or \_\_\_\_\_ (All Alcoholic Beverages)

For a \_\_\_\_\_ to be held at

\_\_\_\_\_  
\_\_\_\_\_

by \_\_\_\_\_

date \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

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

**FEE:**

Beer & Wine \$20.00  
All Alcoholic \$35.00

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

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

Please Print

Licensee Name: \_\_\_\_\_

Date and Hours of Function: \_\_\_\_\_

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

Name and Telephone Number of Responsible Person: \_\_\_\_\_

Type of Event (Detailed Description)  
\_\_\_\_\_  
\_\_\_\_\_

Will There Be Entertainment, If Yes, Describe:  
\_\_\_\_\_  
\_\_\_\_\_

Will Persons Under 21 Be Allowed to be Present    Yes    No

Estimated Number of Attendees: \_\_\_\_\_

Will There Be Security For the Event:    Yes    No

If Yes, Describe:  
\_\_\_\_\_

**MUST BE ACCOMPANIED BY \$10 FEE AND SUBMITTED TO BOARD OF  
SELECTMEN AT LEAST 3 BUSINESS DAYS BEFORE EVENT**

(Licensing Authority Use Only)

Police Detail Required    YES    NO    Number of Officers \_\_\_\_\_

\_\_\_\_\_  
Police Chief or Designee Signature

\_\_\_\_\_  
Date

### SPECIAL ONE DAY LIQUOR LICENSES

-FILL OUT AND SUBMIT "SPECIAL ONE DAY" LIQUOR LICENSE APPLICATION. SEE THE SELECTMEN'S OFFICE. (Attached)

-MUST SUBMIT A DRAWN OUT PLAN DESCRIBING WHERE LIQUOR IS TO BE STORED, MUST BE AN ENCLOSED AREA, INCLUDE DIMENSIONS OF LICENSED PREMISE OF SERVING/DRINKING AREA. ALSO INCLUDE DIMENSIONS OF BAR.

-IF EVENT IS UNDER A TENT AREA, INCLUDE DIMENSIONS AND GET PERMIT FOR TENT AT THE BUILDING DEPARTMENT.

-MUST SUBMIT A LIQUOR LIABILITY CERTIFICATE.

\*-IF EVENT IS USING OUTSIDE /AREA THAT HAS A LIQUOR LICENSE, APPLICANT MUST SUBMIT A "THIRD PARTY PERMIT"-SIGNED BY THE POLICE DEPT. (Attached)

-SERVERS MUST BE TIP CERTIFIED

-FOR ALL ALCOHOL \$35.00

-FOR BEER & WINE \$20.00

-SEE ATTACHED INFORMATION AND APPLICATION.



ALCOHOLIC BEVERAGES CONTROL COMMISSION  
MOST FREQUENTLY ASKED QUESTIONS

whatsoever shall be granted, in the aggregate, more than five such licenses in the commonwealth, or be granted more than one such license in a town or two in a city.”

c. **"Special License" under Section 14**

A "Special License" to pour liquor at an indoor or outdoor activity or enterprise may be issued to the responsible manager of any indoor or outdoor activity or enterprise. Such a license is issued by the LLA in the city or town in which the activity or enterprise will be conducted. This type of license may be issued only to a natural person, although this natural person may be a person acting on behalf of a corporation, partnership, or other entity. No person may be granted such licenses permitting sales on an aggregate of more than 30 days in any calendar year. No special license, with only one very limited exception (i.e. a special license for a dining hall maintained by an incorporated educational institution authorized to grant degrees) shall permit sales on more than 30 days. A special license for a municipal golf course may permit sales on an aggregate of not more than 245 days in any calendar year, in or from any municipally owned building that is operated in conjunction with an 18-hole regulation golf course.

i. **Special License under Section 14 for All Alcoholic Beverages**

Special licenses for the sale of all alcoholic beverages, wine, or malt beverages, or any of these beverages, may be issued by the local licensing authorities only to a person at least twenty-one years of age acting on behalf of a nonprofit organization. No other person may be issued a special license to sell all alcoholic beverages.

ii. **Special License under Section 14 for Wine and/or Malt Beverages, or Both**

Special licenses for the sale of wine, malt beverages, or both, may be issued by the local licensing authorities to any person. This type of special license may be issued to a person at least twenty-one years of age who is conducting an activity or enterprise for profit. No special license under Section 14 shall be granted to any person while his or her application for an annual and or a seasonal license under Section 12 is pending before the licensing authorities.

9. **Are license applicants barred from holding a liquor license if they have been convicted of a crime?**

Yes. An on-premises license (which includes the categories of restaurants, hotels, bars, taverns and clubs) may not be issued to a person "who has been convicted of a violation of a federal or state narcotic drug law."

An off-premises license (package store) may not be issued "to any applicant who has been convicted of a felony."

<sup>1</sup> As of January 1, 2016, this maximum number of licenses increases from five to seven, and as of January 1, 2020, the maximum number of licenses increases from seven to nine.



*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: (617) 727-3040  
Fax: (617) 727-1258*

**Steven Grossman**  
*Treasurer and Receiver General*

**Kim S. Gainsboro, Esq.**  
*Chairman*

## THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY

As you are all aware, applicants for a Special License commonly referred to as a “1-Day license” are required to purchase alcohol for their event from an authorized source, usually a licensed wholesaler in Massachusetts. In an effort to make this process a little easier for the local licensing authorities and the applicants, we are adding a link of the names and contact information for all of the authorized sources of alcohol for 1-Day licenses. When granting 1-Day licenses, local licensing authorities should consider issuing the license for three or four days to allow for proper delivery, storage and disposal of all alcoholic beverages purchased. This extension will ensure that 1-Day licensees comply with all storage requirements under M.G.L. c.138.

We are also strongly urging that applicants for a 1-Day license submit their applications to the local licensing authorities at least sixty (60) days prior to their event. This will ease the burden on the local licensing authorities, while allowing these organizations enough time to rectify any issues that they may have with their applications prior to their event. Please remember to forward a copy of all 1-Day licenses issued, to the Alcoholic Beverages Control Commission for our records.

We are making these changes as a result of suggestions from a number of the local licensing authorities. We want to take this opportunity to thank these individuals for their input and assistance in making the licensing process a little bit easier. At the same time, we would like to remind everyone that we welcome any suggestions, comments or feedback on any licensing matters. If you have any questions, please feel free to contact our Executive Director, Ralph Sacramone at 617-727-3040 \*31.

The Following are notes taken from a phone call made to the ABCC on 7/22/10  
Called William Kelley, Council for the ABCC.

#### SPECIAL ONE DAY LIQUOR LICENSE-SECTION 14

-For Profit can only have Beer & Wine

-For Non-Profit can have all alcohol

Once (or IF) The Licensing Board approves a special license three state laws go into effect

1. The license holder can only buy from a wholesaler
2. Can't accept delivery until the effective day and hours on license
3. Have to dispose of alcohol within the effective hours time period. (License holder can work something out with the wholesaler).

Fee for B & W \$20.00 per day

Fee for All Alcohol \$35.00 per day



**Town of Fairhaven**  
**Massachusetts**  
**BOARD OF ASSESSORS**  
40 Center Street  
Fairhaven, MA 02719

Ronald J. Manzone, Chairman  
Pamela K. Davis, MAA, Member  
Ellis B. Withington, Member

Delfino R. Garcia, Asst. Assessor  
Notary Public  
Phone: (508) 979-4022  
Facsimile: (508) 979-4018  
Email: dgarcia@fairhaven-ma.gov

November 21, 2016

TO: Board of Selectmen

FROM: Board of Assessors

Subject: Tax Rate Classification FY17

We are asking the Board of Selectmen to vote on the minimum residential factor which creates the CIP Shift per the attached spreadsheet.

Residential and Open Space property (R&O) has increase an average of 3.6% while Commercial has also increased an average of 4.5%.

For Fiscal Year 2017, this will result in a small rate decrease in both rates as illustrated below:

FY2017 Residential Property	\$12.04/1000 (proposed rate)	X \$100,000 value = \$1,204.00
FY2016 Residential Property	\$12.18/1000	X \$100,000 value = \$1,218.00
FY2017 CIP Property	\$24.27/1000 (proposed rate)	X \$100,000 value= \$2,427.00
FY2016 CIP Property	\$24.45/1000	X \$100,000 value = \$2,445.00

The average single family home value for FY2016 was \$254,645 @ \$12.18 = \$3,101.58

The average single family home value for FY2017 is \$264,074 @ \$12.04 = \$3,179.45

**Board of Assessors**  
**Ron Manzone, Chairman**  
**Pamela Davis, MAA**  
**Ellis Withington**



Ronald J. Manzone, Chairman  
Pamela K. Davis, MAA, Member  
Ellis B. Withington, Member

Town of Fairhaven  
Massachusetts  
**BOARD OF ASSESSORS**  
40 Center Street  
Fairhaven, MA 02719

Delfino R. Garcia, Asst. Assessor  
Notary Public  
Phone: (508) 979-4022  
Facsimile: (508) 979-4018  
Email: dgarcia@fairhaven-ma.gov

Town of Fairhaven  
FY 2017 Residential Factor/Tax Classification Hearing  
Questions requiring a vote by the selectmen of Fairhaven and  
Recommendations of the Board of Assessors

• Do you choose to have a residential exemption?

- Commercial*  
*Industrial Personal*
- (A residential exemption reduces the taxable valuation of each residential property that is a taxpayer's principal residence by a fixed amount. Fairhaven has not adopted this previously. This option is typically adopted in high rental areas and high concentrations of summer homes. Chosen by 14 out of 351 communities)
  - The Board of Assessors recommends AGAINST adopting this exemption. It raises the residential tax rate and raises taxes on all residential property except those houses owned and occupied that are assessed for less than the average home.

• Do you choose to have a small commercial business exemption?

- (A small commercial business exemption is an option that can reduce small business valuation by up to 10%. Fairhaven has not adopted this previously. This option has been adopted by 6 out of 351 communities)
- The Board of Assessors recommends AGAINST adopting this exemption. The exemptions benefits the property owner and not the small business tenant.

• Do you choose to have a single tax rate or a split tax rate? If a split rate is desired, what residential factor is desired?

- The Board of Assessors recommends a residential factor of .867981 which is the maximum shift of 1.75. This is the same shift as has been used in the past. Supporting documentation has been submitted by Wendy Graves, Director of Finance/Treasurer.
- The Board of Assessors recommends the split tax rate.

**Board of Assessors**  
Ron Manzone, Chairman  
Pamela Davis, MAA  
Ellis Withington

November 21, 2016

**Our recommendation**

**Selectmen are to vote a minimum residential factor**

**Of**

**.867981**

**MAX. – 1.75% we can impose**



TOWN OF FAIRHAVEN			
RESIDENTIAL	COMMERCIAL	TAX RATES	
<u>YEAR</u>	<u>SINGLE RATE</u>	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>
1985	24.00		
1986	17.46		
1987	16.97		
1988	18.05		
1989	19.31		
1990		8.64	11.13
1991		9.63	12.26
1992		10.73	12.91
1993		12.01	14.44
1994		12.40	14.90
1995		12.90	15.62
1996		13.35	16.09
1997		13.28	16.01
1998		13.74	16.52
1999		14.52	17.39
2000		15.14	18.13
2001		15.14	18.17
2002		13.96	17.13
2003		11.82	17.65
2004		10.93	17.62
2005		8.35	16.66
2006		8.12	16.09
2007		7.92	15.61
2008		7.86	15.67
2009		8.30	16.51
2010		8.89	17.87
2011		9.56	19.3
2012		10.27	20.63
2013		10.77	21.58
2014		11.50	23.21
2015		12.15	24.50
2016		12.18	24.45
2017		12.04	24.27



# Town of Fairhaven

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

## Memorandum

Date: November 17, 2016

To: Mark Rees, Town Administrator  
Board of Selectmen

From: William D. Roth, Jr., AICP  
Planning and Economic Development Director

Wayne Fostin  
Building Commissioner

RE: Auto Dealer/Repair -2016 Site Plans – Status Update

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Per your request the following is a status update on the outstanding Auto Dealer/Repair - Site Plans.

**Alden Buick GMC (Dealer/Repair):**

The Engineer submitted a revised plan on November 8, 2016. There are minor revisions needed to the plan.

Town Administrator Recommendation: Grant Extension until December 19, 2016

**Auto Diagnostic (Repair Only):**

The owner has been non-responsive to Town Staff regarding the required site plan. It is recommended that the owner be brought before the Board of Selectmen to start the process of revoking the repair license.

Town Administrator Recommendation: License Revocation hearing has been scheduled for the November 21, 2016 Board of Selectmen Meeting.

**RRR Auto Sales (Dealer/Repair):**

The owner met with the Board of Selectmen on October 3, 2016 and was told that he needed a current site plan showing how the site was being used. The discussion was primarily about the use of "Copeland Street" a paper street and the Special Permit Plans. The owner and Town Staff met on site on November 14, 2016 and reviewed the site. The owner's engineer has contacted Town Staff and a meeting has been scheduled for November 21, 2016.

Town Administrator Recommendation: Grant Extension until December 19, 2016

**Ray's FHN Repair (Repair Only):**

The survey was done on November 15, 2016 with the plans expected to be filed in two to three weeks.

Town Administrator's Recommendation: Grant Extension until December 19, 2016

**Sarkis Enterprises (A&A Auto) (Dealer/Repair):**

A revised plan has been submitted with a revision date of 11/2/16. The plan reflects a total of 56 cars on the both lots (Map 26, Lots 13F & 13M), the overall site. The following is a breakdown of the uses that should be reflected on the license.

- 38 used for sale cars (Used Car License)
- 6 repair cars inside building (Repair License)
- 3 repair/storage cars in the rear of the building (Repair License)
- 5 customer spaces
- 3 employee spaces
- 1 Ramp Truck

Town Administrator's Recommendation: Approve the revised plan and modify the licenses to reflect the above numbers and breakdown of the uses.

**Fairhaven Getty (Dealer/Repair):**

A revised plan has been submitted with a revision date of 10/13/16. The plan reflects a total of 31 cars on the site. The following is a breakdown of the uses that should be reflected on the license.

- 17 used for sale cars (Used Car License)
- 3 repair cars inside building (Repair License)
- 4 repair cars in the rear of the building (Repair License)
- 4 customer spaces
- 3 employee spaces

Town Administrator's Recommendations: Approve the revised plan and modify the licenses to reflect the above numbers and breakdown of the uses.

**Spring Street Garage:**

A revised plan has been submitted with a revision date of November 7, 2016. The plan is what was discussed at the Selectmen's meeting with the owner.

The plan reflects a total of 38 cars on the site. The following is a breakdown of the uses that should be reflected on the license.

- 6 used for sale cars in the front (Used Car License)
- 7 repair cars inside building (Repair License)
- 18 repair cars in the rear of the building (Repair License)

- 1 repair car in the front (northeast corner) of the building (Repair License)
- 3 customer spaces in the front of building
- 3 employee spaces in the rear of the building

Although the licensee is in compliance with the site plan requirements, they are still in non-compliance with their tax payment agreement.

Town Administrator's Recommendation: Do not renew their licenses when they expire on December 31, 2016



Charles K. Murphy, Sr., Chairman  
Robert Espindola  
Daniel Freitas

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

40 Center Street  
Fairhaven, MA 02719

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

Attachment E

**REMINDER**

May 20, 2016

Auto Diagnostic  
162 Scoticut Neck Road  
Fairhaven, MA 02719  
Attn: George Brownell

Re: Site Plan Requirements

Dear Mr. Brownell;

On March 3, 2016, our office sent a letter stating that the site plans that you submitted did not meet the requirements to satisfy the updated site plan specifications. (See attached)

To assist you in better understanding the requirements and what is needed for your particular site, please call Wayne Fostin, Building Commissioner, (508) 979-4023, Ext.116 and William Roth, Planning Director (508) 979-4023, ext. 122 to meet with you to go over the specifications.

Failure to comply with the updated Site Plan Requirement could result in a hearing being held with the Board of Selectmen voting on your license being suspended, modified, cancelled or revoked.

If you have any questions or concerns, please call our office at the above telephone number and ask for Lori at Ext. 102.

Thank you.

Very truly yours,

**OFFICE OF THE SELECTMEN**