



Fairhaven Board of Selectmen

December 19, 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 6:35 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 release of the Executive Session minutes for the meetings of **May 11, 2015, May 26, 2015, June 22, 2015** and **July 6, 2015**. Mr. Espindola seconded. Vote carried. (2-0-1).
- Mr. Espindola motioned to approve the minutes of the **December 5, 2016** meeting, **open** session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the **December 5, 2016** meeting, **executive** session. Mr. Freitas seconded. Vote was unanimous. (3-0).

TOWN ADMINISTRATOR'S REPORT

In his report to the Selectmen, Mr. Rees:

- Discussed the recent energy purchase he facilitated for the Town in the amount of .08447 from Ensite Resources, LLC.
- Mr. Rees met with Ms. Graves and Timothy Cox to discuss possible revisions related to Union Wharf dockage fees and time of annual invoices.
- Mr. Rees and Finance Director Wendy Graves have begun the FY18 budgeting entry process with the department heads.
- Council on Aging received a formula grant in the amount of \$41,700.
- Medex will increase from \$116 to \$130 per month due to the drug subsidized portion of the program.
- UTC was able to remove possible unemployment claims this year by \$75,000.
- Facilities Improvement Plan RFP has been revised and will be redistributed based on feedback from previous firms who chose not to bid the first round.

ANNUAL RENEWALS

The Board reviewed 2017 license renewal applications.

Mr. Espindola motioned to approve all the 2017 liquor license renewal applications in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve all the 2017 common victualer license renewal applications in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the 2017 auto dealer/repair license renewal for Howard's Auto Sales. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve the 2017 entertainment license renewal for Four Paws Up Bakery and Dream Land. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to approve all the 2017 private livery license renewal applications listed in Attachment A. Mr. Freitas seconded. Vote was unanimous. (3-0).

CAR DEALER SITE PLAN – ALDEN BUICK/GMC

After reviewing Alden Buick/GMC submitted site plans, Mr. Espindola motioned to approve the submitted plans. Mr. Freitas seconded. Vote was unanimous. (3-0).

CAR DEALER SITE PLAN – RRR AUTO

After reviewing RRR Auto submitted site plans, Mr. Espindola motioned to approve. Mr. Freitas seconded. Vote was unanimous. (3-0).

RECORDS ACCESS OFFICER

Mr. Rees and Ms. O'Brien discussed the new Records Law. Mr. Espindola motioned to appoint Ms. O'Brien and Town Clerk Eileen Lowney to Records Access Officers. Mr. Freitas seconded. Vote was unanimous. (3-0).

ABC TRASH AGREEMENT

Mr. Rees said that he has negotiated a tentative agreement with ABC Disposal for Fairhaven-owned disposal space at SEMASS in the amount of \$69/ton, which is about \$6 per ton difference. Mr. Rees said that this could be about \$65,000 in revenue for the Town.

CONSERVATION COMMISSION VACANCY

The Board announced a vacancy on the Conservation Commission. Mr. Espindola motioned to set a deadline for letters of interest for January 4 at 4 pm. Mr. Freitas seconded. Vote was unanimous. (3-0).

UPDATE ON SITE PLANS – USED CAR REPAIR/DEALER

Mr. Rees gave an overview to the used car dealer/repair license holders who are not yet in compliance. See Attachment B.

PIZZERIA BRICK LICENSE HEARING

At 7:00 p.m. Mr. Murphy opened a public hearing for Pizzeria Brick for a new restaurant beer and wine license. Mr. Murphy read the public notice into record (See Attachment C).

Building Department, Health Department, have both signed off on the application and TIPS certification and certificate of liability have been provided to the Town.

There were no questions from the Board. Mr. Murphy opened the hearing to public comment. There was none.

Mr. Espindola motioned to approve the beer and wine restaurant license for Pizzeria Brick. Mr. Freitas seconded. Vote was unanimous. (3-0).

REVENUE FORECAST FY18

Mr. Rees discussed his revenue forecast for FY18. See Attachment D.

BOARD OF PUBLIC WORKS APPOINTMENT PROCESS

Mr. Rees suggested the Board hold a separate meeting in early January to interview the candidates in one night.

Mr. Espindola motioned to authorize Mr. Rees to go forward with scheduling a night to meeting and interview the candidates, and to further notify the candidates of the interviews. Mr. Freitas seconded. Vote was unanimous. (3-0).

MARIJUANA LAWS

Board of Health member Peter DeTerra, Police Chief Michael Myers and Director of Planning Bill Roth were present.

Chief Myers discussed the changes to the law, which decriminalizes certain possessions of marijuana, and its use.

Mr. Roth said that he has collected information from Kopelman and Paige, Senate special report, and Massachusetts Municipal Association on the marijuana changes. As far as zoning goes, by September/October 2018, more guidance will be available from the State. Mr. Roth has a draft moratorium article for the Planning Board to consider to allow more time for the Town to learn the Commonwealth rules before allowing marijuana sales in town. Registered Marijuana

Dispensary (RMD) facilities will have the first chance to apply for recreational marijuana licenses through the state – the Town currently has a licensed RMD in Town. Mr. Roth added that the Town has a right to impose a Town tax on marijuana sales.

Mr. DeTerra said that they need more guidance from the State on how to proceed. The Board of Health will discuss the matter, including the Town tobacco regulations/restrictions that impact all smoking (including marijuana), at their next meeting.

Doug Brady was recognized. He asked if marijuana would be legal to smoke in public places. Chief Myers said that public smoking of marijuana would remain illegal.

Nils Isaksen asked if a driver were smoking marijuana, if it would be against the law. Chief Myers said that driving under the influence would still be illegal.

Mr. Espindola motioned to instruct Mr. Rees to submit a letter to legislators regarding the Town's need for State instruction on the topic of legalized marijuana. Mr. Freitas seconded. Vote was unanimous. (3-0).

OXFORD SCHOOL UPDATE

Mr. Rees said that he requested Mr. Roth to prepare a memorandum for the Board regarding the Oxford School development by Stratford Group. See Attachment E.

Mr. Freitas said that the public concern expressed to him was that Stratford Capital was asking for Community Preservation Act funding in the amount of \$325,000, which is also the purchase price from the Town. Mr. Freitas said that some clarification was needed to assuage resident concerns. Stratford is applying for the CPC funding to satisfy the requirements of the State to seek any and all funding (and local matching) before requesting grant funding from the State.

Mr. Rees said that there was flexibility, in that the Town CPC could choose whether or not it would like to fund the project, could choose to fund a certain amount each year leading up to the construction of the project, and could keep all or some of the funding in an account, which would not be available to Stratford until construction starts.

Mr. Freitas asked if the Board would be able to invite a representative from Stratford to discuss any other funding plans so that the Board will not be surprised again by a funding request.

Mr. Brady was recognized. He asked what the Town incentive would be for approval of the funding, and if the CPC funding would impose any restrictions on a for-profit company like Stratford.

Ann Richard was recognized. Ms. Richard expressed concern about giving funds to a multi-million for-profit business because a building is a liability.

Al Benac was recognized. He stated that he agreed with Ms. Richard.

The consensus of the Board was to invite Stratford Group to an upcoming meeting.

PUBLIC RECORDS REQUEST

The Board reviewed a records request from Caitlin Russell of Muckrock.com, requesting six years (2010-2015) of Board of Selectmen executive session minutes. Most of the minutes in this time frame have not been reviewed for release. Ms. O'Brien will work with Mr. Rees and Town Counsel to compile the minutes with redactions for the Board's consideration. The Board will then take a vote at its January 23, 2017 meeting to consider the release of the minutes, and then the minutes will be provided to Ms. Russell. The Board instructed Ms. O'Brien to draft a memo to Ms. Russell regarding the anticipated release timeline.

HIGGINS

The Board reviewed an Open Meeting Law complaint from Patrick Higgins. See Attachment F.

The Board instructed Mr. Rees and Ms. O'Brien to work with Town Counsel to draft a response to Mr. Higgins.

OTHER BUSINESS

In other business:

- Mr. Murphy said that he was honored to be present for the first graduation ceremonies for Northeast Maritime Institute, which was held on the previous weekend at Town Hall. Graduates were Kevin Richard Kiernan, and Elijah Simmons.
- Mr. Freitas said that he went to his first Bristol County Commissioners meeting the week prior.
- Mr. Murphy reminded the public that the Polar Plunge fundraiser for scholarships would be on New Year's Day.

At 9:17 p.m. Mr. Espindola motioned to enter Executive Session, not to reconvene in open session, pursuant to MGL ch. 30a section 21:

- To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel – Clerical, Dispatchers, 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 01/09/2017

Documents appended:

Attachment A: 2017 License Renewal Listing

Attachment B: Used car dealers listing as of 12/19/2016

Attachment C: Pizzeria Brick Legal Ad

Attachment D: FY18 Revenue Forecast

Attachment E: Stratford/Oxford School Memo

Attachment F: Open Meeting Complaint – Patrick Higgins

Attachment A

2017 RENEWALS FOR APPROVAL BY THE BOARD OF SELECTMEN DECEMBER 19, 2016

Liquor Licenses

1. A Kitchen Restaurant
2. Ebb Tide
3. Elisabeth's
4. Genes Famous Seafood
5. Ice House
6. Minerva's Pizza House
7. Moriarty Liquors
8. Douglas Wine & Spirits
9. Fort Phoenix Post 2892-V.F.W.
10. Vila Verde Restaurant
11. Wah May Restaurant
12. Paul's Sports Corner
13. Connolly's Liquor Mart
14. Town Crier
15. Old Oxford Pub
16. Sivalai Thai Cuisine
17. Friendly Farm Convenience
18. Cardoza's Wine & Spirits
19. 99 Restaurant & Pub
20. Sweet Ginger Restaurant
21. M & J Fairhaven, Inc.-Riccardi's
22. ICJ Corp.-Fairhaven Wine & Spirits
23. Scuttlebutts Grocery
24. Frontera Grill
25. Mike's Restaurant
26. The Bitter End Lounge
27. Courtyard Restaurant
28. The Pasta House
29. Rasputin's Tavern

Common Victualer Licenses

1. Burger King
2. Dunkin Donuts (27 Alden Rd.)
3. Dunkin Donuts (32 Howland Rd.)
4. Friendly's Ice Cream
5. Golden Chopsticks Restaurant
6. Honey Dew Donuts
7. Hungry Heroes
8. Jake's Diner
9. Mac's Soda Bar
10. Margaret's Restaurant
11. Brady's Ice Box
12. McDonald's Restaurant
13. Papa Gino's
14. Palace Pizza
15. Pizzeria Brick
16. Pumpnickles Restaurant
17. 7-Eleven
18. Taco Bell
19. Tropical Smoothies
20. Wendy's Restaurant
21. Yia Yia's Pizza Café
22. Subway Restaurant (20 Scont. Nk. Rd.)
23. The Nook Café

Car Dealer License

1. Howard's Auto Sales

Entertainment Licenses

1. Four Paws Up Bakery & Dream Land Arts & Crafts For Kids (356-358 Main St.)
**Restricted Music License Only

Private Livery Licenses

1. Active Day Fleet, Inc. (40 Sconticut Neck Rd.)
2. Elite Transportation, Inc. (1 Deerfield Ln.)



Town of Fairhaven

Town Hall · 40 Center Street · Fairhaven, MA 02719

Telephone (508) 979-4023 · FAX (508)-979-4079

Memorandum

Date: December 14, 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

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 which is acceptable. The following is a breakdown of the uses that should be reflected on the license.

70 - Spaces inside building (Repair)

30 - Customer and Employee Spaces (outside to be striped)

484 - Used & New Vehicle Display; and Repair (outside Spaces-not striped)

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

Auto Diagnostic (Repair Only):

The owner has been non-responsive to Town Staff regarding the required site plan. On November 21, 2016 the Board of Selectmen held a license revocation hearing and which the owner did not appear. The Board authorized a letter to be sent to the owner informing them that their license will not be renewed for 2017. We have not received a response to that letter.

RRR Auto Sales (Dealer/Repair):

The Engineer submitted a revised plan which is acceptable. The following is a breakdown of the uses that should be reflected on the license.

8 – Repair Spaces (inside building)

- 6 – Customer Spaces
- 4 - Employee Spaces
- 92 - Used Vehicle Display Spaces (outside Spaces-not striped)

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

Ray's FHN Repair (Repair Only):

The plan was submitted on December 9, 2016. We have reviewed the plan and are recommending revisions to the plan.

Town Administrator's Recommendation: Grant Extension January 9, 2017

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.

Attachment C

TOWN OF FAIRHAVEN

Notwithstanding Section 17 of Chapter 138 of the Massachusetts General Laws; notice is hereby given that the Licensing Authority for the Town of Fairhaven may grant an additional license for the sale of Wines and Malt Beverages to be consumed on the premises pursuant to Section 12 of said Chapter 138 to Pizzeria Brick, Inc., for use at 213 Huttleston Avenue, Fairhaven, MA, who has applied for a New Restaurant/Wine & Malt License. The license shall be subject to all of said Chapter 138 except said section 17.

The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance, indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If the license granted under this act is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

The described premise consists of an indoor area totaling 2,600 Sq. Ft., one floor; Five (5) rooms, one (1) entrance, one (1) exit, a proposed seating capacity of 52 and proposed occupancy of 62.

A hearing will be held at a Selectmen's Meeting, Fairhaven Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA on Monday, December 19, 2016 at 7:00 PM.

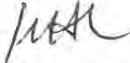
BOARD OF SELECTMEN

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

Attachment D

MEMORANDUM

TO: Board of Selectmen

FROM: Mark H. Rees 

DATE: December 15, 2016

RE: Revenue Projection for FY18

CC: Finance Committee Chair
Finance Director
Town Accountant
Assistant to the Town Administrator
School Superintendent
Department Directors

Attached please find General Fund revenue projections for consideration for use in the FY18 budget development process. A few notes of consideration:

We are currently 5 months into our current fiscal year, FY16-17, so in order to project FY17-18 revenues we first had to project where we will be at the end of FY16-17. To do the FY16-17 projection we relied on historical data and FY16-17 Year to date numbers to develop trends for individual revenue line items. This data is included in the subsidiary spreadsheet attached to the main spreadsheet.

These historical trends were then used to develop the amounts contained in the "Projected FY18" column. Recognizing that prudent financial practices requires conservative revenue estimates, the "Budget FY18" column was developed that provides for revenue estimates significantly lower than the amount projected using historical trends.

Although it may be modified as we move forward in the FY17-18 budget development process and additional information comes forward it is intended that the "Budget FY18" column be used preliminarily for the revenue portion of the recommended budget.

General Fund Projections

	Received FY15	Received FY16	Budget FY17	Projected FY17	Assumption	Projected FY18	Budget FY18
REVENUES							
PROPERTY TAXES							
Prior Year Levy			24,760,441	24,760,441		\$ 25,653,486	\$ 25,653,486
Add 2 1/2%			619,011	619,011		\$ 641,337	\$ 641,337
Add New Growth			100,000	274,034	5.0%	\$ 287,736	\$ 125,000
TOTAL LEVY (not including Debt Excl Levy)	23,955,561	24,760,441	25,479,452	25,653,486		\$ 26,582,559	\$ 26,419,823
					\$ Inc from FY17 Budget	\$ 1,103,107	\$ 940,371
					% Inc from FY17 Budget	4.3%	3.7%
STATE AID							
Chapter 70 & Charter Tuition Reimbursement	7,387,207	7,428,260	7,470,808	7,531,412	1.0%	\$ 7,606,726	\$ 7,600,000
General Government Aid	2,006,530	2,078,765	2,168,152	2,168,152	2.5%	\$ 2,222,356	\$ 2,100,000
Veterans Benefits	610,440	642,532	647,731	618,506	3.5%	\$ 640,154	\$ 640,000
Exemptions, VBS and Elderly	89,894	85,565	78,499	78,499	0.0%	\$ 78,499	\$ 70,000
State Owned Land	154,727	154,727	154,766	154,187	0.0%	\$ 154,187	\$ 150,000
TOTAL STATE AID (not including SBA)	10,248,798	10,389,849	10,519,956	10,550,756		\$ 10,701,922	\$ 10,560,000
					\$ Inc from FY17 Budget	\$ 181,966	\$ 40,044
					% Inc from FY17 Budget	1.7%	0.4%
LOCAL RECEIPTS							
Motor Vehicle Excise	1,612,146	1,836,489	1,520,000	1,928,313	5.0%	\$ 2,024,729	\$ 1,650,000
Other Excise	607,448	658,589	500,000	711,276	8.0%	\$ 768,178	\$ 550,000
Penalties and Interest on Taxes	298,711	325,998	300,000	339,038	4.0%	\$ 352,599	\$ 325,000
Payments in Lieu of Taxes	178,866	23,729	170,000	170,000	0.0%	\$ 170,000	\$ 170,000
Charges for Services-Solid Waste Fees	98,432	87,189	90,000	69,751	-20.0%	\$ 55,801	\$ 50,000
Other Charges for Services	78,675	18,693	-	13,085	-30.0%	\$ 9,160	\$ 9,000
Fees	212,618	242,859	164,000	262,288	8.0%	\$ 283,271	\$ 220,000
Rentals	126,734	136,483	120,000	140,577	3.0%	\$ 144,795	\$ 120,000
Dept Revenue-Schools	2,358,575	2,532,174	2,200,000	2,658,783	5.0%	\$ 2,791,722	\$ 2,350,000
Dept Revenue-Recreation	18,953	29,658	20,000	32,624	-3.0%	\$ 31,645	\$ 30,000
Other Dept. Revenue	846,270	848,094	880,000	797,199	-6.0%	\$ 749,367	\$ 700,000
Licenses and Permits	427,302	502,858	400,000	553,144	7.0%	\$ 591,864	\$ 450,000
Fines and Forfeits	7,365	6,635	6,000	5,640	-15.0%	\$ 4,794	\$ 5,000
Investment Income	24,667	19,835	20,000	15,868	-20.0%	\$ 12,694	\$ 13,000
Medicaid Reimbursement	44,722	70,665	70,665	70,665	5.0%	\$ 74,198	\$ 70,000
Misc. Recurring	46,640	16,422		16,422	0.0%	\$ 16,422	\$ 13,000
Misc. Non-Recurring	344,055	311,581				\$	\$
TOTAL LOCAL RECEIPTS	7,332,179	7,667,950	6,390,000	7,784,673		\$ 8,081,240	\$ 6,642,000
					\$ Inc from FY17 Budget	\$ 1,691,240	\$ 252,000
					% Inc from FY17 Budget	26.5%	3.9%
REVENUE APPROPRIATED FOR SPECIFIC PURPOSES							
Waterway Funds	45,000	62,495	54,125	54,125	3.0%	\$ 55,749	\$ 55,000
Ambulance Funds	858,555	944,000	956,359	956,359	10.0%	\$ 1,051,995	\$ 1,050,000
Title 5 Receipts	22,490	21,572	20,700	20,700	0.0%	\$ 20,700	\$ 20,000

FY18
General Fund Projections

Wetland Protection Fund	6,000	8,000	4,000	4,000	0.0%	\$	4,000	\$	4,000		
Council on Aging-Social Day Program	35,000	35,000	36,000	36,000	2.5%	\$	36,900	\$	36,000		
Animal Control Gift Account	5,000	5,000	6,000	6,000	0.0%	\$	6,000	\$	6,000		
Storm Water Subdivision Fees	8,647	8,647	9,847	9,847	0.0%	\$	9,847	\$	10,000		
TOTAL REVENUE APPROPRIATED FOR SPECIFIC PURPOSES	980,692	1,084,714	1,087,031	1,087,031			1,185,191		1,181,000		
							\$ Inc from FY17 Budget	\$	98,160	\$	93,969
							% Inc from FY17 Budget		9.0%		8.6%
ENTERPRISE FUND INDIRECT COSTS CHARGES											
Water Enterprise Fund	375,000	386,578	394,443	394,443	3.0%	\$	406,276	\$	400,000		
Sewer Enterprise Fund	536,917	542,338	546,724	546,724	3.0%	\$	563,126	\$	560,000		
TOTAL ENTERPRISE FUND INDIRECT COSTS CHARGES	911,917	928,916	941,167	941,167			969,402		960,000		
							\$ Inc from FY17 Budget	\$	28,235	\$	18,833
							% Inc from FY17 Budget		3.0%		2.0%
Overlay Surplus	60,000	75,000	80,000	80,000	5.0%	\$	84,000	\$	84,000		
TOTAL OPERATING REVENUES	43,489,147	44,906,870	44,497,606	46,097,113			0		47,604,312		45,846,823
							\$ Inc from FY17 Budget	\$	3,106,707	\$	1,349,217
							% Inc from FY17 Budget		7.0%		3.0%

	FY11-Actual	FY12-Actual	% Change FY11-FY12	FY13-Actual	% Change FY12-FY13	FY14-Actual	% Change FY13-FY14	FY15-Actual	% Change FY14-FY15	FY16-Actual	% Change FY15-FY16	AVERAGE CHANGE FY11- 16	Adjusted Change	FY17-Projected	% Change FY16- FY17	Adjusted Change FY11-17	Adjusted Change
Property Taxes; New Growth	\$ 116,629	\$ 99,206	-14.9%	\$ 119,020	20.0%	\$ 165,458	39.0%	\$ 122,197	-25.1%	\$ 176,154	44.2%	12.4%	\$	\$ 274,034	55.6%	19.6%	5.0%
State Aid																	
Chapter 70 + Charter Tuition Reimbursement	\$ 7,192,038	\$ 7,232,675	0.6%	\$ 7,316,086	1.2%	\$ 7,367,009	0.7%	\$ 7,387,207	0.3%	\$ 7,428,260	0.6%		\$	\$ 7,470,808	0.6%	0.6%	1.0%
Unrestricted General Government Aid	\$ 1,907,302	\$ 1,769,396	-7.2%	\$ 1,907,302	7.8%	\$ 1,952,387	2.4%	\$ 2,006,530	2.8%	\$ 2,078,765	3.6%		\$	\$ 2,168,152	4.3%	2.3%	2.5%
Veterans Benefits	\$ 538,304	\$ 633,797	17.7%	\$ 690,482	8.9%	\$ 698,983	1.2%	\$ 610,440	-12.7%	\$ 642,532	5.3%		\$	\$ 647,731	0.8%	3.6%	3.5%
Exempt VBS and Elderly	\$ 95,357	\$ 94,915	-1.7%	\$ 89,817	-5.4%	\$ 88,776	-1.2%	\$ 89,894	1.3%	\$ 85,565	-4.8%		\$	\$ 78,499	-8.3%	-2.8%	0.0%
State owned Land	\$ 102,394	\$ 106,056	3.6%	\$ 106,090	0.0%	\$ 108,188	2.0%	\$ 154,727	43.0%	\$ 154,727	0.0%		\$	\$ 154,766	0.0%	8.1%	0.0%
	\$ 9,833,395	\$ 9,836,839	0.0%	\$ 10,109,777	2.8%	\$ 10,215,343	1.0%	\$ 10,248,798	0.3%	\$ 10,389,949	1.4%		\$	\$ 10,519,956	1.3%	1.1%	
Local Receipts																	
Motor Vehicle Excise	\$ 1,388,884	\$ 1,456,955	4.9%	\$ 1,510,516	3.7%	\$ 1,671,591	10.7%	\$ 1,612,146	-3.6%	\$ 1,836,489	13.9%	5.9%	\$	\$ 1,928,313	5.0%	5.8%	5.0%
Other Excise	\$ 41,499	\$ 43,889	5.8%	\$ 517,028	1078.0%	\$ 614,460	18.8%	\$ 607,448	-1.1%	\$ 658,589	8.4%	8.7%	\$	\$ 711,276	8.0%	8.5%	8.0%
Penalties and Interest on Taxes	\$ 294,212	\$ 400,110	36.0%	\$ 315,338	-21.2%	\$ 344,733	9.3%	\$ 298,711	-13.4%	\$ 325,998	9.1%	4.0%	\$	\$ 339,038	4.0%	4.0%	4.0%
Payments in Lieu of Taxes	\$ 174,005	\$ 178,098	2.4%	\$ 179,620	0.9%	\$ 191,208	6.5%	\$ 178,866	-6.5%	\$ 23,729	-86.7%	0.8%	\$	\$ 170,000	616.4%	123.9%	0.0%
Charges for Services-Solid Waste Fees	\$ 324,697	\$ 428,000	31.8%	\$ 310,812	-27.4%	\$ 208,299	-33.0%	\$ 98,432	-52.7%	\$ 87,189	-11.4%	-18.5%	\$	\$ 69,751	-20.0%	-18.8%	-20.0%
Other Charges for Services	\$ 58,380	\$ 73,875	26.5%	\$	-100.0%	\$		\$ 78,675	31.3%	\$ 18,693	-76.2%	-29.9%	\$	\$ 13,085	-30.0%	-29.9%	-30.0%
Fees	\$ 181,011	\$ 209,470	15.7%	\$ 244,996	17.0%	\$ 161,915	-33.9%	\$ 212,618	31.3%	\$ 242,859	14.2%	8.9%	\$	\$ 262,288	8.0%	8.7%	8.0%
Rentals	\$ 25,991	\$ 18,703	-28.0%	\$ 126,321	575.4%	\$ 138,408	9.6%	\$ 126,734	-8.4%	\$ 136,483	7.7%	2.9%	\$	\$ 140,577	3.0%	3.0%	3.0%
Dept Revenue-Schools	\$ 1,055,752	\$ 1,238,596	17.3%	\$ 1,534,275	23.9%	\$ 1,937,521	26.3%	\$ 2,358,575	21.7%	\$ 2,532,174	7.4%	19.3%	\$	\$ 2,658,783	5.0%	16.9%	5.0%
Dept Revenue-Recreation	\$ 20,994	\$ 26,081	24.2%	\$	-100.0%	\$		\$ 18,953		\$ 29,658	56.5%	40.4%	\$	\$ 32,624	10.0%	-2.3%	-3.0%
Other Depr. Revenue	\$ 7,560	\$	-100.0%	\$ 21,948		\$ 30,575	39.3%	\$ 846,270	2667.8%	\$ 848,084	0.2%	2.0%	\$	\$ 797,199	-6.0%	-5.9%	-6.0%
Licenses and Permits	\$ 296,983	\$ 390,137	31.4%	\$ 384,331	-1.5%	\$ 439,480	14.3%	\$ 427,302	-2.8%	\$ 502,858	17.7%	11.8%	\$	\$ 553,144	10.0%	11.5%	7.0%
Fines and Forfeits	\$ 18,516	\$ 13,454	-27.3%	\$ 13,890	3.2%	\$ 6,522	-53.0%	\$ 7,365	12.9%	\$ 6,635	-9.9%	-14.8%	\$	\$ 5,640	-15.0%	-14.9%	-15.0%
Investment Income	\$ 72,001	\$ 39,597	-45.0%	\$ 25,386	-35.9%	\$ 31,933	25.8%	\$ 24,667	-22.8%	\$ 19,835	-19.6%	-19.5%	\$	\$ 15,868	-20.0%	-19.6%	-20.0%
Medicaid Reimbursement	\$ 195,134	\$ 172,112	-11.8%	\$ 116,032	-32.6%	\$ 53,025	-50.0%	\$ 44,722	-15.7%	\$ 70,665	58.0%	7.5%	\$	\$ 70,665	0.0%	6.2%	5.0%
Misc. Recurring	\$ 407,331	\$ 492,716	21.0%	\$ 195,279	-60.4%	\$ 248,934	27.5%	\$ 46,640	-17.0%	\$ 16,422	-64.8%	-35.5%	\$	\$ 16,422	0.0%	-29.6%	0.0%
Misc. Non-Recurring	\$ 4,562,950	\$ 5,181,793	13.6%	\$ 5,651,575	7.1%	\$ 6,134,807	10.5%	\$ 7,332,179	19.5%	\$ 7,667,941	4.6%	11.1%	\$	\$ 7,784,673	1.5%		

Attachment E

To: Board of Selectmen

From: Anne O'Brien

Date: December 14, 2016

Re: Open Meeting Law Complaint – Patrick Higgins – November 7 meeting

The Board of Selectmen is in receipt of an Open Meeting Complaint from Patrick Higgins. Please find the following documentation that will give a background to this filing:

1. Email, dated 12/13/16 from Tom Crotty to Anne O'Brien regarding proper responses to the complaint filed.
2. The official Open Meeting Law Complaint form as filed by Patrick Higgins, including a description of the alleged violation(s) and requested response.
3. Instructions for replying to an Open Meeting Law complaint.
4. The agenda of the November 7, 2016 Selectmen's meeting.
5. The open session minutes of the November 7, 2016 Selectmen's meeting.
6. Public body checklist for posting a meeting notice.
7. Public body checklist for creating and approving meeting minutes.
8. Public body checklist for entering into executive session.

Atty. Crotty will be present at the 12/19 meeting to address this topic.



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 679-0160 Ext. _____

Email: patrick@patrickhiggins.net

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

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

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

Date of alleged violation: Nov 7, 2016

Description of alleged violation:

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

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

On November 7, 2016, the Fairhaven Board of Selectmen violated the open meeting law as follows:
1. The agenda did not provide enough specifics regarding the items to be discussed in Executive Session as required by 940 CMR 29.03(1)(b). See 2015-35 and 2016-167. They indicate that they would be discussing bankruptcy filings, without any other information such as what were they going to be deliberating on, what was the name and possible docket number of the bankruptcy case they were going to deliberate on, etc. What was the exemption used to discuss "Ambulance waiver request"? Negotiations? what was the substance of the request? Waiver of service fees? A vote to allow ambulances to enter private property to respond to a medical emergency? Which court is the litigation of "Lee Miguel v. Town of Fairhaven" filed in? See G.L. Chapter 30A, section 20(b); 940 CMR 29.03(1)(b).
2. As it relates to the November 7, 2016 executive session, the minutes do not reflect any reference to the giving of the notice that holding the discussion on any of the 4 topics would have a detrimental effect on the litigating or negotiating position of the public body" as required by Section 21 (a)(3), (6) or (8).
3. The minutes of the November 7, 2016 meeting are deficient in that they do not contain a list of all of the documents and other exhibits used by the public body during the meeting as required by Section 22(a) of the Open Meeting Law.
4. The meeting notice that was posted is on a bulletin board outside of the main front door, where there are several step preventing someone with a wheel chair from being able to be able to read it.

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

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

Learn and comply with the open meeting law.
Attend an open meeting law training so that they can comply with the requirements of the open meeting law.
Release the executive session minutes relating to the "bankruptcy filings" and the "ambulance waiver request" since they were improperly discussed in executive session.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: *Beth Higgins*

Date: 12/7/16

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO: