



Fairhaven Board of Selectmen

August 30, 2017 Meeting Minutes

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

Mr. Espindola called the meeting to order in the Town Hall Banquet Room at 7:04 p.m. The meeting was recorded by Cable Access.

NOPPER RUN TO BENEFIT BETTER COMMUNITY LIVING

The Board reviewed an application and letter from Heidi Perreira of Better Community Living, requesting a two, one-day all-alcohol licenses for September 8 and 9, and a three-day third party permit for September 8, 9 and 10 for Down the Hatch; and a letter requesting a waiver of fees for September 8, 9 and 10 at Hoppy's Landing for those involved in the Nopper Run to benefit Better Community Living. See Attachment A.

The Board reviewed the request and voted as follows:

Mr. Freitas motioned to approve the one-day all-alcohol permits for the following dates: September 8 and September 9. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Freitas motioned to approve the third party permits for the Better Community Event at the Down the Hatch location on the following dates: September 8, September 9 and September 10. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Freitas motioned to approve the request to waive parking fees at Hoppy's landing on September 8, September 9 and September 10. Mr. Murphy seconded. Vote was unanimous. (3-0).

WELLNESS COMMITTEE APPOINTMENT

The Board was informed by Mr. Espindola that School administrator Tara Kohler is interested in serving on the Wellness Committee. Mr. Freitas motioned to appoint Ms. Kohler to the Wellness Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

EJ'S BROOKLYNNE DELI AND BUTCHERSHOP – LIQUOR LICENSE HEARING

Chairman Espindola opened a hearing at 7:10 p.m., for a liquor license hearing for EJ's Brooklynne Deli and Butchershop; owner, Cathy Melanson. See Attachment B.

Town Counsel Thomas Crotty was present. He provided a guideline by which the hearing would be conducted. See Attachment C.

Also present to testify on behalf of the Town were Police Department personnel: Sgt. Daniel Dorgan, Det. Pamela Bourgault, Officer Marcy Haaland, Police Chief Michael Myers.

See Attachment D for the following documents that were entered as evidence:

- A letter, dated August 24, 2017, from Andrew Tillett to Town Counsel Thomas Crotty, advising that Mr. Tillett has reached a verbal agreement with the Melansons to lease the property and transfer the liquor license to his possession.
- A copy of the current liquor license for EJ's Brooklynne Deli and Butchershop
- A copy of police reports associated with the July 9 event

Representing the licensee was Atty. John Markey. Atty. Markey told the Board that his client (the Melansons) did not dispute the evidence entered into the hearing and would like to proceed to the second part of the hearing, waiving the right to testimony and cross examination.

The evidentiary portion of the hearing was closed at 7:22 p.m.

Mr. Tillett was present and provided comment. He said that he has met with the Melansons and will be leasing the property, to operate as a bar and restaurant. He intends to open around November 1, 2017.

Mr. Freitas thanked the police officers who controlled the situation on July 9, including the surrounding police departments who he described as "extremely professional". He asked the Board to consider writing a letter to the court in the case of the arrested individual in this incident, to request the toughest possible sentencing.

Mr. Murphy thanked the police and fire departments for dealing with the melee of July 9 and said that he was grateful no one was hurt or killed that evening. He said that if the licensee had applied for a third party permit, there could have been measures in place to monitor and control the event before it swelled out of control.

Mr. Espindola agreed, saying that the occupancy was over double the limit and if there had been a fire, it would have been devastating.

Atty. Markey said that the Melansons were willing to voluntarily relinquish their license to the Town Administrator's office until the transfer to Mr. Tillett is complete, asking only to use the license if they apply and get approved for a third party permit.

Mr. Freitas motioned to acknowledge that these violations on July 9, 2017, did occur at EJ's restaurant, per evidence provided, and that the permit holder (the Melansons) accept the facts as presented. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Freitas motioned to accept the offer from the license holder; that the Melansons will relinquish their license, to be held by the Town Administrator's office until such time the license transfers, not to be later than December 1, and only to be released back to the Melansons for use for approved third party permits. Mr. Murphy seconded. Vote was unanimous. (3-0).

The chairman closed the hearing at 7:58 p.m.

TAYLOR AQUACULTURE

At 7:59 p.m., the Board met with Stuart Rapp and Toby Adams Kirk, representing Taylor Aquaculture for the renewal of their aquaculture license. Also present were Harbormaster Tim Cox, interim Harbormaster Todd Cox, and chairman of the Marine Resources Committee, Frank Coelho.

Mr. Rees read the public hearing notice into record: see Attachment E. Mr. Rees said that he has reviewed the application and is recommending the approval of the license with the following conditions: a \$14,000 bond to be posted with the Town Administrator's office, receipt of any insurance updates, a signed indemnification agreement, a Department of Marine Fisheries certification, and a \$200/acre fee for the 44 acre application, totaling \$8,800.

Frank Coelho asked if the license should be tailored to 35 acres. The Board said they were supportive of the 44 acre license.

Steven Darwin was recognized. He asked if there would be a change in the boundaries of the aquaculture farm and if there would be nighttime lighting. Mr. Kirk replied that there would be no changes to the boundaries and there is nighttime lighting.

Vincent Manfredi was recognized. He said that he recommended the highest possible bond amount for the potential removal of equipment, as it can be more expensive than anticipated. He also asked if the licensee would be receptive to a Town-sponsored dive team to study the impact of the aquaculture farm on the surrounding waters.

Per request of Atty. Rapp, the Board considered a multi-year renewal, as a one-year renewal produces a hardship for the cultivation and harvest of shellfish. Mr. Cox said that the current Taylor Seafood operation is responsible and well-run, saying that he supports a three-year renewal of the license.

The public comment portion of the hearing was closed at 8:33 p.m.

Mr. Freitas motioned to approve the 44-acre license for a three year term, starting July 1, 2017, with a required bond of \$19,000 (to be filed with the Selectmen's Office) and a licensing fee of \$200 per acre; and further, that the licensee provide updated insurance information, a signed indemnification form, and proof that the Department of Marine Fisheries confirms their viability for renewal. Mr. Murphy seconded. Vote was unanimous. (3-0).

TOWN HALL STAFFING

Mr. Rees updated the Board to some staffing changes in the Building Department. The Administrative Assistant has resigned and the Building Commissioner is on leave. Stephen Brodo is filling in, along with two clerical union employees, on a temporary basis until a permanent appointment(s) is made. Wayne Fostin is expected to return at the end of September.

At 8:45 p.m. Mr. Freitas motioned to adjourn. Mr. Murphy seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien
Administrative Assistant
Minutes approved 09/18/2017

Documents appended:

- A. Nopper Run application and letters
- B. Public Hearing notice – EJ's Brooklynne Deli and Butchershop liquor license hearing
- C. Rules for conducting hearing from Town Counsel
- D. Evidence submitted by Police Department
- E. Public Hearing notice – Taylor Aquaculture



TOWN OF FAIRHAVEN

(508) 979-402

Ext. 102

RECEIVED

APPLICATION FOR SPECIAL LICENSE

my copy

2017 JUL 27 P 2:32

General Law Chapter 138, Section 14

BOARD OF SELECTMAN FAIRHAVEN MASS

Date: 7/27/17

Attachment A

To the Licensing Board:

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

to sell

All Alcoholic Beverage

(Beer and Wine)

or

(All Alcoholic Beverages)

For a Fundraiser to be held at

To Benefit the Better Community Living Special Children Programs Social Series Children and participants with disabilities

by

Carls Marina Down the Hotel

date

Sept 8, 2017 + Sept. 9, 2017

from

8:00 am

to

12:00 pm

Name of Applicant:

Heidi Pereira

Address of Applicant:

58 Grandview Ave

Telephone:

Fairhaven Mass 02719

508-971-4699

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

2017 JUL 27 # 232 (For rental or donated use of hall or club by third party)

BOARD OF SELECTMEN
Please Print

Licensee Name: Heidi Pereira

Date and Hours of Function: 8:00 am to 12:00 pm

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

Better Community Living

Name and Telephone Number of Responsible Person: Heidi Pereira
508-971-1699

Type of Event (Detailed Description)

Will There Be Entertainment, If Yes Describe: Yes

Will Persons Under 21 Be Allowed to be Present Yes No

Estimated Number of Attendees: 200

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 _____

July 21, 2017

Earls Marina/ Down the Hatch

56 Goulart Memorial Drive

Fairhaven, Ma

RECEIVED

2017 JUL 21 P 12: 27

BOARD OF SELECTMAN
FAIRHAVEN MASS

To Fairhaven Board of Selectmen:

On September 8-10 Earl's Marina and Down the Hatch will be hosting the 4th annual Nopper Marine Poker Run. The Poker run will be to benefit Better Community Living Inc. Children's Program. This program is for children or adults with autism and or developmental disabilities. Earl's Marina and Down the Hatch are honored to be asked to host this event. We are seeking authorization to have 2 additional outside bars and an additional tent on the property at 56 Goulart Memorial Drive. The tent and bars will be on the designated patio area at Earl's Marina/ Down the Hatch. Food and beverages will be served in the tent area. The area will be sectioned off with a rope divider and tickets will be sold for the proceeds to benefit Better Community Living Inc. The tent will be approximately 30 x 30 depending on availability at that time. A drawing of the area can be provided if need be. This event was hosted at Earl's Marina and Down the Hatch in 2016 with tremendous success. We look forward to holding the event and if any additional information is needed please feel free to contact either myself Matthew Hebert or event coordinator Heidi Pereira. Thank you for this consideration.

Sincerely,

Matthew Hebert 508-989-2741



Heidi Pereira 508-971-1699





Town of Fairhaven
Massachusetts
Office of the Town Administrator

Attachment B

40 Center Street
Fairhaven, MA 02719

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

August 7, 2017

EJ's Brooklynne Deli and Butchershop
Attn: Cathy Melanson
111 Huttleston Avenue
Fairhaven, MA 02719

RE: August 30 hearing

Dear Ms. Melanson:

On August 30, 2017 at 7:00 p.m. at the Fairhaven Town Hall, the Board of Selectmen for the Town of Fairhaven, acting as licensing authority pursuant to G.L. c 138 and c. 140, will hold a hearing to determine whether to modify, suspend, revoke or cancel, or take other action, with respect to your all alcoholic beverage license and common victualer license.

The Board's action will be based upon the facts set forth in the Arrest Report #17-352- AR and supporting narrative reports by Police Sergeant Daniel M. Dorgan and Patrol Office Pamela Bourgault; and Incident Report #17-568- OF and supporting narrative report by Police Sergeant Daniel M. Dorgan, copies of which were enclosed in your hearing notice dated July 27, 2017, and the contents of which are incorporated herein by reference.

The facts stated in the referenced reports evidence the occurrence of the following violations of law on the licensed premises on the night of July 8-9, 2017:

- Alcoholic beverages were sold or supplied to under age persons in violation of G.L. c. 138§34, and the Town of Fairhaven Alcoholic Beverage Regulations 204-7 (a).
- The smoking of marijuana occurred in a public place or a place where tobacco smoking is prohibited in violation of G.L. c. 94G § 13 (c)
- Disturbing the peace in violation of 204 CMR 2.05 (2)
- Exceeding the occupancy limit of the licensed premises in violation of 527 CMR 1.05

In addition it is apparent that you have ceased operation of the licensed premises as a common victualer, warranting the revocation of your common victualer's license pursuant to G.L. c. 140 § 9 and revocation of your all alcoholic beverage license pursuant to G.L. c. 138 § 23. The sponsors of events such as the one held at the premises on July 8-9, 2017 must obtain a one-time or special event license pursuant to G.L. c. 138 § 14. No such license was granted for the event that was held that night.

This notice is given to you pursuant to G.L. c. 140 § 63 which provides:

“The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the Commonwealth.”

EJ's Brooklynne Deli and Buchershop
Cathy Melanson
August 7, 2017
Page 2

If you have any questions in this respect please direct them to me.

Thank you for attention to this matter.

Very truly yours,

Mark Rees, Town Administrator

CC: Board of Selectmen
Police Chief Michael Myers
Town Counsel

August 24, 2017

Thomas P. Crotty, Esquire
Fairhaven Town Counsel
Thomas P. Crotty and Associates
5 Dover Street
New Bedford, MA 02740

Re: EJ's Liquor License Transfer

Dear Mr. Crotty:

I am writing to inform you that I have reached a verbal agreement with the Melansons to lease EJ's Restaurant and acquire its liquor license for use at that premises. It is my intention to operate EJ's as a restaurant and bar. As you know, I have significant experience owning and managing such a facility in Fairhaven.

At this point, I anticipate completing the lease agreement and filing the application for the transfer of the liquor license with the Town within the next three weeks.

If you have any questions, please feel free to contact me.


ANDREW TILLET

Attachment C

EJ Brooklyne Deli Hearing Outline

1. Chairman reads notice of public hearing, and also advises attendees that “This is an evidentiary hearing, and not a meeting open to public discussion.”
2. Refer to Town Counsel for statement regarding procedures for hearing
3. Chairman identifies documents: “The following documents are made part of the record of this hearing:
 - a. The license folder
 - b. The notice of hearing
 - c. Two police reports - July 13, 2017
 - d. Letter from Drew Tillett – August 24, 2017”
4. Refer to Town Counsel re: procedure on evidence
5. EJ counsel statement regarding sufficiency of facts
6. Chairman closes the evidentiary portion of the hearing
7. Refer to Town Counsel re: procedure on sanctions
8. Chairman statement on license history “There have been no previous violations by this license holder, as shown by the license folder.”
9. Board discussion regarding sanctions
10. EJ statement regarding sanctions
11. Motion and vote on sanctions.

Attachment D

On Sunday, July 9, 2017 at approximately 0139 while Fairhaven Police units were dealing with quelling a large disturbance of around 300-400 people a male party, later identified as Marco Trinidad, began acting disorderly and attempting to fight individuals that we were trying to have leave the area. we told him repeatedly to leave the area however he ran over to a group of people and yelled "what's up now" the male then attempted to punch people in the crowd. The male continued his tumultuous behavior and become a complete disruption to the public order.

I yelled to the male that he was under arrest and he turned and ran north towards the parking lot of Cumberland Farms. The male then tripped and fell to the ground and several officer moved in to arrest him. The male would not place his hands behind his back and began actively resisting and fighting officers and after several commands to stop resisting I took my department issues Taser X2 from its holster, aimed the two laser dots at the most available large area of mass and deployed the darts, striking him in his stomach and upper left torso. The male immediately ceased fighting and resisting and handcuffs were able to be applied. The male was then moved to a seated upright position and then was assisted to his feet. The male was then escorted to an awaiting cruiser by Officer Jerome Penha.

The male was then transported to the Fairhaven Police Department where he was photographed, booked, read his rights per department policy, after booking he was transported to the Ash St. Jail to await bail. At the station Officer Pam Bourgault removed the remaining taser prong from Trinidad prior to transport and bandaged the prong site.

Respectfully Submitted,

Sergeant Daniel M. Dorgan/082
Fairhaven Police Department

On Sunday, July 09, 2017, I, Officer Pamela A. Bourgault was working the 12-8am shift assigned to patrol zone 3 for my tour of duty. During the shift it quickly came to our attention that EJ's Restaurant and Function Hall had a very large function going on. The neighborhoods were overloaded with vehicle and foot traffic. Traffic congestion was at an all time high in this area of town and motor vehicle violations were noted.

As a result of the overcrowding in the neighborhoods police units were called to the area to monitor the situation. It quickly become clear that the business establishment [EJ's] was very possibly over the seating capacity as there were groups of patrons waiting outside the door vying for admittance. The sergeant contacted the Fairhaven Fire Department to assist with determining building capacity.

It was determined after speaking with event personnel that an unsafe situation exists and patrons were asked to leaving the building due to overcrowding. As patrons were exiting the building they began milling around the parking lot in groups without dispersing. During the dispersing of patrons the situation became volatile with patrons becoming disorderly and disrupting into chaos making it impossible to control the size of the group that gathered refusing to disperse. The situation deteriorated, and additional police services were being called in from bordering cities and towns.

During the disturbance Marco A. TRINIDAD became engaged with police and subsequently arrested by police during the encounter. Please refer to Sgt. Daniel Dorgan's narrative for details of arrest.

A handcuffed TRINIDAD was escorted to my cruiser, searched and placed into my cruiser for transport back to the station for booking. Once in the booking room I removed one [1] Taser probe from the left front chest of TRINIDAD's black T-Shirt. No other probe marking noted. I cleaned and placed a Band-Aid over the affected area. I asked TRINIDAD if he was having any medical issues once seated on the bench and was told by TRINIDAD that he was fine.

I completed the booking procedure and allowed TRINIDAD to use his cell phone. I read TRINIDAD his Miranda rights and photographed him.

Respectfully submitted,

Officer Pamela A. Bourgault
Fairhaven Police Department

On Sunday July 9, 2017, I, Sergeant Daniel M. Dorgan, was the shift supervisor for the midnight to 0800 shift in the Town of Fairhaven. I was alerted by Officer Jerome Penha that a large party was being promoted via social media following a cruise in Boston that was sponsored by a radio station, this party was going to be held at the EJ's Bar and Restaurant, which is currently closed as a restaurant and bar and is advertised as being open as function hall (see attached photo).

Officer Penha advised me that this party would have a private DJ and was advertised as a "white party", meaning a club type party where patrons are encouraged to wear all white clothing that is lit and enhanced under black lighting in the venue. Officer Penha advised me that he was contacted by the hired DJ for the event who was known to him and asked Officer Penha if police could be in the area around 0200 at closing time to facilitate the closing of the event. I had worked the 4-12 shift prior and towards the end of the shift I observed the entire parking lot to be filled with cars, to capacity as well as many of the residential side streets beginning to fill with cars. After shift change Fairhaven units drove to the area and all side streets were now parked to almost capacity. Bridge St. was parked to the point where two way traffic was not possible and there was concern on Rogers St. that emergency vehicles may not be able to pass through.

I drove through the parking lot and observed roughly 30 people, males and females who appeared in age from late teens to mid twenties, waiting in line to enter the establishment. I looked in through the front window and could see even through the dimly lit bar area that the space was completely occupied with many people standing shoulder to shoulder. Based on the number of vehicles, between 150-200, in the lot and immediate area, as well as the amount of people inside and outside, I decided to have the Fairhaven Fire Dept. come to this location to determine if the function was over capacity and safe to continue.

As I made my way to the front door I observed two male who identified themselves as hired security for the event, checking identification cards, taking money, and using metal detecting wands on persons looking to enter the building. I asked one of the males if they had been counting the number of people coming into the function tonight and he told me that they had not. I entered the front foyer of the building and observed what appeared to be several hundred people inside the building. I was overwhelmed by smoke and smell of burnt marijuana and observed many patrons openly smoking marijuana inside the building. I asked the two door men who was running this function and both males stated that they did not know the person's name but would go get them, one door man told me that he did not know much about the function other than he was contacted by an event promoter that he knew and was asked to do security.

A male party unknown to me exited the building and stated that it was his party and he and others were running the function. At this time a male party known to me as Wallace Martins, an employee of EJ's restaurant when it was a working restaurant, exited the building, told the other male to go back inside, and stated that he was the manager of EJ's and that he was in charge. I asked Martins if the proper third party function permits had been filed by EJ's and the group promoting the party and he stated that this was an EJ's function and no permit was necessary, contrary to the information that Officer Penha and the doorman gave me previously. He told me that if I wanted to call "Kenny or Cathy", the Melanson's who own the building and they would provide me with the proper information I needed and I requested that he do so.

Lt. Brian Messier of the Fairhaven Fire Dept. had since arrived on scene and asked what the building occupancy was for the building and Martins claimed he did not know. Lt. Messier stated that Martins needed to get the occupancy permit immediately and that whatever it may be this function was clearly over capacity. Martins

returned outside and gave Lt. Messier the permit which allowed a maximum occupancy of 160 persons. Lt. Messier told Martins that this degree of overcrowding placed all persons inside the building at a great risk of danger should a fire break out inside and that people would have to leave the building until they were under capacity.

Martins stated that all persons under 21, who were allowed in but could not buy alcohol as they were not given wrist bands would have to leave. It should be noted that I observed many patrons without wristbands, denoting that they were underage, to be holding alcoholic beverages which were bought either by themselves or by an older patron purchasing it for them. The lights were turned on and all that could be seen were hundreds of people inside the building however seeing through the cloud of marijuana smoke made it difficult to determine exactly how many people were there. Only around 50 younger patrons exited the building and were told to start heading towards their vehicles.

Still well over capacity and with the patrons not listening to the direction of the event staff and DJ to exit the building if you did not possess a wristband, Martins decided that he would be ending the function early and having everyone leave. Sensing that having this large amount of people exit the building at once and empty into the street I called for mutual aid units from Mattapoisett and Acushnet to come assist with moving the crowd from the streets and to their vehicles. Officer Penha and myself entered the building at the request of Martins to assist in emptying the venue Lt. Messier stayed at the front door. There was an almost uncountable amount of people that could only be estimated at around 300-400 people. Lt. Messier would later tell me that he had lost count at 150 people exiting the bar and that that number represented less than half of all those present inside the building, placing the total occupancy in his estimation around 350 people.

As people exited the building they began to mill about the parking lot and street in large but separate crowds. Seeing this large crowd not moving out of the area I asked dispatch to contact NBPD for assistance with mutual aid as being drastically outnumbered made it hard to get the crowd to disperse. As mutual aid officer arrived we began moving people from the side of the building toward the rear parking lot and side streets, encouraging them to enter their cars and leave. As we were doing so a fight broke out amongst 4 males behind the building. I ran over to quell the fight and advised officers of my location. The crowd was so dense that officers were cut off from assisting me and I found myself alone trying to subdue the main agitator, later identified as Marco Trinidad, while being surrounded by a crowd of 10-15 males trying to get me off of their friend and not allowing me to subdue him. I separated him from the group and without notice multiple other fights broke out in the crowd with only 6 officers trying to quell a disturbance of hundreds of people with multiple fights breaking out. In the midst of trying to detain Trinidad while protecting myself from the large crowd gathered around me, and not becoming enveloped in the multiple fights breaking out around me, I disengaged from Trinidad and went to help other officers.

The scene was extremely dangerous for police on scene due to being outnumbered nearly 50 to 1 at some points while trying to stop fights which had broken out. At some point due to the increasing dangerous situation which was escalating rapidly, Sgt. Robert Dumas, Officer Penha, and I sprayed our department issued OC spray into a large crowd of males fighting. The crowd dispersed for a short time only to reassemble elsewhere and continue their disturbance. All officers on scene felt that the scene was so dangerous for police present that arresting individuals was not feasible as firearm retention and self defense took precedent over arresting those involved. Crowd control was a secondary function as more police units would be needed to successfully subdue a crowd of this size and aggression.

I radioed Fairhaven Dispatch and asked for assistance from any agency they could get. NBPD arrived on scene with 3 officers, as well as 2 officers from Marion, 2 from Rochester, 3 from Acushnet, and 2 from Mattapoisett and it was still difficult to control this crowd which had now broken into an almost full scale riot with fights and disturbances breaking out all over the parking lot, side streets, and adjoining commercial lots. As other officers arrived on scene I was able to identify the main actors in the fighting tonight and spoke with one male, later identified as Elito Mendes, a validated South First Street gang member from New Bedford, who pointed to a male that was being chased by other males and stated "he robbed me of \$300". I separated the group of around 10 males from going after the lone male, later identified as Kyle Veale, with the help of other officers. Veale and his group of males was told to leave.

As Mendes and his group, later confirmed as multiple parties who are also validated gang members, continued to yell at Veale, the male from earlier, Marco Trinidad ran over to where Veale was, and called on him and his friends to fight attempting to strike some of the males. I told Trinidad that he was under arrest and he took off running towards Cumberland Farms. While running he tripped and fell, however continued to resist and fight and was subsequently tased by myself before being placed into custody, see 17-352-AR for specifics. While effecting that arrest a large fight/disturbance broke out in the Cumberland Farms parking lot which resulted in several parties being sprayed with OC by police. These parties all fled the area prior to being treated or requesting medical treatment. As the side streets were cleared all officers were able to converge on the south lot of EJ's as well as Cumberland Farms where the bulk of those still on scene were congregating and the area was ultimately able to be secured and cleared of those parties involved in the disturbance.

The initial call for service began at 0045 hours this early morning and all parties had not left the area until around 0205. There was a continuous disturbance of people yelling, fighting, being disorderly, and hanging around the area for well over an hour as police were trying their best to maintain order despite the numbers being dramatically against them. This scene tonight was the most chaotic incident I have ever witnessed and myself and other officers feared for our safety for the duration of most of the incident. Multiple gang members, including those with affiliations to United Front, Monte's Park/South First St., and Crips were positively identified as being involved in the disturbance tonight. Once back at the station Officer Penha provided me with a flyer for this function which listed the event as a promoted birthday function by a third party with a musical performance by a validated South First St. gang member, Dev Mane, legal name Devin Nickerson.

I am sending this report to be reviewed by the Chief of Police as this event was not permitted as a third party event and no detail officers were requested or ordered for this event. The large amount of persons in attendance, well over capacity, open drug use inside the building, and extremely violent and tumultuous behavior of those in attendance placed officers, patrons of nearby stores, and the public in danger. Several neighbors came outside of their homes as this disturbance effected the peace and tranquility of an entire neighborhood. I ask that this establishment be brought for review of their permitting and practices for third party events as they openly advertise themselves as a function hall and that any and all fines or sanctions be leveled against those responsible for this establishment regarding this incident.

Respectfully Submitted,

Ref: 17-568-OF

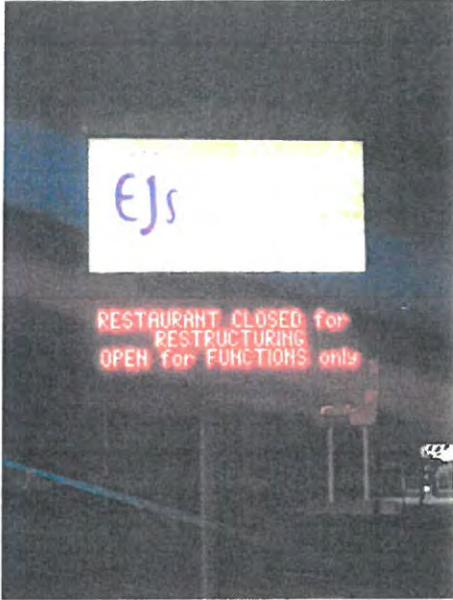
Sergeant Daniel M. Dorgan/082
Fairhaven Police Department

Attachments:

Use of Force Forms (x2)

Pictures (x2)

Fairhaven Police Department
Images Associated with 17-568-OF



Attachment E

On Wednesday August 30, 2017 at 7:30 pm at the Fairhaven Town Hall the Board of Selectmen of the Town of Fairhaven will hold a public hearing on an application filed with the Board on May 23, 2017 by Taylor Cultured Seafood, Inc., a Massachusetts corporation with a principal place of business at 56 Goulart Memorial Drive, Fairhaven, Massachusetts, 02719, ("the LICENSEE") for a renewal of its license to grow shellfish by means of racks, rafts, lines and floats in waters of the Commonwealth below the line of extreme low water, pursuant to General Laws, Chapter 130, section 57.

The territory subject to the application is described as that certain portion of the water column and the land under coastal waters situated in the coastal waters northwest of West Island and more particularly described within the following bounds marked by navigational buoys:

Starting at the Northwest corner at that point directly beneath lat. 41° 36' 76" long. 70° 50' 54", and

Thence 1425 feet east to the Northeast corner at that point directly beneath lat. 41° 36' 72" long. 70° 50' 28", and

Thence 1425 feet south to the Southeast corner at that point directly beneath lat. 41° 36' 52" long. 70° 50' 38", and

Thence 1425 feet west to the Southwest corner at that point directly beneath lat. 41° 36' 56" long. 70° 50' 66", and

Thence 1425 feet north to the starting point, containing thirty-five (35) acres of land more or less.

The LICENSEE shall have exclusive use of the land above described and of the land within 100 feet of said racks, rafts or floats for the purpose of growing shellfish thereon, subject to such public uses of said waters and lands as are compatible with the aquacultural enterprise.

Aug. 11