



FAIRHAVEN SELECT BOARD

Agenda

Monday, January 10, 2022

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

RECEIVED
TOWN CLERK

2022 JAN -6 P 3:43

FAIRHAVEN
MASS.

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public.

Log on to <https://us06web.zoom.us/j/81421007621?pwd=SzU2dVAyMStJbVJ4amQvV2xHU0FrZz09>

or call 1-929-205-6099

Meeting ID: 814 2100 7621

Passcode: 240786

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

A. MINUTES

1. Approve the minutes of December 20, 2021 – Open Session
2. Approve the minutes of December 20, 2021 – Executive Session

B. TOWN ADMINISTRATOR REPORT

C. COMMITTEE LIAISON REPORTS

D. APPOINTMENTS

1. 7:00 pm Rogers Reuse Committee- discuss draft Request for Proposal

E. POSSIBLE ACTION/DISCUSSION

1. 2021 Town Report photo submissions
2. Bijoux Theatre, 350 Main Street: building issues
3. Request to set up gift account for Grimshaw Park
4. Request to join Commission on Disability
 1. Janice Alves
 2. Pamela Ferro
5. Update charge of the Broadband Study Committee
6. Request to join Broadband Study Committee, associate member- Sean Daly
7. Request to use Beautification Gift Account – Historical Commission: Route 6 Bridge Plaque
8. Request to use Town Hall Auditorium – Tree Warden presentation and fundraiser: February 17, 2022, 7-9 pm
9. Discuss Zoning Board of Appeals - number of Associate Members
10. Update on Town Administrator Search
11. Waste disposal Services Agreement – ABC Disposal, Inc.

12. Assumption Agreement- Delivery of Non-Town Waste to SEAMASS – ABC Disposal, Inc.
13. Mask Mandate update

F. PUBLIC COMMENT

G. EXECUTIVE SESSION

1. Pursuant to M.G.L. Chapter 30, Section 21(a)(3): To discuss strategy with respect to litigation:
Opioids Litigation Update

H. NOTES AND ANNOUNCEMENTS

1. The next **regularly** scheduled meeting of the Select Board is Monday, January 24, 2022 at 6:30 p.m. in the Town Hall Banquet Room

ADJOURNMENT

Subject matter listed in the agenda consists of those items that are reasonable anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (such as urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

MGL, Ch. 30a, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.



Fairhaven Select Board Meeting Minutes December 20, 2021

Present: Chairman Robert Espindola, Vice-Chairwoman Stasia Powers, Interim Town Administrator Wendy Graves and Administrative Assistant Vicki Oliveira

Present via Zoom: Clerk Keith Silvia

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

Chairman Robert Espindola opened the meeting at 6:00 pm in the Town Hall Banquet Room and announced the Board will be entering into executive session.

At 6:01 pm Ms. Powers made a motion to adjourn to Executive Session and to reconvene to Open Session for the purpose of Real Estate Matters: MGL Chapter 30A, Section 21(a) 6: Union Wharf. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

At 6:50 pm Chairman Espindola reopened the meeting to the open session portion of the meeting.

Minutes

Ms. Powers made a motion to approve the Open Session Minutes of December 06, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Ms. Powers made a motion to approve the Executive Session Minutes of December 06, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Ms. Powers made a motion to approve the Open Session Minutes of December 09, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Town Administrator Report

Ms. Graves said the Town's tax rate was certified last week.

Ms. Graves said the Departmental budgets were due and Department Heads will begin the budget meetings soon.

Ms. Graves said she received a complaint about excessive dog waste along the bike path recently and would like to remind those who use the bike path to pick up after your pet as this is a safety issue.

Committee Liaison Reports

Ms. Powers said she will be attending a meeting in January as an officer for the Bristol Agricultural Advisory Board.

Ms. Powers will meet with the Cable Advisory committee next month.

Mr. Espindola would like to see a representative from the Cable Advisory Committee appointed to the Broadband Study Committee

Mr. Silvia will discuss the Rogers Reuse later in the meeting.

Mr. Espindola said the Broadband Committee met this month and held an informational meeting. Mr. Espindola thanked Ms. Graves for providing locations for fiber optics

Mr. Espindola met with Grants Office LLC and Entry Point and learned that the Federal Government will designate funds for broadband, but the government will only let communities have money that have a plan already in place. Mr. Espindola reached out to the Broadband Institute for more information and will be awaiting a response. Mr. Espindola and Mr. Rees had a meeting to review broadband and found that town of Falmouth is doing same as Fairhaven and have received a grant.

Mr. Espindola attended joint meeting for SPREDD and MMPPO and will be looking at how transportation has changed due to the pandemic. Mr. Espindola presented a slide showing the 5-year transportation improvement plan process.

Rogers School Draft Request for Proposal

Rogers Reuse Committee (RRC) Chairwoman Sue Loo said the RRC has been working diligently for along with Planning Director Paul Foley to produce a Request for Proposal (RFP) that the Town can be proud of (Attachment A). Mr. Foley told the Board he and the RRC used the last two RFP's as a base, and added some additional language. Town Counsel Tom Crotty has reviewed the document and added a few minor changes.

Mr. Foley said a group from Mass Development recently looked at the school and were very impressed with the overall condition of the building and have suggested leaving the RFP open for 8 weeks.

RRC member Doug Brady would like to see an additional RFP go out that will allow the town to lease the building rather than sell it.

The Board would like additional time to review the recent changes by Town Counsel and would consider holding a special meeting for the purpose of finalizing the RFP.

Ms. Powers made motion to have the changes of the newest RFP that were made by Town Counsel be sent back to the Board, in a clean version and a clear tracked up version, and to hold a special meeting to vote on the final version. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Commission on Disability Appointment

Mr. Espindola read a letter of request from Sarah Buck to join the Commission on Disability.

Ms. Powers made a motion to appoint Sarah Buck to the Commission on Disability. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Broadband Study Committee Appointment

Mr. Espindola read a letter of request from Sean Daley to join the Broadband Study Committee. Mr. Espindola stated there was not currently a vacancy for a member at large position but would like to see the committee charge amended to add 2 associate positions.

Ms. Powers would like to see more involvement from Committee chairs when new members are appointed by the Board.

Ms. Powers made a motion to adjust the Broadband Study Committee charge/mission statement to add up to 2 associate positions. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Minimum Wage Increase

Ms. Graves said there is an increase in the minimum wage effective January 1, 2022.

Ms. Powers made a motion to approve the standard minimum wage beginning on January 1, 2022 for \$14.25/hour and \$6.15/hour, tipped carrying through December 31, 2022. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Belonging Committee- Select Board Representative

Mr. Espindola reached out to members of the Belonging Committee as well as the member who resigned to clear up any misunderstandings that had occurred at the first few meetings. Mr. Espindola offered to be the Select Board representative for the Belonging Committee

Ms. Powers made a motion to appoint Chairman Espindola as the representative to the Belonging Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Waste disposal Services Agreement

The Board tabled this item on the advice of Town Counsel because ABC Disposal Inc. is currently for sale.

Revenue Budget

Ms. Graves said there is a slight error in the spreadsheet and would like to present this at the next meeting.

Special Town Meeting

Mr. Espindola stated he reached out to several departments that he felt would need a special town meeting to complete their projects. Mr. Espindola is recommending at this time to not hold a special town meeting.

Ms. Powers made a motion to suspended any further discussion for a February Special Town meeting unless another pressing issue comes up. Mr. Silvia seconded. Vote was unanimous (3-0)

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

Mask Mandate Update

Mr. Espindola read a memo from Health Agent David Flaherty who has suggested to follow the current mask mandate (Attachment B). Mr. Espindola said employees are allowed to remove masks while at their work stations as long as they can social distance.

Public Comment

There were no questions, comments, or concerns from any residents at this time.

Notes and Announcements

The Board wished everyone a Merry Christmas and a Happy New Year.

At 8:10 pm, Ms. Powers made a motion to adjourn the meeting. Mr. Silvia seconded. Vote was unanimous. (3-0)

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

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

Attachments:

- A. Rogers School Draft RFP
- B. Health Agent Memo



Request for Proposal
DRAFT 2022-01-0506
For Review Only
Sale and Development of
The Former Rogers Elementary School
100 Pleasant St.

Fairhaven, Massachusetts

IMPORTANT DATES**Submission of Proposal due:**

Inspection of Premises: February 4, 2022 or by appointment. Please contact the Director of Planning & Economic Development to schedule a time to inspect the premises.

Questions: Questions may be submitted, up to one week before the proposal due date, in writing to the Director of Planning & Economic Development (pfoley@fairhaven-ma.gov).

Proposal Due Date: ~~TBD~~ **March 11, 2022** (8 weeks after advertisement ~~at~~ at) at 12:00 Noon

NEWSPAPER ADVERTISEMENT

TOWN OF FAIRHAVEN
REQUEST FOR PROPOSAL (RFP)
FORMER ROGERS ELEMENTARY SCHOOL

The Town of Fairhaven solicits proposals for the sale and development of the former Rogers Elementary School that sits on a 71,751 SF site improved with approximately 46,721 SF of space in the former educational facility. The property is located at 100 Pleasant Street (Map 8 Lot 9). The Town seeks to designate a developer subject to the Terms and Conditions contained in its Request for Proposal (RFP). The RFP will be available at the Fairhaven Town Hall, Board of Selectmen's Office, at 40 Center Street, Fairhaven MA, M-F from 9:00 a.m. to 4:00 p.m. Email: Vloliveira@fairhaven-ma.gov.

Proposal submission due **March 11, 2022** (8 weeks after advertisement) ~~TBD, 2022~~ by 12:00 noon, Office of the Town Administrator, Fairhaven Town Hall, 40 Center Street, Fairhaven, MA. 02719 The Town reserves the right to reject or accept any and all proposals or to accept that proposal which is deemed in the best interest of the Town of Fairhaven, MA.

REQUEST FOR PROPOSAL (RFP) SUBMISSION REQUIREMENTS OVERVIEW

1. The submittal must be formatted as a single bound volume. Provide one (1) original and six (6) copies, and one (1) electronic copy on a flash drive or CD. All proposals must be submitted in a sealed package clearly labeled with the following:

TITLE: Proposal for Sale of the Former Rogers Elementary School Property
100 Pleasant Street, Fairhaven, MA
FROM: Name and address of proposer(s)
TO: Town of Fairhaven
Town Administrator
40 Center Street,
Fairhaven, MA 02719
(508) 979-4023 Ext.104 EMAIL: Vloliveira@fairhaven-ma.gov FAX: (508) 979-4079

DUE: **March 11, 2022** (8 weeks after advertisement), **12:00 Noon**. No submittals will be accepted after said date and time.

Please check the Town website before filing for any changes or updates to this RFP.

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	Exhibit A: Picture and Plot Map of Rogers School
	Exhibit B: Fairhaven Assessors Field Card
	Form 1: Proposal Form Cover Sheet
	Form 2: Background of Proposal Organization
	Form 3: Hazardous Material Release Form
	Form 4: Certificate of Non-Collusion
	Form 5: Disclosure Statement for Transaction With A Public Agency Concerning Real Estate

I. INTRODUCTION

The Town of Fairhaven, Massachusetts (“the Town”) is seeking to sell a certain property that is no longer necessary for municipal purposes. The Town seeks to facilitate the redevelopment of this property so that they can contribute to the economy of the Town. Through this RFP, the Town will receive sealed Proposals for the sale of a certain property located at 100 Pleasant Street (Rogers Elementary School) also known as the “Rogers School”. The Rogers School property contains approximately 71,751 square feet of land improved by approximately 46,721 square feet of gross building area.

The property is currently zoned Residential (RA). The property is more fully described in Exhibit “A” ~~and~~ Exhibit “B” ~~-, Exhibit “C” and Exhibit “D”~~ at the end of this document.

The property includes three parcels, (a) the Rogers School property (Map 8 Lot 9) ~~plus (b) the Union Street Right of Way between Chestnut and Pleasant Streets (40 feet by 250 feet with utility easement),~~ with the understanding that the developer will provide a suitable easement for existing and future utilities, ~~plus 50 feet (or 75 feet and (c) a 50 foot wide portion an undesignated portion of the school yard lot (Map 8, lot 68) adjoining and parallel to the Union Street Right of Way.~~ The developer will assume all costs associated with preparing and recording easement plans. ^[T1]
The Town will consider proposals that call for a larger portion of the school yard to be included in the project, but preferential consideration will be given to proposals that call for the inclusion of smaller portions of the school yard. See Section IV number 7 below expressing the Town’s desire to preserve as much of the Schoolyard/Park as possible.

II. SITE LOCATION AND DESCRIPTION

Fairhaven is a Town of 16,000 residents located on Buzzards Bay in Southeastern Massachusetts. The Town shares a working harbor with New Bedford and is approximately 60 miles southeast of Boston and 40 miles east of Providence, RI. It is also on the Gateway leading to Cape Cod.

The Rogers Elementary School is located near the historic center of downtown Fairhaven in a neighborhood of primarily single family homes. The 1885 section of the school is located on Center Street, a few blocks east of the historic Town Hall, Millicent Library, and the Unitarian Memorial Church. ***The 1885 section of the school is located on Center Street, a few blocks east of the historic Town Hall, Millicent Library, and the Unitarian Memorial Church. The 1885 section of the Rogers School is a beautiful 4-story brick building with a 7-story bell tower in the Queen Anne style designed by architect Warren Briggs with a high level of historical significance. The first and second floors each have four classrooms and the third floor consists of a large assembly/gymnasium space as well as an apartment that was once used by the school custodian and some storage.*** The 1957 one-story addition located on the south side of the 1885 section includes a gymnasium, small kitchen area, office space, restrooms, and four classrooms. The Rogers School has easy access to I-195 and Route 6, both of which cross through Fairhaven.

III. DEVELOPMENT CONCEPT

The development project should consider the historical significance of the property as well as the historical and residential character of the neighborhood. The development project should seek to restore the historic building in conformance with applicable preservation standards including incorporating the architectural elements of the building. Further, the architectural design of all project components should resemble the human scale of traditional Fairhaven architecture and shall be compatible with the surrounding municipal, residential and commercial properties. ***If a proposal includes demolition of the 1950's structure and constructing an addition, attached or near to the historic school building, the proposed addition should be clearly subordinate to the historic 1880's building.***

In addition to design improvements, disposition of the Development and Property Rights will help to achieve several financial and planning objectives of the Town of Fairhaven. ***The Town is receptive to a mix-variety of uses if that is what a respondent believes is required to preserve the building and character of the neighborhood and make the Project work. Developers should be aware that most proposals will likely be subject to Special Permit review under Fairhaven §198-29.8 Historic Site Reuse Special Permit (attached) and that zoning changes would be subject to Town Meeting approval.*** [T2] ***"The purpose of the historic site reuse special permit is to promote the adaptive reuse of eligible municipally owned buildings no longer used by the Town for municipal purposes for residential use that protects the historic character by modifying those general zoning regulations, including parking and loading, lot and building dimensions, density and use limitations, which would otherwise make such preservation infeasible, while protecting the health, welfare, aesthetics and character of the neighboring community". The Town will consider uses other than residential, as noted above, if the proposal otherwise meets the purposes of §198-29.8 which provides significant leeway for great proposals.*** ***The project should provide accessibility to people with disabilities and potential developers should consider how the Project will expand housing, employment and business opportunities for residents, minorities, and women.***

IV.

DESIGN AND DEVELOPMENT GUIDELINES

DESIGN

The Town will consider proposals for development which must include the following:

1. **Massing and Character**

The project should exhibit strong design relationships with neighboring properties, particularly with the orderly pattern established by the street alignment and sitting of buildings. The design should be compatible with ***existing*** construction and renovation in the area. The architectural design of project components and facades should resemble the human scale of traditional Fairhaven architecture.

2. **Provisions for Persons with Disabilities**

The project should be designed to fully comply with the provisions of *Americans with Disabilities Act of 1990* so that persons with disabilities can enter, travel about, and leave the building in a convenient manner without obstruction.

3. **Vehicular Access**

Developers should consider the potential impacts on neighborhood streets. The scheme should be designed so as not to adversely affect the current traffic flow **or markedly increase the trip generation compared to previous uses.**

4. **Service Areas**

Service areas should be inconspicuous, safe and fully enclosed. Use of service areas must not interfere with pedestrian circulation.

5. **Landscaping**

The premises shall at all times be maintained in an aesthetically appealing manner, free of all debris.

6. **Concept**

The goal for the Town is a successful and compatible reuse of the historic 1885 Rogers School building and grounds in a manner consistent with the historic character of the area. The Town will entertain a proposal for a single use type or ~~mixed~~-a variety of different uses as long as they can be compatible with the area and one another. The Town's criteria for selection is described in more detail in Section VII of this Request for Proposals.

7. School Yard

The proposal may call for the conveyance of a portion of the schoolyard lot to the developer for use as part of the project. In selecting the preferred development proposal the town will take into consideration the area of that lot that is proposed to be used in the project, as well as the proposed use for that area, with the Town's goal to maintain as much of that lot as possible as open space, and available for public use.^[T3]

V.

INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF PROPOSALS

A Proposal consists of:

- Cover Letter and Transmittal
- Proposal Forms
- Required Attachments

For the Town to consider the proposal, the cover sheet and proposal forms must be substantially completed, signed and notarized. The Town asks proposers not to submit their proposal in notebooks or binders.

Sealing and Labeling of Proposals

Proposers must seal copies of their proposals in an envelope with the name "Proposal for Sale of the Former Rogers Elementary School Property" and the submission deadline on the envelope. The name and return address of the proposer must also be indicated on the outside of the envelope(s). Proposals without sufficient identification will be rejected and returned to the sender.

SUBMISSION OF PROPOSALS

Proposals must be received at the following address by 12:00 noon on March 11, 2022 (8 weeks after advertisement).~~FBD 2022~~

Office of the Town Administrator
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

Proposals received by the Town after the deadline shall be refused or returned unopened to their respective proposers. A firm deadline is necessary to ensure fairness to all proposers.

VI.

EACH PROPOSAL SHOULD CONTAIN THE FOLLOWING INFORMATION

Applicant Information

1. Letter of Interest introducing the development team, including the developer, architect and other consultants.
2. Relevant past experience of development team.
3. Developer's Statement of Public Disclosure and Statement of Qualifications and Financial Responsibility (Form Enclosed).

Development Proposal

1. A project summary, including a description of proposed uses and public amenities, proposed ownership structure and anticipated development schedule. A superior summary and proposal will address the Ranking Criteria on page 11 and the requirements for application under §198-29.8.D(2) below to the greatest degree possible at this stage:
 - 1) (2) The application and plans shall provide:
 - a) A statement of the facts supporting the eligibility of the subject building for special permit.

- b) A description of the proposed project, including the planned alteration or reconstruction of the eligible building, the planned alteration, reconstruction or construction of any other structures and the proposed uses.
- c) A detailed statement of all proposed modifications to zoning bylaw requirements. (Modifications to the zoning bylaw will be subject to town meeting approval.) If zoning bylaw modifications are proposed, the proposer ^[T4]should explain whether the project can be developed without those zoning modifications and what changes would have to be made to the project.^[T5]
- d) An analysis of the project prepared by a qualified professional Massachusetts licensed architect or Massachusetts licensed engineer addressing the feasibility of the project; the reason modification of zoning regulations is needed to make the project feasible; and the impact of each of those modifications on the neighboring community.
- e) A description of the proposed plans for preservation of the historic building and site, including plans for maintenance and the financial mechanism for the cost of maintenance.
- f) A proposal, with draft legal documentation, to provide assurance of the continued maintenance of the historic building and site, specifically granting the Town of Fairhaven standing and authority to enforce continued protection and maintenance of the historic site.

1-2. _____ A separate narrative response to each of the eight (8) questions in Section VIII which refer to the evaluation criteria for the disposition.

2-3. _____ Architectural drawing(s) of the proposed Development reduced in size to fit into the response package.

Financial Information

1. Development Schedule and Finance time frame.
2. Evidence of financial capacity to complete proposed project including a Letter of Interest from a financial institution of source of funding for the acquisition, construction, and permanent financing.

Financial Responsibility for Proposal Preparation

The Town accepts no financial responsibility for costs incurred by any proposer in responding to this Request for Proposals. All responses to this Request for Proposals will become the property of the Town and reasonable precautions to ensure the confidentiality of the material will be taken. All material will become public information after ***the proposal has been opened*** at the time and date set for the proposal opening.

Withdrawal of Proposals

Proposers may only withdraw their proposals by written notice received by the Town at the address listed in Section VI above, **prior** to the time and date set for the proposal opening.

VII.

PROCEDURES FOR EVALUATION, SELECTION, SALE AND CONVEYANCE

The Town's objectives are to ensure utilization of the historic structure and ***of sustainable and compatible redevelopment of the property and protection of its historic character***. To this end, the Town shall evaluate all proposals for conformity to the requirements of this Request for Proposals, and for the degree to which they satisfy the selection criteria in Section IX.

The Town will begin to review and evaluate proposals promptly after the Submission Deadline of Evaluation of proposals and selection of the most advantageous proposal will be based solely upon the evaluation and selection criteria listed in Section VIII of this Request for Proposals. The Town reserves the right to waive portions of the Request for Proposals for all proposers, to excuse minor informalities on proposals, or to reject all proposals, if deemed in the best interest of the Town.

Initial Review

The Town will identify any proposals which do not meet the qualification Submission Requirements stated in Section VIII. Such proposals may be rejected and returned to the proposers who submitted them. Interested parties should note that the Town will consider only proposals which include comprehensive development scenarios.

If a proposer does not adequately complete his or her proposal, or if the Town is unable to determine whether the proposal meets the requirements of the Request for Proposals, the Town may attempt to clarify the proposal, but reserves the right to declare the proposal non-qualifying.

The Town will notify in writing the proposers who submitted non-qualifying proposals.

Evaluation of Qualifying Proposals

Once the Town has verified that the remaining proposals meet all the requirements of the Request for Proposals, the Town will analyze them using the qualitative criteria (i.e. categorizing the proposal for that requirement as highly advantageous, advantageous, not advantageous, or unacceptable) to identify the proposal which best meets the Town's needs.

The highest rated proposal will be recommended on the basis that the proposer represents that it is made in good faith.

Financial Review

It is the responsibility of the proposer to designate a competent individual to respond to Town inquiries regarding financial aspects of the proposal. The Town may perform a preliminary analysis of the financial capacity of qualifying proposers to accomplish the proposal and subsequently shall perform an

in-depth analysis after the proposer has been conditionally designated. Notwithstanding the previous sentence, the Town may perform the in-depth analysis prior to conditional designation of a proposer. The Town may withhold Full Designation from a proposer on the basis of responses to the Affidavits required to be submitted as part of the proposal.

Notification to Proposers

Upon selection of a proposal, the Town will notify all proposers of the decision in writing.

Terms of Sale

After a proposal has been selected, the selected proposer will be conditionally designated by the Town. The Town and the Conditionally Designated Developer will negotiate the terms of sale. A firm ***permitting***, construction and development schedule must be submitted and agreed upon by all parties, outlining that the project will be started within six (6) months ***of receiving permits*** and be completed within twenty-four (24) months. The final transfer agreement shall require compliance with the schedule and shall include a clause to allow the Town to impose substantial penalties for failure to comply with the schedule. The agreement shall include a reversion clause that the Town may exercise if the proposer fails to substantially proceed with ***financing, permitting***, construction and/or development **within the proscribed time**. The terms must be consistent with the Request for Proposals.

Conditions of the Properties

An agreement with the successful Proposer shall be subject to all restrictions and conditions of record, insofar as they may be in-force and applicable to said parcel.

Any and all costs, including but not limited to environmental remediation, due to known or unknown conditions, including but not limited to any and all contamination as defined by local, state and federal laws and/or agencies, currently known or unknown to the Town, the designated developer or any other individual at the project site, will be adsorbed and paid for solely by the designated Proposer. The designated proposer will release, indemnify, and hold harmless the Town of Fairhaven from any and all obligations it may have in regards to, or claims that may arise from, any known or unknown conditions at the Project site as stated herein. They will also complete Form 1: (Hazardous Material Release Form).

THE PROPERTY IS PRESENTED TO THE BUYER IN "AS-IN" CONDITION.

The respondent should be aware that as a result of litigation filed by a previous developer there is a "lis pendens" on the property. The Town does not know how long or when it may be settled. The Town is confident in its position as was confirmed by agreed in the lower court's decision That lawsuit was dismissed by the Superior Court, but has been appealed by the developer. Until that case is resolved the lis pendens will probably remain on the property title. The selection of any proposal and the performance of a contract for that project will be subject to the removal of the lis pendens [T6]

VIII.

SUBMISSION REQUIREMENTS

Qualifying Submission Requirements

These requirements must be met in order for a proposal to be considered qualifying and undergo further evaluation:

Form:

The proposal must be submitted with a full set of signed Request for Proposal Application Forms and with all required attachments. It must be submitted in a sealed and properly labeled envelope, and must be received by the Town before the deadline of 12:00 noon on **March 11, 2022 (8 weeks after advertisement)**. ~~TBD 2022~~.

Proposed Use:

The proposed use must conform to the uses described in the Request for Proposal. ***If the proposed use, or aspects of the proposed use, does not conform to the uses described in the RFP you must explain why it is part of the proposal and how it can be justified.***

Financial Capacity:

Proposer must show the financial capacity to accomplish the ~~proposal-proposed~~ [T7] development. Commitment letters from lending sources and financial statements of the proposed development entity and of related parties should be provided.

Reasonable Responses to Selection Criteria Questions:

The proposer must provide reasonable responses to questions 1 through **8-12** listed in "Ranking Criteria" in this Section VIII. Each question should be answered separately and completely.

Relative Merit

The following criteria will be used to compare the relative merits of qualifying proposals. They should be referred to specifically in each proposal. Please use the questions below to refer to each criterion. All criteria will be used, with more weight given to those criteria which are described as "highly significant" (the ordering of the criteria below is irrelevant). The Town reserves the right to require further detail and/or additional information as the need arises during review of the qualifying proposal.

Evaluation of proposals will be based upon information provided in the proposals and verification of references provided by the proposer or individuals' familiar with the proposer, from other Town files from other generally available and verifiable information.

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IX RANKING CRITERIA

Note: All twelve (12) questions or descriptions must be answered separately by proposer.

1. Short and Long Term Vision (Highly Significant)

Please describe your vision for the property for the short-term (two years) and long-term?

2. Developer Experience (Significant)

Describe your development team's demonstrated production and management experience.

3. Experience with Historical Restoration (Significant)

Do you have any experience in redevelopment of historical buildings?

4. Developer Financial Capacity to Design/Construct (Highly Significant)

Provide evidence of financial commitment to design, permit, construct and manage the project?

5. Developer Financial Capacity for long term management of the Site (Significant)

What experience does the development team have to manage this site over the long-term?

6. Preliminary Design Plans (Significant)

When can the final design be prepared? When can your development team commence?

7. Employment Initiative (Moderately Significant)

What Initiative for employment of Fairhaven residents, minorities, and women does your proposal include during both the construction and the operation phases of the development?

8. Original Historic Building (Highly Significant)

Describe how your plan retains the original historic 1885 Rogers School building.

9. Deed Restrictions (Highly Significant)

Does your plan include providing deed restrictions for the historic building? Does your plan include deed restrictions that would carry over to future sales of the property to retain and maintain the historic building?

10. Purchase Plan (Significant)

What is your proposal to purchase and finance the redevelopment of Rogers School?

11. Cash on Hand or Pre-Approved Financing (Highly Significant)

Do you have cash on hand or pre-approved financing from a financial institution?

12. Other Economic Benefits (Significant)

a) What other direct revenue benefits does your development plan offer?

b) What other indirect revenue benefits does your development plan offer?

Selection Process

OVERVIEW

The Town will review all RFP submittals for completeness. Proposers may be required to submit additional information and/or respond to questions prepared by the Town in written form. ***The Procurement Officer and Town Planner will open the responses to the RFP at the appointed hour. A Town selection committee*** will review all of the proposals and, based on their evaluation of the proposal's ability to best meet the evaluation criteria, will determine a preferred proposer for preliminary designation with whom the Town will enter into negotiations with. The committee may also rank alternate proposers with whom the Town could enter into negotiations in the event that negotiations with the preferred proposer are unsuccessful.

Note: While the Town will entertain all proposals, those that allow the original 1885 portion of the Rogers School to remain will receive a higher evaluation. Deed Restrictions to maintain historical character: Developers who propose deed restrictions on the 1885 portion of the Rogers School will receive a higher evaluation.

1. RFP Proposal Review Criteria

The following criteria will be used to evaluate the proposals, as may be clarified by any requested information.

- A. Capability of Development Organization – Evidence that the Proposer has the capability, experience, and financial strength to undertake the proposed project and to complete the project successfully, including fulfilling Town objectives for the project, within a reasonable timeframe. Such evidence could include:
 - Evidence of successful financing, management of projects of similar or comparable nature and size/cost or other relevant projects.
 - Evidence of financing relationships and the ability to obtain financing for the project as indicated by letters from financing sources to that effect.
 - Evidence of successful past and/or current dealings with public entities in the development and management of projects, particularly public-private development projects.
 - The Town's selection committee's evaluation of the developer's commitment to, and understanding of, the Town's goals and objectives for the project.
 - References from past and/or current clients that indicate the Proposer's ability to deliver the project.
- B. Capability of the Development Team
 - Evidence of capability of the Proposer development team to carry out the proposed project as indicated by the experience of the individuals playing key roles in the project.
 - Experience with projects of similar, comparable or relevant scope.
- C. References
 - A minimum of three references are required that can specifically address the capability of the proposer to undertake the project. References should include names, titles, full

addresses, telephone numbers and a brief description of the relationship to the Proposer with regards to previous experience.

X

TOWN'S RESERVATION OF RIGHTS

Negotiations

The Town reserves the right to reject [or accept](#) any or all proposals, or any item or items of the proposals, and to waive technical defects which are not of a substantive nature if it is determined that it is in the best interest of the Town. The Town will proceed with the selection of that proposal which in its opinion represents the most satisfactory response to its selection criteria ***and provides the most sustainable and compatible vision for the future.***

The Town also reserves the right to negotiate changes in the proposal selected. These negotiations may encompass values and items described in this Request for Proposals, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, the Town may refuse to sell the property even after it has tentatively selected one proposed developer for designation and has entered into the negotiations described in this paragraph.

XI.

EXHIBIT A

(GIS Aerial view of Rogers School, 100 Pleasant Street, Schoolyard and Neighborhood)

**EXHIBIT B** (Fairhaven Tax Map – 100 Pleasant Street, Map 8 Lot 9)

EXHIBIT C (Tax Map on GIS Aerial showing 100 Pleasant Street with the Union Street Right of Way and up to 50' of Map 8 Lot 68).



EXHIBIT D (Google Earth oblique view of Rogers School Building from Northeast)



ATTACHED FORMS

Attached are forms which will be required of the selected proposer and a copy of the Historic Site Reuse Special Permit which should be consulted while preparing your proposal and for future permitting.

Attachments:

- *Fairhaven §198-29.8 Historic Site Reuse Special Permit*
- Form 1: Proposal Form Cover Sheet
- Form 2: Background of Proposal Organizations
- Form 3: Hazardous Material Release
- Form 4: Certificate of Non - Collusion
- Form 5: Disclosure Statement for Transaction With A Public Agency Concerning Real Estate

(Form 1)**PROPOSAL FORM COVER SHEET**

SUBMITTED TO: Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

DATE RECEIVED BY TOWN: _____

SUBMITTED BY: Name: _____

Firm: _____

Address: _____

Telephone: _____

Set forth by the Town of Fairhaven, the accompanying proposal is submitted to purchase the Rogers School in the Town of Fairhaven, MA, described therein.

I am fully aware of the requirements established by the Town for selection of a Developer and except these requirements. ***The attached information is complete and accurate.***

Signature

Title

Date

(Form 2)**BACKGROUND OF PROPOSING ORGANIZATION**

Proposed Purchase Price \$ _____

1. Full Name of Organization:
2. Main Office of Organization:
3. Local Address of Organization:
4. Telephone Number(s):
5. The name(s) and address(es) of all persons participating in this application as principals other than the undersigned are:

(Use separate sheet of paper and attach if further principals are involved).

6. The applicant is a(n):
(Individual/Partnership/Joint/Venture/Corporation/Trust, etc.)

If applicant is a Partnership, state name and residential address of both general and limited partners:

7. The Federal Social Security Identification Number of the applicant (the number used on Employers' Quarterly Federal Tax Return, U.S. Treasurer Department Form 941) is:
8. Number of years organization has been in business under current name:
9. Has organization ever failed to perform any contract, or been disqualified or barred from bidding or working on public projects?
(If answer is 'yes', please state circumstances).

10. Authorization:

Dated at:

This _____ day of _____, 202~~2~~.

NAME OF ORGANIZATION: _____

BY: _____

TITLE: _____

11. Attestation

_____, being duly sworn deposes and says that he/she is
the _____ of _____ and that all answers to the foregoing
questions and all statements contained herein are true and correct.

Subscribed and sworn before me this _____ day of _____, ~~2021~~2022._____
Notary Public:

My Commission expires:

NOTE: This application must bear the written signature of the applicant.

If the applicant is an individual doing business under a name other than his own name, the application must state so, giving the address of the individual.

If the applicant is a partnership, the application must be signed by a partner and designated as such.

If the applicant is a corporation, trust or joint venture, the application must be signed by a duly authorized officer or agent of such corporation, trust or joint venture and contain written evidence of the authority to bind the entity.

Town of Fairhaven

Sale and Development of Former Rogers Elementary School

(Form 3)

HAZARDOUS MATERIAL RELEASE

**HAZARDOUS MATERIAL RELEASE
("Hold Harmless" AGREEMENT)**

**RELEASE REGARDING HAZARDOUS MATERIALS
ROGERS SCHOOL
100 PLEASEANT STREET
FAIRHAVEN, MA 02719**

The Town assumes no liability for any release of hazardous materials on this Property. The Proposer has not relied upon any representations by the Town with respect to hazardous materials, except to the extent disclosed herein.

The Proposer agrees to release and hold harmless the Town of Fairhaven from any liability arising out of any hazardous materials that may be present on the Property.

PROPOSER: _____ DATE: _____

(Form 4)**CERTIFICATION OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

(Signature of individual submitting bid or proposal)

(Name of business)

(Form 5)**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)****INSTRUCTION SHEET**

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGEEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

____ Lessor/Landlord

____ Lessee/Tenant

____ Seller/Grantor

____ Buyer/Grantee

____ Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

☐

NONE

NAME:

POSITION:

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

PRINT NAME & TITLE of AUTHORIZED SIGNER



Request for Proposal
DRAFT 2022-01-06
Sale and Development of
The Former Rogers Elementary School
100 Pleasant St.

Fairhaven, Massachusetts

IMPORTANT DATES**Submission of Proposal due:**

Inspection of Premises: February 4, 2022 or by appointment. Please contact the Director of Planning & Economic Development to schedule a time to inspect the premises.

Questions: Questions may be submitted, up to one week before the proposal due date, in writing to the Director of Planning & Economic Development (pfoley@fairhaven-ma.gov).

Proposal Due Date: March 11, 2022 (8 weeks after advertisement) at 12:00 Noon

NEWSPAPER ADVERTISEMENT

TOWN OF FAIRHAVEN
REQUEST FOR PROPOSAL (RFP)
FORMER ROGERS ELEMENTARY SCHOOL

The Town of Fairhaven solicits proposals for the sale and development of the former Rogers Elementary School that sits on a 71,751 SF site improved with approximately 46,721 SF of space in the former educational facility. The property is located at 100 Pleasant Street (Map 8 Lot 9). The Town seeks to designate a developer subject to the Terms and Conditions contained in its Request for Proposal (RFP). The RFP will be available at the Fairhaven Town Hall, Board of Selectmen's Office, at 40 Center Street, Fairhaven MA, M-F from 9:00 a.m. to 4:00 p.m. Email: Vloliveira@fairhaven-ma.gov.

Proposal submission due March 11, 2022 (8 weeks after advertisement) by 12:00 noon, Office of the Town Administrator, Fairhaven Town Hall, 40 Center Street, Fairhaven, MA. 02719 The Town reserves the right to reject or accept any and all proposals or to accept that proposal which is deemed in the best interest of the Town of Fairhaven, MA.

REQUEST FOR PROPOSAL (RFP) SUBMISSION REQUIREMENTS OVERVIEW

1. The submittal must be formatted as a single bound volume. Provide one (1) original and six (6) copies, and one (1) electronic copy on a flash drive or CD. All proposals must be submitted in a sealed package clearly labeled with the following:

TITLE: Proposal for Sale of the Former Rogers Elementary School Property
100 Pleasant Street, Fairhaven, MA
FROM: Name and address of proposer(s)
TO: Town of Fairhaven
Town Administrator
40 Center Street,
Fairhaven, MA 02719
(508) 979-4023 Ext.104 EMAIL: Vloliveira@fairhaven-ma.gov FAX: (508) 979-4079

DUE: March 11, 2022 (8 weeks after advertisement), 12:00 Noon. **No submittals will be accepted after said date and time.**

Please check the Town website before filing for any changes or updates to this RFP.

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- IV. Design and Development Guidelines
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- VIII. Submission Requirements
- IX. Ranking Criteria
- X. Town of Fairhaven Reservation of Rights
- XI. Attached Forms/Exhibits
 - Fairhaven §198-29.8 Historic Site Reuse Special Permit
 - Exhibit A: Picture and Plot Map of Rogers School
 - Exhibit B: Fairhaven Assessors Field Card
 - Form 1: Proposal Form Cover Sheet
 - Form 2: Background of Proposal Organization
 - Form 3: Hazardous Material Release Form
 - Form 4: Certificate of Non-Collusion
 - Form 5: Disclosure Statement for Transaction With A Public Agency Concerning
Real Estate

I.
INTRODUCTION

The Town of Fairhaven, Massachusetts (“the Town”) is seeking to sell a certain property that is no longer necessary for municipal purposes. The Town seeks to facilitate the redevelopment of this property so that they can contribute to the economy of the Town. Through this RFP, the Town will receive sealed Proposals for the sale of a certain property located at 100 Pleasant Street (Rogers Elementary School) also known as the “Rogers School”. The Rogers School property contains approximately 71,751 square feet of land improved by approximately 46,721 square feet of gross building area.

The property is currently zoned Residential (RA). The property is more fully described in Exhibit “A”, Exhibit “B”, Exhibit “C” and Exhibit “D” at the end of this document. The property includes three parcels, (a) the Rogers School property (Map 8 Lot 9) (b) the Union Street Right of Way between Chestnut and Pleasant Streets (40 feet by 250 feet with utility easement, with the understanding that the developer will provide a suitable easement for existing and future utilities, and (c) a 50 foot wide portion of the school yard lot (Map 8, lot 68) adjoining and parallel to the Union Street Right of Way. The Town will consider proposals that call for a larger portion of the school yard to be included in the project, but preferential consideration will be given to proposals that call for the inclusion of smaller portions of the school yard. See Section IV number 7 below expressing the Town’s desire to preserve as much of the Schoolyard/Park as possible.

II.
SITE LOCATION AND DESCRIPTION

Fairhaven is a Town of 16,000 residents located on Buzzards Bay in Southeastern Massachusetts. The Town shares a working harbor with New Bedford and is approximately 60 miles southeast of Boston and 40 miles east of Providence, RI. It is also on the Gateway leading to Cape Cod.

The Rogers Elementary School is located near the historic center of downtown Fairhaven in a neighborhood of primarily single family homes. The 1885 section of the school is located on Center Street, a few blocks east of the historic Town Hall, Millicent Library, and the Unitarian Memorial Church. The 1885 section of the school is located on Center Street, a few blocks east of the historic Town Hall, Millicent Library, and the Unitarian Memorial Church. The 1885 section of the Rogers School is a beautiful 4-story brick building with a 7-story bell tower in the Queen Anne style designed by architect Warren Briggs with a high level of historical significance. The first and second floors each have four classrooms and the third floor consists of a large assembly/gymnasium space as well as an apartment that was once used by the school custodian and some storage. The 1957 one-story addition located on the south side of the 1885 section includes a gymnasium, small kitchen area, office space, restrooms, and four classrooms. The Rogers School has easy access to I-195 and Route 6, both of which cross through Fairhaven.

III.

DEVELOPMENT CONCEPT

The development project should consider the historical significance of the property as well as the historical and residential character of the neighborhood. The development project should seek to restore the historic building in conformance with applicable preservation standards including incorporating the architectural elements of the building. Further, the architectural design of all project components should resemble the human scale of traditional Fairhaven architecture and shall be compatible with the surrounding municipal, residential and commercial properties. If a proposal includes demolition of the 1950's structure and constructing an addition, attached or near to the historic school building, the proposed addition should be clearly subordinate to the historic 1880's building.

In addition to design improvements, disposition of the Development and Property Rights will help to achieve several financial and planning objectives of the Town of Fairhaven. The Town is receptive to a variety of uses if that is what a respondent believes is required to preserve the building and character of the neighborhood and make the Project work. Developers should be aware that most proposals will likely be subject to Special Permit review under Fairhaven §198-29.8 Historic Site Reuse Special Permit (attached). "The purpose of the historic site reuse special permit is to promote the adaptive reuse of eligible municipally owned buildings no longer used by the Town for municipal purposes for residential use that protects the historic character by modifying those general zoning regulations, including parking and loading, lot and building dimensions, density and use limitations, which would otherwise make such preservation infeasible, while protecting the health, welfare, aesthetics and character of the neighboring community". The project should provide accessibility to people with disabilities and potential developers should consider how the Project will expand housing, employment and business opportunities for residents, minorities, and women.

IV.

DESIGN AND DEVELOPMENT GUIDELINES**DESIGN**

The Town will consider proposals for development which must include the following:

1. Massing and Character

The project should exhibit strong design relationships with neighboring properties, particularly with the orderly pattern established by the street alignment and sitting of buildings. The design should be compatible with existing construction and renovation in the area. The architectural design of project components and facades should resemble the human scale of traditional Fairhaven architecture.

2. Provisions for Persons with Disabilities

The project should be designed to fully comply with the provisions of *Americans with Disabilities Act of 1990* so that persons with disabilities can enter, travel about, and leave the building in a convenient manner without obstruction.

3. Vehicular Access

Developers should consider the potential impacts on neighborhood streets. The scheme should be designed so as not to adversely affect the current traffic flow or markedly increase the trip generation compared to previous uses.

4. Service Areas

Service areas should be inconspicuous, safe and fully enclosed. Use of service areas must not interfere with pedestrian circulation.

5. Landscaping

The premises shall at all times be maintained in an aesthetically appealing manner, free of all debris.

6. Concept

The goal for the Town is a successful and compatible reuse of the historic 1885 Rogers School building and grounds in a manner consistent with the historic character of the area. The Town will entertain a proposal for a single use type or a variety of different uses as long as they can be compatible with the area and one another. The Town's criteria for selection is described in more detail in Section VII of this Request for Proposals.

7. School Yard

The proposal may call for the conveyance of a portion of the schoolyard lot to the developer for use as part of the project. In selecting the preferred development proposal the town will take into consideration the area of that lot that is proposed to be used in the project, as well as the proposed use for that area, with the Town's goal to maintain as much of that lot as possible as open space, and available for public use.

V.**INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF PROPOSALS****A Proposal consists of:**

- Cover Letter and Transmittal
- Proposal Forms
- Required Attachments

For the Town to consider the proposal, the cover sheet and proposal forms must be substantially completed, signed and notarized. The Town asks proposers not to submit their proposal in notebooks or binders.

Sealing and Labeling of Proposals

Proposers must seal copies of their proposals in an envelope with the name "Proposal for Sale of the Former Rogers Elementary School Property" and the submission deadline on the envelope. The name and return address of the proposer must also be indicated on the outside of the envelope(s). Proposals without sufficient identification will be rejected and returned to the sender.

SUBMISSION OF PROPOSALS

Proposals must be received at the following address by 12:00 noon on **March 11, 2022 (8 weeks after advertisement)**.

Office of the Town Administrator
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

Proposals received by the Town after the deadline shall be refused or returned unopened to their respective proposers. A firm deadline is necessary to ensure fairness to all proposers.

VI.**EACH PROPOSAL SHOULD CONTAIN THE FOLLOWING INFORMATION****Applicant Information**

1. Letter of Interest introducing the development team, including the developer, architect and other consultants.
2. Relevant past experience of development team.
3. Developer's Statement of Public Disclosure and Statement of Qualifications and Financial Responsibility (Form Enclosed).

Development Proposal

1. A project summary, including a description of proposed uses and public amenities, proposed ownership structure and anticipated development schedule. A superior summary and proposal will address the Ranking Criteria on page 11 and the requirements for application under §198-29.8.D(2) below to the greatest degree possible at this stage:
 - (2) The application and plans shall provide:
 - a) A statement of the facts supporting the eligibility of the subject building for special permit.
 - b) A description of the proposed project, including the planned alteration or reconstruction of the eligible building, the planned alteration, reconstruction or construction of any other structures and the proposed uses.
 - c) A detailed statement of all proposed modifications to zoning bylaw requirements. (Modifications to the zoning bylaw will be subject to town meeting approval.) If

- zoning bylaw modifications are proposed, the proposer should explain whether the project can be developed without those zoning modifications and what changes would have to be made to the project.
- d) An analysis of the project prepared by a qualified professional Massachusetts licensed architect or Massachusetts licensed engineer addressing the feasibility of the project; the reason modification of zoning regulations is needed to make the project feasible; and the impact of each of those modifications on the neighboring community.
 - e) A description of the proposed plans for preservation of the historic building and site, including plans for maintenance and the financial mechanism for the cost of maintenance.
 - f) A proposal, with draft legal documentation, to provide assurance of the continued maintenance of the historic building and site, specifically granting the Town of Fairhaven standing and authority to enforce continued protection and maintenance of the historic site.
- 2. A separate narrative response to each of the eight (8) questions in Section VIII which refer to the evaluation criteria for the disposition.
 - 3. Architectural drawing(s) of the proposed Development reduced in size to fit into the response package.

Financial Information

- 1. Development Schedule and Finance time frame.
- 2. Evidence of financial capacity to complete proposed project including a Letter of Interest from a financial institution of source of funding for the acquisition, construction, and permanent financing.

Financial Responsibility for Proposal Preparation

The Town accepts no financial responsibility for costs incurred by any proposer in responding to this Request for Proposals. All responses to this Request for Proposals will become the property of the Town and reasonable precautions to ensure the confidentiality of the material will be taken. All material will become public information after the proposal has been opened at the time and date set for the proposal opening.

Withdrawal of Proposals

Proposers may only withdraw their proposals by written notice received by the Town at the address listed in Section VI above, prior to the time and date set for the proposal opening.

VII.

PROCEDURES FOR EVALUATION, SELECTION, SALE AND CONVEYANCE

The Town's objectives are to ensure utilization of the historic structure and of sustainable and compatible redevelopment of the property and protection of its historic character. To this end, the Town shall evaluate all proposals for conformity to the requirements of this Request for Proposals, and for the degree to which they satisfy the selection criteria in Section IX.

The Town will begin to review and evaluate proposals promptly after the Submission Deadline of Evaluation of proposals and selection of the most advantageous proposal will be based solely upon the evaluation and selection criteria listed in Section VIII of this Request for Proposals. The Town reserves the right to waive portions of the Request for Proposals for all proposers, to excuse minor informalities on proposals, or to reject all proposals, if deemed in the best interest of the Town.

Initial Review

The Town will identify any proposals which do not meet the qualification Submission Requirements stated in Section VIII. Such proposals may be rejected and returned to the proposers who submitted them. Interested parties should note that the Town will consider only proposals which include comprehensive development scenarios.

If a proposer does not adequately complete his or her proposal, or if the Town is unable to determine whether the proposal meets the requirements of the Request for Proposals, the Town may attempt to clarify the proposal, but reserves the right to declare the proposal non-qualifying.

The Town will notify in writing the proposers who submitted non-qualifying proposals.

Evaluation of Qualifying Proposals

Once the Town has verified that the remaining proposals meet all the requirements of the Request for Proposals, the Town will analyze them using the qualitative criteria (i.e. categorizing the proposal for that requirement as highly advantageous, advantageous, not advantageous, or unacceptable) to identify the proposal which best meets the Town's needs.

The highest rated proposal will be recommended on the basis that the proposer represents that it is made in good faith.

Financial Review

It is the responsibility of the proposer to designate a competent individual to respond to Town inquiries regarding financial aspects of the proposal. The Town may perform a preliminary analysis of the financial capacity of qualifying proposers to accomplish the proposal and subsequently shall perform an in-depth analysis after the proposer has been conditionally designated. Notwithstanding the previous sentence, the Town may perform the in-depth analysis prior to conditional designation of a proposer.

The Town may withhold Full Designation from a proposer on the basis of responses to the Affidavits required to be submitted as part of the proposal.

Notification to Proposers

Upon selection of a proposal, the Town will notify all proposers of the decision in writing.

Terms of Sale

After a proposal has been selected, the selected proposer will be conditionally designated by the Town. The Town and the Conditionally Designated Developer will negotiate the terms of sale. A firm permitting, construction and development schedule must be submitted and agreed upon by all parties, outlining that the project will be started within six (6) months of receiving permits and be completed within twenty-four (24) months. The final transfer agreement shall require compliance with the schedule and shall include a clause to allow the Town to impose substantial penalties for failure to comply with the schedule. The agreement shall include a reversion clause that the Town may exercise if the proposer fails to substantially proceed with financing, permitting, construction and/or development within the proscribed time. The terms must be consistent with the Request for Proposals.

Conditions of the Properties

An agreement with the successful Proposer shall be subject to all restrictions and conditions of record, insofar as they may be in-force and applicable to said parcel.

Any and all costs, including but not limited to environmental remediation, due to known or unknown conditions, including but not limited to any and all contamination as defined by local, state and federal laws and/or agencies, currently known or unknown to the Town, the designated developer or any other individual at the project site, will be adsorbed and paid for solely by the designated Proposer. The designated proposer will release, indemnify, and hold harmless the Town of Fairhaven from any and all obligations it may have in regards to, or claims that may arise from, any known or unknown conditions at the Project site as stated herein. They will also complete Form 1: (Hazardous Material Release Form).

THE PROPERTY IS PRESENTED TO THE BUYER IN "AS-IN" CONDITION.

The respondent should be aware that as a result of litigation filed by a previous developer there is a "lis pendens" on the property. That lawsuit was dismissed by the Superior Court, but has been appealed by the developer. Until that case is resolved the lis pendens will probably remain on the property title. The selection of any proposal and the performance of a contract for that project will be subject to the removal of the lis pendens.

VIII.

SUBMISSION REQUIREMENTS**Qualifying Submission Requirements**

These requirements must be met in order for a proposal to be considered qualifying and undergo further evaluation:

Form:

The proposal must be submitted with a full set of signed Request for Proposal Application Forms and with all required attachments. It must be submitted in a sealed and properly labeled envelope, and must be received by the Town before the deadline of 12:00 noon on **March 11, 2022 (8 weeks after advertisement)**.

Proposed Use:

The proposed use must conform to the uses described in the Request for Proposal. If the proposed use, or aspects of the proposed use, does not conform to the uses described in the RFP you must explain why it is part of the proposal and how it can be justified.

Financial Capacity:

Proposer must show the financial capacity to accomplish the proposed development. Commitment letters from lending sources and financial statements of the proposed development entity and of related parties should be provided.

Reasonable Responses to Selection Criteria Questions:

The proposer must provide reasonable responses to questions 1 through 12 listed in "Ranking Criteria" in this Section VIII. Each question should be answered separately and completely.

Relative Merit

The following criteria will be used to compare the relative merits of qualifying proposals. They should be referred to specifically in each proposal. Please use the questions below to refer to each criterion. All criteria will be used, with more weight given to those criteria which are described as "highly significant" (the ordering of the criteria below is irrelevant). The Town reserves the right to require further detail and/or additional information as the need arises during review of the qualifying proposal.

Evaluation of proposals will be based upon information provided in the proposals and verification of references provided by the proposer or individuals' familiar with the proposer, from other Town files from other generally available and verifiable information.

The rest of this page is intentionally left blank.

IX RANKING CRITERIA

Note: All twelve (12) questions or descriptions must be answered separately by proposer.

1. Short and Long Term Vision (Highly Significant)

Please describe your vision for the property for the short-term (two years) and long-term?

2. Developer Experience (Significant)

Describe your development team's demonstrated production and management experience.

3. Experience with Historical Restoration (Significant)

Do you have any experience in redevelopment of historical buildings?

4. Developer Financial Capacity to Design/Construct (Highly Significant)

Provide evidence of financial commitment to design, permit, construct and manage the project?

5. Developer Financial Capacity for long term management of the Site (Significant)

What experience does the development team have to manage this site over the long-term?

6. Preliminary Design Plans (Significant)

When can the final design be prepared? When can your development team commence?

7. Employment Initiative (Moderately Significant)

What Initiative for employment of Fairhaven residents, minorities, and women does your proposal include during both the construction and the operation phases of the development?

8. Original Historic Building (Highly Significant)

Describe how your plan retains the original historic 1885 Rogers School building.

9. Deed Restrictions (Highly Significant)

Does your plan include providing deed restrictions for the historic building? Does your plan include deed restrictions that would carry over to future sales of the property to retain and maintain the historic building?

10. Purchase Plan (Significant)

What is your proposal to purchase and finance the redevelopment of Rogers School?

11. Cash on Hand or Pre-Approved Financing (Highly Significant)

Do you have cash on hand or pre-approved financing from a financial institution?

12. Other Economic Benefits (Significant)

a) What other direct revenue benefits does your development plan offer?

b) What other indirect revenue benefits does your development plan offer?

Selection Process**OVERVIEW**

The Town will review all RFP submittals for completeness. Proposers may be required to submit additional information and/or respond to questions prepared by the Town in written form. The Procurement Officer and Town Planner will open the responses to the RFP at the appointed hour. A Town selection committee will review all of the proposals and, based on their evaluation of the proposal's ability to best meet the evaluation criteria, will determine a preferred proposer for preliminary designation with whom the Town will enter into negotiations with. The committee may also rank alternate proposers with whom the Town could enter into negotiations in the event that negotiations with the preferred proposer are unsuccessful.

Note: While the Town will entertain all proposals, those that allow the original 1885 portion of the Rogers School to remain will receive a higher evaluation. Deed Restrictions to maintain historical character: Developers who propose deed restrictions on the 1885 portion of the Rogers School will receive a higher evaluation.

1. RFP Proposal Review Criteria

The following criteria will be used to evaluate the proposals, as may be clarified by any requested information.

- A. Capability of Development Organization – Evidence that the Proposer has the capability, experience, and financial strength to undertake the proposed project and to complete the project successfully, including fulfilling Town objectives for the project, within a reasonable timeframe. Such evidence could include:
 - Evidence of successful financing, management of projects of similar or comparable nature and size/cost or other relevant projects.
 - Evidence of financing relationships and the ability to obtain financing for the project as indicated by letters from financing sources to that effect.
 - Evidence of successful past and/or current dealings with public entities in the development and management of projects, particularly public-private development projects.
 - The Town's selection committee's evaluation of the developer's commitment to, and understanding of, the Town's goals and objectives for the project.
 - References from past and/or current clients that indicate the Proposer's ability to deliver the project.
- B. Capability of the Development Team
 - Evidence of capability of the Proposer development team to carry out the proposed project as indicated by the experience of the individuals playing key roles in the project.
 - Experience with projects of similar, comparable or relevant scope.
- C. References
 - A minimum of three references are required that can specifically address the capability of the proposer to undertake the project. References should include names, titles, full addresses, telephone numbers and a brief description of the relationship to the Proposer with regards to previous experience.

X

TOWN'S RESERVATION OF RIGHTS**Negotiations**

The Town reserves the right to reject or accept any or all proposals, or any item or items of the proposals, and to waive technical defects which are not of a substantive nature if it is determined that it is in the best interest of the Town. The Town will proceed with the selection of that proposal which in its opinion represents the most satisfactory response to its selection criteria and provides the most sustainable and compatible vision for the future.

The Town also reserves the right to negotiate changes in the proposal selected. These negotiations may encompass values and items described in this Request for Proposals, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, the Town may refuse to sell the property even after it has tentatively selected one proposed developer for designation and has entered into the negotiations described in this paragraph.

XI.

EXHIBIT A

(GIS Aerial view of Rogers School, 100 Pleasant Street, Schoolyard and Neighborhood)



EXHIBIT B (Fairhaven Tax Map – 100 Pleasant Street, Map 8 Lot 9)



EXHIBIT C (Tax Map on GIS Aerial showing 100 Pleasant Street with the Union Street Right of Way and 50' of Map 8 Lot 68).



EXHIBIT D (Google Earth oblique view of Rogers School Building from Northeast)



ATTACHED FORMS

Attached are forms which will be required of the selected proposer and a copy of the Historic Site Reuse Special Permit which should be consulted while preparing you proposal and for future permitting.

Attachments:

- Fairhaven §198-29.8 Historic Site Reuse Special Permit
- Form 1: Proposal Form Cover Sheet
- Form 2: Background of Proposal Organizations
- Form 3: Hazardous Material Release
- Form 4: Certificate of Non - Collusion
- Form 5: Disclosure Statement for Transaction With A Public Agency Concerning Real Estate

(Form 1)**PROPOSAL FORM COVER SHEET**

SUBMITTED TO: Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

DATE RECEIVED BY TOWN: _____

SUBMITTED BY: Name: _____

Firm: _____

Address: _____

Telephone: _____

Set forth by the Town of Fairhaven, the accompanying proposal is submitted to purchase the Rogers School in the Town of Fairhaven, MA, described therein.

I am fully aware of the requirements established by the Town for selection of a Developer and except these requirements. ***The attached information is complete and accurate.***

Signature

Title

Date

(Form 2) BACKGROUND OF PROPOSING ORGANIZATION

Proposed Purchase Price \$ _____

1. Full Name of Organization:
2. Main Office of Organization:
3. Local Address of Organization:
4. Telephone Number(s):
5. The name(s) and address(es) of all persons participating in this application as principals other than the undersigned are:

(Use separate sheet of paper and attach if further principals are involved).

6. The applicant is a(n):
(Individual/Partnership/Joint/Venture/Corporation/Trust, etc.)

If applicant is a Partnership, state name and residential address of both general and limited partners:

7. The Federal Social Security Identification Number of the applicant (the number used on Employers' Quarterly Federal Tax Return, U.S. Treasurer Department Form 941) is:
8. Number of years organization has been in business under current name:
9. Has organization ever failed to perform any contract, or been disqualified or barred from bidding or working on public projects?
(If answer is 'yes', please state circumstances).

10. Authorization:

Dated at:

This _____ day of _____, 2022.

NAME OF ORGANIZATION: _____

BY: _____

TITLE: _____

11. Attestation

_____, being duly sworn deposes and says that he/she is
the _____ of _____ and that all answers to the foregoing
questions and all statements contained herein are true and correct.

Subscribed and sworn before me this _____ day of _____, 2022.

Notary Public:

My Commission expires:

NOTE: This application must bear the written signature of the applicant.

If the applicant is an individual doing business under a name other than his own name, the application must state so, giving the address of the individual.

If the applicant is a partnership, the application must be signed by a partner and designated as such.

If the applicant is a corporation, trust or joint venture, the application must be signed by a duly authorized officer or agent of such corporation, trust or joint venture and contain written evidence of the authority to bind the entity.

Town of Fairhaven

Sale and Development of Former Rogers Elementary School

(Form 3)

HAZARDOUS MATERIAL RELEASE

**HAZARDOUS MATERIAL RELEASE
("Hold Harmless" AGREEMENT)**

**RELEASE REGARDING HAZARDOUS MATERIALS
ROGERS SCHOOL
100 PLEASEANT STREET
FAIRHAVEN, MA 02719**

The Town assumes no liability for any release of hazardous materials on this Property. The Proposer has not relied upon any representations by the Town with respect to hazardous materials, except to the extent disclosed herein.

The Proposer agrees to release and hold harmless the Town of Fairhaven from any liability arising out of any hazardous materials that may be present on the Property.

PROPOSER: _____ DATE: _____

(Form 4)**CERTIFICATION OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

(Signature of individual submitting bid or proposal)

(Name of business)

(Form 5)

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

- (1) REAL PROPERTY:
- (2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:
- (3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:
- (4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:
- (5) ROLE OF DISCLOSING PARTY (Check appropriate role):

____ Lessor/Landlord

____ Lessee/Tenant

____ Seller/Grantor

____ Buyer/Grantee

____ Other (Please describe): _____

- (6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

- (7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

☐

NONE

NAME:

POSITION:

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

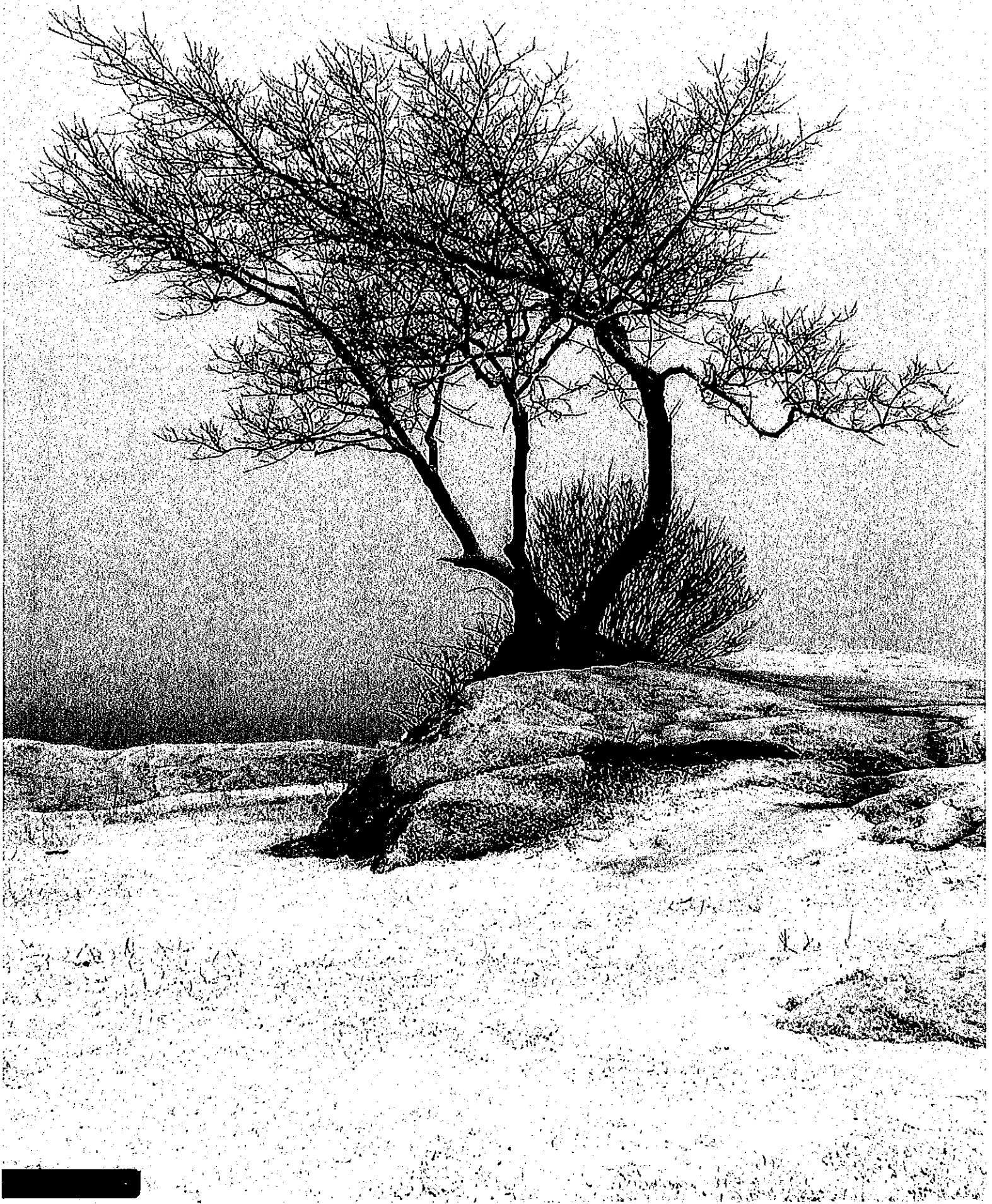
The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

PRINT NAME & TITLE of AUTHORIZED SIGNER





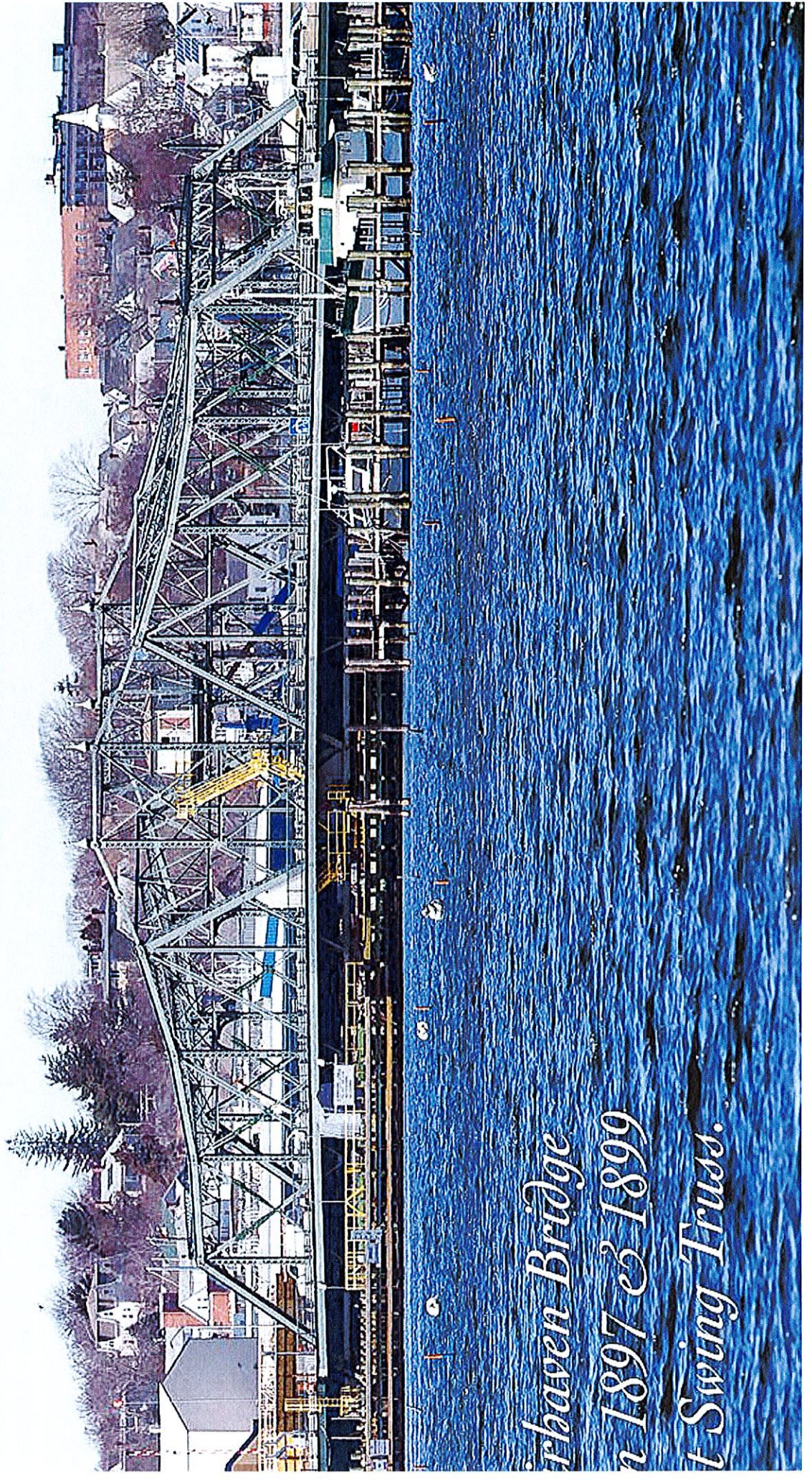


REPORT
800-424-8802

Handwritten text on the table surface, likely a signature or note, which is mostly illegible due to the high contrast and shadows.



*rhaven Bridge
n 1897 c3 1899
t Swing Truss.*

















Town of Fairhaven Commonwealth of Massachusetts

**Building Department
Town Hall
40 Center Street
Fairhaven, MA 02719
Phone 508 979 4019**

The Bijou/American building sits on the Town of Fairhaven assessors Map 19, Lots 257 & 259 which contains 8711 square feet of land in a Mixed Use Zone. The building known as "the Bijou" or 350 Main Street was built in 1922. It is of a Type three (3) or ordinary construction having primarily brick veneer exterior with wooden floors, ceilings and roof assemblies. The structure is listed as having 24,600 gross feet of space with a net taxable area of 16,400 square feet. The building contains nineteen (19) mixed use units, including fifteen (15) R-2 residential apartment units located on the second/third levels, three (3) mercantile storefronts on the first floor facing the street and an A-3 use assembly theater to the rear of the first floor. The building was abandoned in financial collapse of 2008, except one storefront continued to operate for several years. On May 1st 2020 Julio and Nelia Barbosa purchased 350 Main Street Fairhaven "the Bijou" for \$300,000.

The structure currently sits under a Stop Work/ Cease and Desist Order for performing work without the proper building permits and or a Special Permit from the Planning Board. These Stop Work Orders were issued by the previous, interim and current Building Commissioners for starting and continuing work without the proper permits. The Planning Board did issue a Special Permit on July 13, 2021 for the fifteen residential apartment units and the three mercantile storefronts. All that is left is to show compliance with the State Building Code.

This building was constructed one hundred (100) years ago prior to most building codes giving it numerous areas of concern. These include balloon framed walls, large interstitial spaces between the floors and ceilings, lack of insulation, no fire rated walls/ceilings, no fire separation between units, no fire doors, no fire suppression system. The egress system has problems with the length of travel distance and non-compliant fire escape system. As buildings of this age have shown numerous times there is a strong likelihood that these problems would allow a fire to race throughout the building and entrap its occupants and first responders. The structure also has problems with its exterior brick façade as there are signs of wear and distress, the mortar needs to be repointed as it is letting water into the wall cavities causing mold and rot. The building is near the end of its useful lifespan.

This department received a building permit application for renovations to mixed use building at 350 Main Street. Pursuant to 780 CMR 105.3.1 this department denied the application for the following reasons. The extent of the work being performed, the installation of all new windows and doors, structural repairs to the parapet and roof frame, new interior drywall, a new roofing system, new electrical system, new natural gas system, new gas stove fixtures and new heating equipment, the reconfiguration of space required to install an elevator and the percentage of total work area within the building all add up to a Level Two (2) Alteration as described in the Existing Building Code section 504. The applicant has the right to appeal the denial to the Building Board of Regulation and Standards.

The application was also denied pursuant to 521 CMR s.3.3.2, Architectural Access Board. As the owner has spent more than one third of the assessed value of the building he must bring the entire building into compliance with 521 CMR. If the applicant feels compliance with accessibility is impracticable he has the right to apply for a variance from the Architectural Access Board.

This Level of alteration requires upgrades to the buildings fire protection, means of egress and accessibility that the plans do not indicate will be performed. There is also apprehension for the condition of the interior spaces after many years of use and more than a decade of abandonment have left them in deplorable state. In this departments professional opinion these spaces are not suited for habitation in their current condition.

Undertaking the required upgrades will require a large financial investment into the building. It is easy to understand the “cat and mouse” approach the applicant has taken with the Town for permitting for this property.

In an interview for an article with the Fairhaven Neighborhood News dated March 31, 2021. Mr. Barbosa is quoted as stating “ he figured the building would cost him about \$400,000 to get completely renovated. And he hoped to get the retail spaces rented quickly to help with expenses. But the changes the Town wants will cost him at least \$800,000 and probably more”. As you can see this has always been about the financial costs of the renovation, and nothing more.

Benoit Square where this building sits is in the process of a major renovation as the former Oxford School is undergoing a change of use to an apartment building. This Special Permit took more than four years to accomplish, millions of dollars are being spent to bring that building into compliance. The Town would welcome the renovation of the Bijou with its additional residential units and Storefronts to help revitalize this square in North Fairhaven. The Planning Department has spent countless hours attempting to help Mr. Barbosa with this Special Permit and advising him of financing opportunities available from the State if he chose to go with low income housing (40B) and of other avenues. The Town looks forward to continue to work with Mr. Barbosa to bring the building into compliance and rejuvenate Benoit Square.

Chris Carmichael
Building Commissioner/Zoning Enforcement Officer/Floodplain Manager
Town of Fairhaven



Town of Fairhaven Massachusetts

COUNCIL ON AGING INFORMATION AND REFERRAL CENTER

229 Huttleston Avenue
Fairhaven, Massachusetts 02719-1956
Telephone: (508) 979-4029 / (508) 979-4081
Fax: (508) 979-4116
ASilvia@Fairhaven-MA.Gov

January 3, 2022

Dear Select Board Members,

A Fairhaven resident, who request to remain anonymous, spoke with me in November 2021 about making an extremely generous donation of \$20,000.00 to the Fairhaven Council on Aging. As we discussed his wishes as to how the donation would be utilized, together we decided on the following project.

The Fairhaven Council on Aging was left in his will, by Mr. Grimshaw, the parcel of land at Fort Phoenix called Grimshaw Park. His wishes were that the park be used in some way by the seniors of the Town. Until now, there has never been any funding to enhance the park. The park is located adjacent to the tennis courts. Presently the park is just a grassy area with 4 picnic tables near the tennis courts which was an Eagle Scout project of Derek Goffs a few years ago. The donor and I thought that the best use of their donation would be to enhance the Grimshaw Park with 6 benches (see enclosed picture) and landscaping consisting of hydrangea bushes and grasses, both needing little to no care. This enhancement would provide visitors to the Fort a nice place to sit and enjoy the beach view, particularly seniors who presently sit in their vehicles to enjoy the view. I would like to have a set of benches close to the wide entrance to the park from Green St located fairly close to that entrance with a concrete walkway leading to the benches for easy wheelchair access to the benches. I have included a rough drawing showing where the benches and landscaping would be.

I have spoken to Vinnie Furtado who states the DPW already cuts the grass at the Grimshaw Park. He stated he could have the DPW construct and install the benches (which they have already done at the COA). He said he can have a company pour the cement walkway. I spoke with Whitney Mclees, conservation agent, who states she does not foresee any problems with the project as long as we stay away from the wet area (southeast corner). I spoke with Anne Carreiro, Town Accountant who stated I would need to present the project to the Select Board and get approval from the Select Board before she can create an account with the donation. I also gave Ms. Carreiro a copy of the letter I have enclosed to you, written by the donor, describing his wishes for how he would like the donation to be utilized.

The plan is to purchase the benches from TreeTop Products, which is the company the COA has purchased their benches from in the past. The benches will be purchased now and stored until the spring when they can be installed. I will also speak with Kenny from Kenny's Farm Stand about doing the landscaping in the spring.

I am asking that the Select Board please approve this donation under the terms of the donor so that the donor and I can create a beautiful space for people of all ages to enjoy for years to come.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Anne Silvia", written in a cursive style.

Anne Silvia, Director

Fairhaven Council on Aging

December 3, 2021

Dear Selectmen, Town Administrator and Town Accountant of the Town of Fairhaven,

I am writing this letter to inform you of my intentions of making an anonymous donation of \$20,000.00 with the understanding of the following stipulations in place. It is my wish that this donation be used specifically and solely for the beautification of the Grimshaw Property. It is also my wish that this project be managed at the discretion of Anne Silvia now, as well as after she retires in January 2022 as director of the Fairhaven Council on Aging, since she was the person who planned and initiated the project. Any money remaining from this donation after the project is completed should remain in this original account to be used for future beautification of the Grimshaw Property at the discretion of Anne Silvia. If Anne Silvia is unable to continue with the project for any reason, the remaining monies for the beautification of the Grimshaw Property will be deferred to the discretion of the Council on Aging Director.

Respectfully Submitted,

Anonymous

Add a Personalized Plaque. See Pricing at TreeTopProducts.com

AS LOW AS
\$906.85
+SHIPPING

Wilton Benches

- Commercial-quality outdoor benches withstand the elements
- 6 ft. benches offer ergonomic seating for added comfort
- Thermoplastic-coated, expanded metal pattern accommodates water drainage
- Available in two unique styles—stately and sturdy Premium bench or economical and practical Casual bench
- Sturdy, ultra heavy-duty 2-3/8" OD powder-coated steel frames
- Ships knocked-down to save on shipping

C. 6' Premium Surface Mount Bench

78" l x 30" w x 33" h, 20" w x 18" h seat • 105 lbs.

2WG2562	1-5	6+
\$1091.00	\$948.85 ea.	\$906.85 ea.

D. 6' Casual Surface Mount Bench

72" l x 27.5" w x 31.25" h, 20" w x 18" h seat • 73 lbs.

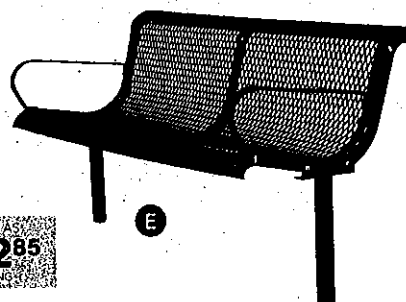
2WG2561	1-5	6+
\$609.00	\$598.85 ea.	\$572.85 ea.

E. 6' Casual Inground Bench

72" l x 27.5" w x 31.25" h, 20" w x 18" h seat • 75 lbs.

2WG2560	1-5	6+
\$609.00	\$598.85 ea.	\$572.85 ea.

- ☐ Black
 ☐ Green
 ☐ Blue
 ☐ Red



Easy Assembly



Quick Ship

Green St

Wooden Fence

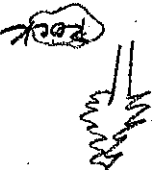
Walkway

Walkway

Tennis
Cts

Picnic
Tables

Wet



Grasses
H = hydrangers
B = Bench

Stone Wall

N



BOARDS AND COMMITTEES

Board/Committees	Name	Title
Commission on Disability		
(Appointed by Selectmen)	Pamela Whynot	
not less than Five(5) nor more than Thirteen (13) members	Marcus Ferro	elected official
Majority shall be persons with disabilities	Donna Lavallee	
one (1) may be a family member	vacant	
One (1) MUST Be an elected or appointed municipal official	Glenn Gabbard	
Three year terms	Brian Rego	
	Diane Rocha	
	Maria Ruedlinger Walker	
	Jenna Benoit	
	Sue Makepeace	
	Sarah Buck	
	vacant	
	vacant	

E4

12.20.21

To the Select Board, for the committee of the Disabled.

Let me introduce myself. My name is Janice Alves. I live here in Fairhaven and have been here for 7 years.

During these 7 years, I have spent a lot of time getting around the town and have become quite familiar with the ups and downs getting around, in a chair can bring.

It would be an honor to serve with your Committee in making Fairhaven, the first and hopefully, not the last, to go above and beyond in aiding the disabled to navigate throughout these historic towns.

I also help with the organization called, "Connecting the Dots" Organized by, Beverly Bousseau, a woman dedicating herself and the help of others, to assist the youth in our town and any others. She also lives in Fairhaven.

My cell # is [REDACTED] I look forward to hearing from you. Have a wonderful Holiday.

Respectfully,
Janice Alves

Fairhaven Selectboard
40 Center Street
Fairhaven, MA 02719

22 Laura Lane
Fairhaven, MA 02719

Dear Selectboard

My name is Pamela Ferro and I am writing you to request appointment to the Town of Fairhaven's Commission on Disability. I am a parent of an individual with autism, an RN who owned and operated a private practice treating individuals with developmental differences for over 25 years, and I have founded multiple nonprofit organizations that help individuals with autism seek gainful employment and educational opportunities. I think that my experience would be a valuable addition to the board. My son Marcus, the chairperson of the Commission on Disability, supports my application for appointment.

Sincerely,

Pamela Ferro

Town of Fairhaven

Broadband Study Committee

The Broadband Study Committee shall be charged with the following:

- Assist the Town Administrator in the preparation of a request for proposals (RFP) in compliance of MGL Chapter 30B for the purpose of engaging a consultant to study the feasibility, benefits and costs of a municipally owned and controlled town wide fiber optic system that would deliver electronic content to residents and businesses in a manner that both enhances services and controls costs.
- Evaluate the proposals submitted and make recommendations to the Town Administrator and Board of Selectmen regarding which consultant to hire and the reasons therefore.
- Once the consultant is contracted be the primary party the consultant would work with in developing the report including assisting in gathering information, public outreach and coordinating with other town agencies.
- Review the draft report of the consultant and advise the consultant as to content and format, but not on conclusions, findings or recommendations (unless determined to be based on erroneous information)
- Be present at the Board of Selectmen's meeting when the final report is presented and comment on areas of agreement or disagreement.

The committee shall be comprised of seven (7) individuals as follows;

1. Selectmen Representative (appointed by the Board)
2. Member of the Economic Development Committee (appointed by the committee)
3. Member of the Cable Advisory Committee (appointed by the committee)
4. Town Administrator appointee (to understand potential impact on Town Staffing (Direct or third party coordination)
5. Three At-Large Members from the community
 - a. Desirable qualifications for At-Large Members would be
 - i. Technical Knowledge of the subject
 - ii. Knowledge of Finance
 - iii. Knowledge of Project Management

This is an Ad hoc committee and will serve until the work of the committee is completed as determined by the Board of Selectmen after which the committee will be disbanded.

Adopted by vote of the Board of Selectmen on December 17, 2018

Amended by vote of the Board of Selectmen on February 27, 2019 to change the name from Municipal Fiber Study Committee to Broadband Study Committee

Town of Fairhaven Broadband Study Committee

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2. Member of the Economic Development Committee (appointed by the committee)
3. Member of the Cable Advisory Committee (appointed by the committee)
4. Town Administrator appointee (to understand potential impact on Town Staffing (Direct or third-party coordination)
5. Three At-Large Members from the community
 - a. Desirable qualifications for At-Large Members would be
 - i. Technical Knowledge of the subject
 - ii. Knowledge of Finance
 - iii. Knowledge of Project Management
6. Two Non-Voting Associate Members
 - a. In the event that there is no quorum of the 7 full voting members, associate members may act as voting members for the purposes of quorum for that meeting. The alternate member(s) will be chosen by seniority in service as alternate members on the committee

Terms shall be one year, reappointed annually. If a newly appointed member or alternate member does not get sworn in within 3 months of appointment, they will no longer be a member of the committee. Members shall not have more than 6 absences in a calendar year or they may be removed from the committee.

This is an Ad hoc committee and will serve until the work of the committee is completed as determined by the Board of Selectmen after which the committee will be disbanded.

Adopted by vote of the Board of Selectmen on December 17, 2018

Amended by vote of the Board of Selectmen on February 27, 2019 to change the name from Municipal Fiber Study Committee to Broadband Study Committee

BOARDS AND COMMITTEES

Board/Committees	Name	Title
Broadband Study Committee	Robert Espindola	Ex-Officio
	Vacant	Cable Advisory Rep
7 members	Derek Frates	Staff appointment by TA (Rep)
3 at large	Cathy Melanson	EDC rep
BOS rep	Nicole Antonio	at large
EDC rep	Sean Powers, Chairman	at large
Cable Advisory rep	Alyssa Botelho	at large
TA appointee	Vacant	Associate
	Vacant	Associate



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Re: [fairhavenma] Fairhaven Broadband Study Committee (Sent by Sean Daly, [REDACTED] com)

1 message

Bob Espindola <selectmanbobespindola@gmail.com>

Thu, Dec 16, 2021 at 9:29 AM

To: Derek Frates <dfrates@fairhaven-ma.gov>, Vicki Paquette <vloliveira@fairhaven-ma.gov>, Wendy Graves <wgraves@fairhaven-ma.gov>

Cc: Sean Powers <[REDACTED]@yahoo.com>

Wendy and Vicki,

Please add this to our agenda for Monday night.

Thanks,

Bob

On Wed, Dec 15, 2021 at 3:37 PM Derek Frates <dfrates@fairhaven-ma.gov> wrote:

Read Below. Someone interested in joining the Committee.

Derek

----- Forwarded message -----

From: **Contact form at fairhavenma** <cmsmailer@civicplus.com>

Date: Wed, Dec 15, 2021 at 3:36 PM

Subject: [fairhavenma] Fairhaven Broadband Study Committee (Sent by Sean Daly, [REDACTED])

To: dfrates <dfrates@fairhaven-ma.gov>

Hello dfrates,

Sean Daly ([REDACTED]) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/1063/contact>) at fairhavenma.

If you don't want to receive such e-mails, you can change your settings at <https://www.fairhaven-ma.gov/user/1063/edit>.

Message:

I saw there might be an opening/need for another member of this committee. I have a technology background as well as a finance background and could assist. I live at 15 Causeway Rd. in Fairhaven.

--

Thank You,

Derek T. Frates

Government /Public Access Director

Town of Fairhaven

Fairhaven Community Media

DFrates@Fairhaven-ma.gov

Office: 774-328-8828

Cell: 774-328-0041

FairhavenTV@gmail.com

FairhavenTV.com

Facebook.com/fairhaventv



Fairhaven Historical Commission

40 Center Street
Fairhaven, MA 02719

Wayne Oliveira
Chairman

December 29, 2021

Dear Selectboard members,

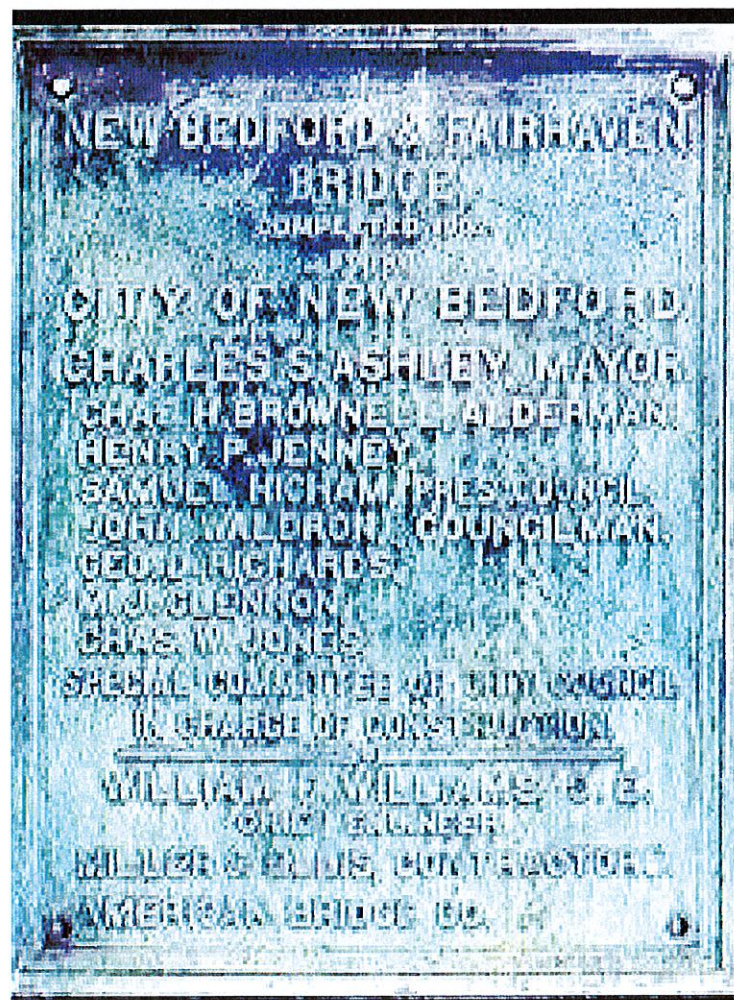
For the last 25 to 30 years the plaque at the entrance to the Bridge Approach on Route 6 has been missing. Through cooperative efforts of the Fairhaven Historical Commission and the City of New Bedford Preservation Office we have located the missing plaque and it is available to be reset into its granite pillar that has been empty for many years. The plaque, which was placed at the East end of the bridge approach was dedicated in 1902. Mass DOT is in possession of the plaque and is willing to cooperate in its re-installation. Unfortunately, they do not have the resources to do the work.

I have contacted Rex Monument in New Bedford who has looked at the work to be done and has quoted between \$1200 and \$1500. The work would entail removing the granite pillar, transporting it to the New Bedford Workshop and performing stone work to countersink the plaque to its original look.

We are seeking permission to use the Route 6 Median Gift Account to fund the work. This account was set up years ago to clean and maintain the Route 6 medians in front of Fairhaven High School. Because MA DOT has told us that they prefer not to have plantings in the cobblestone median strip the account has basically sat dormant for many years. Because the plaque sits within the Route 6 median corridor, I feel this would meet the guidelines for us of the funds.

Please help to bring this piece of history back to our Town.

Wayne Oliveira
125 Bridge Street
Fairhaven, MA 02719
Cell: 774-930-4966
WOliveira@Fairhaven-MA.Gov



ck
MT

HISTORY

Curious SouthCoast: Where did the plaque on the New Bedford-Fairhaven Bridge go?

Linda Roy Standard-Times

Published 5:01 a.m. ET Mar. 2, 2021 | Updated 7:15 a.m. ET Mar. 2, 2021

FAIRHAVEN — Thousands of motorists travel over the New Bedford-Fairhaven Bridge every day, but did you know there is a bit of a mystery regarding the granite pedestals on the Fairhaven side of the bridge?

If you look at the pedestals, also called plinths, clearly they have an inlay and drill holes, making it evident that a plaque used to be affixed to it.

But what happened to the plaque?

And what was written on it?

Some on social media theorized it was stolen by vandals. Others thought it was taken down to be cleaned and never put back.

“I have vague memories of bronze plaques. They’ve been gone for decades,” posted Dave Despres.

“I remember them, but then one day they were just gone, but that was many years ago,” replied Judy Lange, formerly of Fairhaven.

The mystery of at least one of the plaques was solved by Arthur Motta, of the New Bedford Public Schools, who actually found one of the plaques several years ago.

“That granite plinth held the bronze dedication/construction tablet from 1902 when the east and west approaches were completed,” Motta said. “It’s been off for at least 25 to 30 years.”

It was back when he was doing research on the history of the City Seal for the Sesquicentennial that led Motta to the discovery of the bridge plaque.

"Then city clerk, Janice Davidian, led me down to their storage vaults to view the earliest records. The tablet was stored there," Motta said. "As tablets are both unique historical records and material culture, I always photograph them."

More from Curious SouthCoast:

Memories of the ragman are vivid, frightening for some
Stairs from MacArthur Drive to Route 6 that some don't even know exist

The bronze plaque, greenish-blue from age, is inscribed: "New Bedford & Fairhaven Bridge completed 1902 by the City of New Bedford." It lists Charles S. Ashley as the mayor, Charles H. Brownell as alderman. Other names on the plaque include Henry P. Jenny, Samuel Hichham, John Waldron, George D. Richards, M.J. Glennon and Charles W. Jones. William F. Williams was the chief engineer and Miller & Ellis, and American Bridge Company were the contractors.

The first bridge was built in 1800 for \$30,000, according to *A Picture of Fairhaven* by Spinner Publications (1986) and had two draws. It was damaged a couple of times by storms and hurricane force winds, but the Gale of 1869 "nearly wiped out the bridge."

The bridge underwent repairs, ceased being a toll bridge, and the trolley car tracks were removed and a road for cars was built in its place.

The new bridge was completed in 1902 – the date on the bronze plaque – at a cost of \$1.4 million.

There were granite pedestals at both ends of the bridge. The ones on the New Bedford side were removed to make way for the new Route 18 corridor back in the 1960s.

The plaque that Motta noticed in the basement at city hall ended up being stored at the city planning department for a little while. But it's apparently moved on from that location.

Anne Louro, New Bedford preservation planner, said she had the plaque in her office for storage at one time, but now thinks it might be in the city hall attic.

Jonathan Carvalho, city public information officer, confirmed the plaque is being stored at city hall adding that the planning office is reaching out to the state Department of Transportation about the possibility of affixing the plaque to the pedestal once again.

What do you want to know about the SouthCoast? To ask a Curious SouthCoast question, email Linda Rou at lrou@s-t.com and she'll do her best to find the answer

NEW BEDFORD & FAIRHAVEN
BRIDGE

COMPLETED 1911

CITY OF NEW BEDFORD

CHARLES S. ASHLEY, MAYOR

CHAS. H. BROWNELL, ALDERMAN

HENRY P. JENNEY

SAMUEL HIGHAM, PRES. COUNCIL

JOHN MALDON, COUNCILMAN

GEORGE HIGGINS

W. C. GUERIN

CHAS. H. JONES

SPECIAL COMMITTEE OF CITY COUNCIL
IN CHARGE OF CONSTRUCTION

WILLIAM F. WILLIAMS, C.E.

CHIEF ENGINEER

MILLEN BROS. CONSTRUCTION

AMERICAN BRIDGE CO.

27-DEC-21

Dear Select Board

Don Collasius, Fairhaven's Tree Warden would like to use the Town Halls auditorium on the night of February 17 to raise money to buy and plant trees in town. The hall would be in use from 7-9 PM. A donation to attend would be requested. A lecture and slide presentation would be given in regards to the following.

Working 2 miles Deep

A lecture by Don C. Collasius about his time working at the Woods Hole Oceanographic Institute as a pilot of the Deep Submergence Research Vehicle Alvin. Alvin is a 3 person submersible used to explore the deep ocean owned by the United States Navy but operated by WHOI. Mr. Collasius will review Alvin's history, uses, and a typical dive day and recount some of his 100 dives.

All proceeds will go towards purchasing trees to plant in the town of Fairhaven. If this event is a success then a subsequent lecture would ensue regarding the first manned exploration of the Titanic Wreck.

Thank you,

Don C. Collasius

27-DEC-21



TOWN OF FAIRHAVEN

40 CENTER STREET
FAIRHAVEN, MA 02719

APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization Tree Department
Responsible Officer Don Collier Tel. No. 508 922 1222
Address 40 Middle St
Purpose of Use Lecture to benefit Tree Planting
Date Requested 17 FEB 22 Begin Time 7 PM End Time 9 PM

REQUESTED USE APPROVED TO AVAILABILITY:

Conditions: Proper Covid protocols

Select Board

Police Chief/Representative

Date

Fire Department Inspection
(if applicable)

Board of Health
(if applicable)

Building Department Inspection
(if applicable)

FEES (To be completed by the Office of the Select Board)

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 = \$ _____

Office Use only

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: _____

Select Board

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

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter** ZONING**40A****Section 12** BOARDS OF APPEAL; MEMBERSHIP; RULES

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for

unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

To be discussed at Meeting



POSSIBLE MOTION: to authorize the interim Town Administrator to sign the Waste Disposal Agreement on behalf of the Select Board.

WASTE DISPOSAL SERVICES AGREEMENT

This Agreement entered into between the Board of Selectmen for the Town of Fairhaven ("the Town") and ABC Disposal, Inc. ("the Hauler"), a Massachusetts corporation, on this__ day of January 2022.

WHEREAS, by the terms of a Waste Acquisition Agreement ("the WAA") dated October 14, 1984, and as subsequently amended, the Town of Fairhaven has the right to deliver certain amounts of solid waste to the COVANTA/SEMASS Partnership plant at Rochester ("SEMASS") for disposal, regardless of whether that solid waste originated from sources inside or outside the Town of Fairhaven, ("the Maximum Tonnage"), and provided that SEMASS may, but is not obligated to, accept more than the Maximum Tonnage of such waste, and

WHEREAS, by the terms of the WAA the Town may be obligated under certain circumstances to pay SEMASS for a short fall in the tonnage delivered on the Town's account to SEMASS, (the "Minimum Tonnage") and

WHEREAS, the Hauler is in the business of hauling waste for disposal, or is a municipality which directly or through a contractor hauls waste generated within that municipality, and

WHEREAS, the town wishes to sell to the Hauler a portion of its right to deliver waste to SEMASS for disposal, and the Hauler wishes to buy from the Town that right to deliver waste,

THEREFORE, the parties agree as follows:

1. Term

The term of this Agreement shall be from January 1, 2022 (the "Commencement Date") until December 31, 2022 unless earlier terminated as otherwise provided herein (the "Termination Date").

2. Delivery of Waste

Subject to any restriction imposed by SEMASS on the delivery of waste beyond the Maximum Tonnage, the Hauler shall deliver to SEMASS, on the Town's account, 25,000 tons ("the Contract Tonnage") of solid waste during the term of this Agreement. The Hauler may not deliver to SEMASS more than 2500 tons of solid waste in any calendar month except with the prior written permission of the Town.

3. Additional Waste Delivery

The Town may from time to time offer, or the Hauler may request and the Town may approve, the option to deliver additional waste to SEMASS during the remainder of the term of this Agreement, or of any extension thereof, depending on the availability of unused allocation. The Town will give the Hauler seven (7) days to notify the Town of its intent to exercise that option, and if the Hauler

exercises that option, the Contract Tonnage and the Pre-payment pursuant to Article 5 of this Agreement will be adjusted accordingly.

4. Quality of Waste

The Hauler will not deliver to SEMASS solid waste which fails to comply with both (i) the provisions of the WAA regarding quality of solid waste, or (ii) any applicable laws or regulations. The hauler will comply fully with the directions of SEMASS for removal of unacceptable waste delivered by the Hauler to SEMASS. The Hauler will pay to the Town the amount of any charge imposed upon the Town as the result of delivery by the Hauler to SEMASS of unacceptable waste.

5. Disposal Fee and Pre-payment, Final Adjustment

The disposal services fee, advance payments and adjustments shall be as follows:

A. DISPOSAL FEE.

1) The fee for each ton of solid waste delivered under this Agreement to SEMASS, subject to the adjustment described in Article 6, below, is the greater of \$80.80 or one hundred twelve and one-half percent (112.5%) of the acceptance fee charged to the Town by SEMASS per ton for such solid waste (the "Disposal Fee").

2) Except to the extent such failure is the result of any restriction imposed by SEMASS on the delivery of waste beyond the Maximum Tonnage, in the event that the Hauler fails to deliver 25,000 tons of solid waste to SEMASS during the term of this Agreement the Hauler will pay to the Town \$8.08 for the difference between 25,000 tons and the tonnage actually delivered by the Hauler to SEMASS. Payment shall be made pursuant to the terms of paragraph E., below.

3) In the event that the Hauler's failure to deliver solid waste to SEMASS during the term of this Agreement results in the Town being charged by SEMASS for failure to deliver the Minimum Tonnage to SEMASS under the WAA, the Hauler will pay to the Town one hundred ten percent (110%) of the amount so charged to the Town by SEMASS. Payment shall be made pursuant to the terms of paragraph E., below.

B. PRE-PAYMENT. Simultaneously with the execution of this Agreement, the Hauler will pay the Town the amount which is equal to $25,000 \times \text{Disposal Fee} \times 1.5 \div 12$. In the event that a pre-payment made by the Hauler to the Town under the similar provisions of a prior agreement has not been reimbursed to the Hauler, the parties may agree that the Town will continue to hold that pre-payment, and that the amount of that pre-payment will be credited toward the Pre-payment otherwise due upon execution of this Agreement.

C. USE OF PRE-PAYMENT. Each month the Town shall pay from the Pre-payment, the amount due by the Town to SEMASS for solid waste authorized or delivered by the Hauler to

SEMASS up to the last day of the preceding month, plus any costs imposed upon the Town by SEMASS as a result of the delivery by the Hauler to SEMASS of unacceptable waste, and the obligation of the Hauler pursuant to Article 8, Paragraph B of this Agreement.

D. MONTHLY PAYMENT. The Town shall issue a statement each month to the Hauler for solid waste authorized or delivered by the Hauler to SEMASS up to the last day of the preceding month, plus any costs imposed upon the Town by SEMASS as a result of the delivery by the Hauler to SEMASS of unacceptable waste. Within fourteen (14) days of receipt of that statement from the Town the Hauler will pay that amount to the Town. The Town will allocate a portion of that payment to the Pre-payment account, so that the Pre-payment balance is returned to the original Pre-payment amount set forth in paragraph B., above. The balance of that payment will be allocated to Town revenues.

E. FINAL ADJUSTMENT. Upon completion of all deliveries of waste under this Agreement, any over-payment including any unused balance of the Pre-payment, will be reimbursed to the Hauler, or set off against any amount due by the Hauler to the Town under Article 7; and any underpayment will be paid by the Hauler to the Town, subject to the set-off provisions of Article 7, below, in either event within thirty (30) days of determination and notice of the amount due.

6. Adjustment to Disposal Services Fees

In the event of an increase in the acceptance fee charged to the Town by SEMASS under the terms of the WAA, the Disposal Fee will be increased to an amount equal to one hundred twelve and one-half percent (112.5%) of the acceptance fee charged to the Town by SEMASS. The Pre-payment pursuant to Article 5 of this Agreement will be increased based upon the increased Disposal Fee. In the event of such an increase in the acceptance fee, the Town shall notify the Hauler of the change and of the new Disposal Fee and Pre-payment. The adjustment shall be effective simultaneously with the effective date of change in the acceptance fee charged by SEMASS.

7. Offset, Interest

A. OFFSET In the event of the failure by the Hauler to pay the monthly statement in full when due under Article 5 Paragraph D., the Town shall offset against the amount due the total amount due by the Town to the Hauler under the terms of any other agreement or agreements.

1. If the amount due by the Hauler to the Town under this Agreement exceeds the total amount due by the Town to the Hauler under the terms of any other agreement or agreements, the Town shall credit the amount due by the Town against the amount due by the Hauler, and shall submit a revised statement to the Hauler setting forth the amount so credited and the net amount payable by the Hauler to the Town. The amount credited by the Town as a result of the offset shall be paid by the Town into the Hauler's Pre-payment.

2. If the amount due by the Town to the Hauler under the terms of any other agreement or agreements exceeds the amount due by the Hauler to the Town under this Agreement, the Town shall credit the amount due by the Town against the amount due by the Hauler, and shall submit a revised statement to the Hauler setting forth the amount so credited and the net amount payable by the Town, which the Town shall pay to the Hauler. The amount credited by the Town as a result of the offset shall be paid by the Town into the Hauler's Pre-payment.

Notwithstanding the provisions of any other agreement or agreements between the Hauler and the Town, the time for payment by the Town to the Hauler for services rendered during the same monthly period shall commence upon payment by the Hauler to the Town under this Agreement, or upon the exercise of the Town's right of offset, whichever occurs later.

B. INTEREST. A late charge of one percent (1%) per month shall be charged on all overdue payments.

8. Indemnity

A. The Hauler shall indemnify and hold the Town harmless from any and all claims of any sort whatsoever including, without limitation, claims for property or financial damages or bodily or personal injury, and shall reimburse to the Town all costs, including reasonable attorney's fees, incurred by the Town in defense of, or as a result of such claims, which are alleged to arise from or be in any way related to i) the Hauler's performance or failure to perform under this Agreement, or ii) any act, omission or default by the Hauler whether negligent, intentional or otherwise; and excepting only such claims arising solely from the acts or omissions of the Town.

B. If the delivery of waste under this Agreement, combined with the delivery of waste generated within the Town of Fairhaven, results in the refusal of SEMASS to accept further delivery of solid waste generated within the Town of Fairhaven, the Hauler will indemnify the Town for any and all additional costs incurred by the Town, including but not limited to, costs for the collection, transportation and disposal of solid waste. The obligation of the Hauler under this provision may be charged by the Town to the prepayment held by it pursuant to Article 5 of this Agreement.

9. Insurance

The Hauler shall keep in full force and effect insurance in the following types and amounts, and shall provide to the Town at the time of execution of this Agreement, and no later than December 31 prior to the commencement of any subsequent calendar year in which this Agreement may be extended, a certification that such insurance is in effect for the term of this Agreement, or extension thereof. Such certificate of insurance shall indicate that the insurance required by this Agreement will not be canceled except upon thirty (30) days written notice to the Town. The Town shall be an additional named insured under this coverage.

Type of Coverage

Amount

Public Liability and Automobile Liability	\$1,000,000
Personal Injury	\$1,000,000
Property Damage	\$500,000
Workers' Compensation	Statutory

10. Default and Remedies

A. The following shall be considered a default by the Hauler of its obligation under this Agreement:

1. Failure by the Hauler to pay any statement or Pre-payment when it has become due;
2. Delivery by the Hauler of unacceptable waste to SEMASS;
3. Violation by the Hauler of the Board of Health's regulations for delivery of waste to SEMASS; or
4. Failure by the Hauler to perform any other obligation under this Agreement.

B. In the event of a default by the Hauler, the Town shall have the following remedies and may, without waiving any of its rights, elect to exercise any or all of them:

1. It may terminate this Agreement.
2. It may terminate the Hauler's access to deliver waste to SEMASS under the Town's account.
3. It may, without notice to the Hauler, seek and obtain payment of all amounts due from the Pre-payment provided under Article 5.
4. It may contract with any other party or parties to assume the Hauler's rights under this Agreement.
5. It may pursue all other remedies available in law and equity, notwithstanding the availability of the remedies otherwise provided herein.
6. It will be entitled to its costs, including reasonable attorney's fees, incurred in the pursuit of any of its remedies.

11. Force Majeure

It shall not be an event of default if performance of this Agreement is prevented by circumstances beyond the control of the parties, including, but not limited to, acts of God, acts of war or the public enemy, legal prohibition, or order of any court or agency of competent jurisdiction. In the event delivery of waste to SEMASS is prevented by such circumstances the Hauler's right to deliver waste, and obligation to make payment, shall be proportionately reduced.

12. Non-Assignment

This Agreement may not be assigned in whole or in part by the Hauler except with the prior written consent of the Town, which consent may be withheld in the sole discretion of the Town.

13. Non-Waiver

The failure of either party to exercise any right or to enforce any obligation of this Agreement shall not be deemed a waiver of that right or obligation.

14. Amendments

This Agreement shall not be amended except in writing signed by both of the parties.

15. Notices

Written notices shall be sent to the parties at the following addresses:

Town of Fairhaven
Fairhaven Board of Selectmen
Attn: Wendy Graves, Interim Town Administrator
40 Center Street
Fairhaven, MA 02719

Hauler:
ABC Disposal Services
Attn. Mike Camara
1245 Shawmut Avenue
New Bedford, MA 02745

Signed By:

Town of Fairhaven by its
Interim Town Administrator

ABC Disposal, Inc.

Michael Olenow CEO

Date: _____

Date: _____
1/3/2022

POSSIBLE MOTION: to authorize the interim Town Administrator to sign the Non-Town Waste Disposal to SEMASS Assumption Agreement on behalf of the Select Board.

ASSUMPTION AGREEMENT

Delivery of Non-Town Waste to SEMASS

This agreement entered into this ____ day of January, 2022 by and between the Town of Fairhaven (the "Town"), 40 Center Street, Fairhaven, MA 02719 and Waste Connections, doing business as ABC Disposal ("Waste Connections") and ABC Disposal Services, Inc. ("ABC").

WHEREAS, the Town entered into an agreement with ABC on January __, 2022 by which the Town sold to ABC a portion of its right to deliver waste to SEMASS for disposal, (the "Agreement"), a copy of which is attached hereto as Appendix A; and

WHEREAS, the Agreement provides that it may not be assigned in whole or in part by ABC except with the prior written consent of the Town, which consent may be withheld in the sole discretion of the Town; and

WHEREAS, ABC has notified the Town of its pending sale to Waste Connections, and has requested that the Town consent to the assignment of the Agreement to Waste Connections;

THEREFORE:

1. The Town hereby consents to the assignment of the Agreement by ABC to Waste Connections
2. Waste Connections hereby assumes all of the rights and obligations of ABC in the Agreement, and without limiting the generality of the foregoing, specifically assumes all rights of ABC in and to any funds held by the Town on account of, or for the benefit of, ABC.
3. Effective upon the execution of this Assumption Agreement by the Town, ABC is released from any future obligations under the Agreement.
4. This Assumption Agreement shall not constitute a release of ABC from any of its liabilities under the Agreement which liabilities, or any claim for breach or

default thereof, accrued prior to the date of this Assumption Agreement. Waste Connections hereby assumes joint and several liability with ABC for ABC's liabilities under the Agreement which liabilities, or any claim for breach or default thereof, accrued prior to the date of this Assumption Agreement.

5. Attached hereto as Appendix B is a Certificate of Insurance issued on behalf of Waste Connections to the Town as required by paragraph 9 of the Agreement.

6. Except as otherwise set forth herein the Agreement shall continue in full force and effect and without modification.

Signed by the parties:

Town of Fairhaven,

By: _____

Its: _____

ABC Disposal, Inc.,

By: Michael Blomgren CEO

Its: J.P./CEO

Waste Connections,

By: _____

Its: _____



Town of Fairhaven Board of Health

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Michael Ristuccia, Chair
Peter DeTerra, Vice-Chair
Kevin Gallagher, Clerk
David D. Flaherty Jr, RS, Health Agent

MEMO

DATE: January 6, 2022
TO: Fairhaven's Select Board
FROM: David D. Flaherty Jr., RS
Fairhaven's Health Agent
RE: Masking Policy for Municipal Buildings

Dear Chairman Espindola,

Fairhaven's Select Board has maintained a policy of mandating shields or masks for visitors and staff at all Fairhaven municipal buildings. This policy has been an integral aspect to attempting reduction of cases and positivity for COVID-19 virus occurrence in Fairhaven. Since last week the Town of Fairhaven has moved down from 11.53% positivity to 11.31%; our total case count has moved down from 223 to 212. Bristol County's and the Commonwealth's COVID data are trending in an unsatisfactory manner as well. In light of this data, I would suggest that your Board consider maintaining the policy of a "Mask Mandate" for all municipal buildings. I will be involved with Public Service Announcements to help the citizens of Fairhaven better understand what these numbers mean and how they can better protect themselves. I will also be reaching out to the many businesses in Town to strongly urge, at the recommendation of the Board of Health, that all employees wear masks while at work. Also to be recommended is that all customers are strongly urged to wear masks to help reduce case counts and to reduce the hospitalizations the South Coast is experiencing.

Hopefully I will be offering different advice after the holidays.

Sincerely,


David D. Flaherty Jr., RS
Health Agent

Cc: BOH