



## FAIRHAVEN SELECT BOARD

### Agenda

*Monday, May 23, 2022*

*6:30 p.m.*

*Town Hall – 40 Center Street – Fairhaven*

RECEIVED  
TOWN CLERK

2022 MAY 19 P 3:40

*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/86901015044?pwd=RVJKV21ieVZDWsvalHekJUTnBBdz09>

or call 1-929-205-6099

**Meeting ID:** 869 0101 5044

**Passcode:** 157930

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

#### **A. MINUTES**

1. Approve the minutes of May 9, 2022– Open Session
2. Approve the minutes of May 12, 2022– Open Session

#### **B. TOWN ADMINISTRATOR REPORT**

1. Covid related updates
2. Community Compact Municipal Fiber Grant Award
3. Letter of support for Bikeway ramp
4. Town Meeting and Collective Bargaining Agreements
5. Juneteenth
6. Staffing Updates
7. Other

#### **C. COMMITTEE LIAISON REPORTS**

#### **D. PUBLIC HEARINGS**

1. 7:00 pm Blue Stream Shellfish LLC: install shellfish nursery raft
2. 7:10 pm Sarkis Enterprises, Inc. d/b/a A&A Auto: alteration of premise

#### **E. ACTION ITEMS**

1. Donation to Beautification Gift Account (\$3,425) - Stevie's Wine and Spirits
2. Steamship Authority: freight barge service
3. Appointment to Sustainability Committee: Seth Baumgartner
4. Appointments of Boards and Committees (see attached list)
5. Appointment of Constables (see attached list)
6. Approval of Nicole Podkova 5K Race Fundraiser: October 8/9, 2022
7. Atlas Tack Building
8. Meeting Protocol Adoption
9. Surplus: Whitfield Manjro Carriage House Barn door

10. Flag policy
11. Review Town Meeting

**F. PUBLIC COMMENT**

**G. BOARD MEMBER ITEMS**

**H. CORRESPONDENCE**

1. Pickleball opening day – June 12, 2022

**I. NOTES AND ANNOUNCEMENTS**

1. The next **regularly** scheduled meeting of the Select Board is **Monday, May 23, 2022** at 6:30 p.m. in the Town Hall Banquet Room

**J. EXECUTIVE SESSION- Pursuant to MGL Ch. 30A § 21(a)(3)**

1. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

**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 May 9, 2022

**Present:** Select Board members Chair Stasia Powers, Vice-Chair Leon Correy, Clerk Robert Espindola, Mr. Silvia, Charles Murphy Sr., Town Administrator Angie Lopes Ellison and Administrative Assistant Vicki Oliveira.

**Also Present:** Tree Warden Don Collasius, Conservation Agent Whitney McClees, Recreation Director Warren Rensenhausen, Planning Director Paul Foley, School Superintendent Tara Kohler, School Business Manager Nicole Potter and Finance Director Wendy Graves

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

Chair Powers opened the meeting at 6:33 pm in the Town Hall Banquet Room.

Ms. Powers offered a moment of silence for former Select Board member Daniel Freitas who passed away this afternoon unexpectedly.

### Minutes

**Motion:** Mr. Correy motioned to approve the open session minutes of April 25, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

**Motion:** Mr. Murphy motioned to approve the special session minutes of May 2, 2022. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

### Town Administrator Report

Ms. Ellison spoke with Health Agent David Flaherty and the Covid numbers are going up and have reached a 5% threshold. Currently, there is no recommendation to bring back the mask mandate but Mr. Flaherty strongly urges people to wear masks or take precautions as needed.

It was with great reluctance that Ms. Ellison announced the resignation of Conservation Agent/ Sustainability Coordinator Whitney McClees. Ms. McClees has taken a new position with the Department of Environmental Protection. The Board wished Ms. McClees well in her new position and thanked her for her hard work and dedication to the town. Ms. Ellison has begun the process of advertising for a new Human Resources Director; the deadline to apply is May 23, 2022.

Ms. Ellison said Year End Transfers for Departments will be on the May 12, 2022 agenda with the joint meeting with the Finance Department. This joint meeting is so staff can collectively answer question for both the Select Board and the Finance Committee at the same time to help avoid any miscommunication. All transfers are due no later than July 5, 2022.

Ms. Ellison told the Board, she is still working on getting a date to hold a retreat but may have to push it back to June.

### **Committee Liaison Reports**

Mr. Espindola said the SPREDD Commission met and discussed intern opportunities for students (grad and undergrad) with placement possibilities across the Southeastern Massachusetts municipalities, sometimes, at no cost. Mr. Espindola said the Bikeway Committee is interested in setting up signs on the bike path.

The Broadband Study Committee met without a quorum, the Committee was unable to vote and only held an informational meeting. Mr. Espindola met with Jeff Christiansen and Gayle Huntress regarding the Municipal Light Plant and will have Ms. Huntress as a guest speaker at the next Broadband meeting.

Mr. Correy said the Belonging Committee will meet this week and discuss the flag policy.

Mr. Correy attended his first meeting of the Economic Development Committee as the Select board liaison where there was a discussion regarding the Conservation rules and regulations and how they affect the town businesses.

Mr. Silvia said at the most recent Historical Commission meeting Wayne Oliveira and Gary Lavalette will start getting ready to power wash and re paint the parking lot at the Academy Building.

Mr. Murphy said the Sister City Committee met recently and discussed the renovations on the carriage house. The project is being done by the students at the Greater New Bedford Regional Vocational High School. Mr. Murphy said the Manjiro Friendship Society has some free books available to Fairhaven students.

Mr. Murphy said The Lagoa Committee met and are still preparing to host the display from Lagoa at Town Hall from July 25- August 8, 2022.

Ms. Powers had no meetings.

### ***Action Items***

### **Bikeway Committee Appointment**

Ms. Powers said there was a request from resident Jerry Jennings to be appointed to the Bikeway Committee. Mr. Jennings has been a resident for 27 years and looks forward to joining the committee.

***Motion:*** Mr. Murphy motioned to appoint Jerry Jennings to fill the vacancy on the Bikeway Committee for a term of the remainder of this term of May 31, 2022 and a reappointment for a full term until May 31, 2023. Mr. Silvia seconded. Vote was unanimous (5-0-0)



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

Ms. Powers said this is a yearly appointment. Paul Foley and Vincent Furtado have been serving this committee and wish to continue to do so.

**Motion:** Mr. Murphy motioned to re appoint Paul Foley as the representative and Vinnie Furtado to the Joint Transportation Planning Group for a term commencing June 1, 2022 to June 1, 2023 Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Approval of Common Victualer - 168 Sushi Kitchen, 8-1 Sconticut Neck Road**

Ms. Powers said this application is in order and all departments have signed off.

**Motion:** Mr. Murphy motioned to approve the common viculer license for 168 Sushi Kitchen, located at 8-1 Sconticut Neck Road to end on December 31, 2022. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Approval of Common Victualer – Main Street Scoops, 382 Main Street**

Ms. Powers said this application is in order and all departments have signed off.

**Motion:** Mr. Murphy motioned to approve the common viculer license for Main Street Scoops located at 382 Main Street to end on December 31, 2022. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Buzzards Bay Watershed Ride,**

Ms. Powers said this is the 16th annual event from the Buzzards Bay Coalition (BBC). The watershed ride is scheduled for October 2, 2022 and will travel through 13 towns and over 100 miles. Mr. Espindola would like to alert the BBC that there are some parts of the bike path that are bumpy. Ellison will send a letter to alert them of the danger along the bike path.

**Motion:** Mr. Murphy motioned to approve the request to hold the Buzzards Bay Ride on October 2, 2022, through the town of Fairhaven with the stipulation they contact the Police department to coordinate safety protocols and the building department for sign regulations. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Letter of support for bike ramp at New Bedford/Fairhaven bridge**

Mr. Espindola asked the Board for a letter of support for the bike ramp that is at the bridge and will be updated as part as the southcoast rail project. (Attachment A)

**Motion:** Mr. Murphy motioned for the Town Administrator to send a letter of support for the bike ramp continuation at the New Bedford/Fairhaven bridge (as presented by Select Board member Espindola) Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Zoning Board of Appeals resignation**

Ms. Powers said Francis Cox, Jr. has submitted a letter of resignation from the Zoning Board of Appeals. The Board wished Mr. Cox well and thanked him for his service.

**Motion:** Mr. Murphy motioned to reluctantly accept the letter of resignation of Francis Cox. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Cultural Council resignation**

Ms. Powers read a letter from Abigail Hevey, who is resigning her position on the Cultural Council after serving for 10 years. The Board thanked Ms. Hevey for her time and service to the town.

**Motion:** Mr. Murphy motioned to accept the letter of resignation from Abigail Hevey. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Open and Close the warrant for the June 18, 2022 Annual Town Meeting**

Ms. Powers said it is necessary to open and close the warrant for some housekeeping issues.

**Motion:** Mr. Murphy motioned to open the warrant for the June 18, 2022 Annual Town meeting: Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to remove Article 6 D: FY22 General Fund Operating Budget Adjustments: \$21,000.00 be transferred from Surplus Revenue (Free Cash) to Council on Aging-Salaries from the June 18, 2022 Annual Town meeting warrant: Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to remove Article 25: Senior Work-Off Program – FY23 from the June 18, 2022 Annual Town meeting warrant: Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to remove Article 31: Safe Route to Schools from the June 18, 2022 Annual Town meeting warrant. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to remove Article 60: Regional Dispatch-Fy23 from the June 18, 2022 Annual Town meeting warrant. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to close the warrant for the June 18, 2022 Annual Town meeting. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to take the agenda out of order and have our guests speak before reviewing the articles in the warrant. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Review and Vote on the FY23 Budget/ Town Meeting Articles**

#### *School Department/Capital Improvement*

School Superintendent Tara Kohler spoke to the Board regarding the renovations at Fairhaven High School. Ms. Kohler said the gables at the top of FHS are in dire need of repair. There are several

processes that can be done to fix the gables and Ms. Kohler will try to save the town some money during the renovation process. Mr. Espindola asked how the projects at the high school relate to the Town's master facilities plan and would like to see the current plan revisited and updated as needed. Ms. Graves said each year the capital projects are re scored when they are submitted for review; the Capital Improvement Committee felt this was an important project. Mr. Espindola would like to see the Facilities Improvement Plan updated to reflect the importance of the projects, as things have changed since the plan was created.

#### *Recreation Department*

Recreation Director Warren Rensenhausen said the participation at the Recreation Center is starting to pick up after the pandemic shut down. Mr. Rensenhausen stated some budget increases are due to the increase in minimum wage and replacement of some older equipment; there is also a new HVAC (Heating, Ventilation, and Air Conditioning) system at the Recreation Center and a contracted service is budgeted in to maintain the system.

#### *Tree Warden/Planning*

Mr. Foley showed a power point (Attached B) with the changes in the current shade tree by-law because the current regulation is old and outdated. Tree Warden Don Collasius said he feels the by-law in principal good but in reality, may not work and should not be combined with the Tree Warden article. Mr. Collasius said the position of tree warden is basically a volunteer position but requires more time and staffing in order to maintain the department successfully. Mr. Collasius said he supports the Article to change the Tree Warden position from elected to appointed. Planning Board Chair Wayne Hayward spoke to the board via zoom to explain the Planning Board has put forth a lot of time since September of 2021 holding public hearings and the Planning Board is trying to protect the tree canopy of the town. The Select Board discussed their thoughts on the shade tree article and the effects that it may have on the Tree Warden position. Ms. Powers is concerned the Tree Warden Article and the Shade Tree bylaw Article could be in conflict with one another.

#### *Conservation Department*

Conservation Agent Whitney McClees told the Select Board the Conservation Commission has included this in the warrant this year to make updates to the wetlands by law. Ms. McClees said there have been several public hearings relating to these proposed changes with input from the public and she attended an Economic Development meeting to discuss the changes. The Conservation's purpose is to protect and maintain the town's natural resources. Ms. Powers had concerns that if the by law is changed then the town may have to change again to accommodate State law. Ms. McClees noted the State is currently using outdated data.

The Board after hearing from the departments returned to original order they reviewed warrant articles needing a recommendation.

**Motion:** Mr. Murphy motioned to recommend Article 13: General Fund Capital Plan - FY23- E: High School-Repair and Replace Southeast & Southwest Gables (\$2,275,000.00) for the June 18, 2022 Annual Town meeting. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to recommend Article 29: Tree Warden from Elected to Appointed-FY23 for the June 18, 2022 Annual Town meeting. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to yield to petitioner Article 39: Wetlands Bylaw Updates-FY23 for the June 18, 2022 Annual Town meeting. Mr. Silvia seconded. Vote was unanimous (5-0-0)

After some discussion of term definition, the Board elected to reconsider the citizens petition articles

**Motion:** Mr. Murphy motioned to rescind the previous vote for the citizen's petitions articles 50 through 59 from the June 18, 2022 Annual Town meeting warrant:

- Article 50: Citizens Petition - Rezoning 114 Sconticut Neck Road-Fy23
- Article 51: Citizens Petition - Street Acceptance Mill Road From 291-312-Fy23
- Article 52: Citizens Petition - Street Acceptance Yankee Lane From Mill Road To 20 Yankee Lane
- Article 54: Citizens Petition – Hard Surface
- Article 55: Citizens Petition – Hard Surface
- Article 56: Citizens Petition – Hard Surface
- Article 57: Citizens Petition – Hard Surface
- Article 58: Citizens Petition – Hard Surface
- Article 59: Citizens Petition – Local Acceptance of MGL Part 1, Title IX, Ch. 59, Section 5, Clauses 42 & 43

Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to vote to recommend Article 53: Citizens Petition - Street Light Requests. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to vote to recommend an indefinite postponement from the June 18, 2022 Annual Town meeting warrant for:

- Article 50: Citizens Petition - Rezoning 114 Sconticut Neck Road-Fy23
- Article 52: Citizens Petition - Street Acceptance Yankee Lane From Mill Road To 20 Yankee Lane
- Article 55: Citizens Petition – Hard Surface
- Article 56: Citizens Petition – Hard Surface
- Article 57: Citizens Petition – Hard Surface
- Article 58: Citizens Petition – Hard Surface
- Article 59: Citizens Petition – Local Acceptance of MGL Part 1, Title IX, Ch. 59, Section 5, Clauses 42 & 43

Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to vote to recommend an indefinite postponement from the June 18, 2022 Annual Town meeting warrant for:

- Article 51: Citizens Petition - Street Acceptance Mill Road From 291-312-FY23
- Article 54: Citizens Petition – Hard Surface

Mr. Silvia seconded. Ms. Powers abstained. Vote carried (4-0-1)

**Motion:** Mr. Murphy motioned to open the warrant for the June 18, 2022 Annual Town meeting: Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to remove Article 30: Public Shade Tree Bylaw-FY23 for the June 18, 2022 Annual Town meeting. Mr. Silvia seconded. Vote was unanimous (5-0-0)

**Motion:** Mr. Murphy motioned to close the warrant for the June 18, 2022 Annual Town meeting. Mr. Silvia seconded. Vote was unanimous (5-0-0)

### **Public Comment**

There were no questions, comments, or concerns from the public.

### **Board Member Items**

Mr. Espindola thanked Representative Bill Strauss and Select Board member Correy for their hard work in having a walking signal added traffic signals and at the intersection of Alden Road and Route 6.

Mr. Correy reminded residents to look at the town website for volunteer opportunities on the town's various boards and committees.

The Board offered their condolences to the Freitas family on the passing of former Select Board member Dan Freitas.

### **Correspondence**

Ms. Powers said there has been correspondence from the Department of Environmental Protection regarding Atlas Tack, 83 Pleasant Street. Ms. Powers will reach out to someone from DEP and request for them to be at a future meeting to discuss this ongoing issue.

### **Notes and Announcements**

The next meeting of the Select Board will be joint with the Finance Committee on Thursday, May 12, 2022 to review warrant items.

**Motion:** Mr. Correy motioned to adjourn at 9:26 pm. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Respectfully submitted  
On behalf of the Select Board Clerk,

*Vicki L. Oliveira*

Vicki L. Oliveira  
Administrative Assistant

DRAFT



**Fairhaven Select Board  
Meeting Minutes  
May 12, 2022**

*Joint Special Meeting  
with the  
Finance Committee*

**Present:** Select Board members Chair Stasia Powers, Vice-Chair Leon Correy, Clerk Robert Espindola, Mr. Silvia, Charles Murphy Sr. and Town Administrator Angie Lopes Ellison

**Present via Zoom:** Finance Committee Members Padraic Elliot, Lisa Plante, Kathi Carter, Robert Grindrod, Jennifer Dupras, Carolyn Roberts

**Also Present:** Harbormaster Timothy Cox, Planning Director Paul Foley, Police Chief Michael Myers, Fire Chief Todd Correia, Town Accountant Anne Carriero and Finance Director Wendy Graves

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

Select Board Chair Stasia Powers called the May 12, 2022 joint special meeting in the Town Hall Banquet Room of the Select Board to order at 6:38 pm with all members in person.

Finance Chair Padraic Elliot called the May 12, 2022 joint meeting of the Finance Committee to order at 6:38 pm with all members remote; he also stated, all statutory requirements and regulations addressed by the Select Board will also apply to the Finance Committee meeting.

Ms. Powers called for a moment of silence for the people of Ukraine.

**Review/Votes of FY23 warrant articles for the June 18, 2022 Annual Town Meeting**

Ms. Powers said there will be an addition to Article 23: Revolving Funds- FY23: Marine Resources: Shellfish Mitigation fees for \$25,000. Mr. Elliot asked Harbormaster Cox for clarification on this addition. Mr. Cox explained these are the fees that are the monies gained from Shellfish Mitigation Fees collected by the Conservation Commission to replace disturbed shellfish. The money will be used to replant the shellfish that was disturbed. The money will only be used to purchase shellfish.

The Select Board discussed Article 8: General Fund Operating Budget- FY23; Mr. Espindola shared some information regarding the revenue from the medical and recreational marijuana to the town; the town will receive approximately \$945,000 per year in projected funds.

**Select Board Motion:** Mr. Murphy motioned to recommend Article 8: General Fund Operating Budget- FY23. Mr. Silvia seconded. Vote was unanimous. (5-0-0)



Ms. Graves said with Article 18: Funding Capital Stabilization Fund- FY23 there is \$400,00 budgeted. And this is bringing the town in line with the town's financial policies.

**Select Board Motion:** Mr. Murphy motioned to recommend Article 18: Funding Capital Stabilization Fund- FY23. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

### **Review of General Fund Budget**

Ms. Ellison said the town is currently in negotiations with all the collective bargaining units. Ms. Ellison does not anticipate the contract negotiations will be completed by the Annual Town Meeting but would suggest recommending Annual Town Meeting vote to approve the funds that are already set aside for this purpose. Mr. Elliot and Mr. Espindola questioned weather it is appropriate to act on this article if the contracts have not been ratified prior to Town Meeting. Ms. Ellison explained the contracts don't get approved at town meeting; only the salaries and the salary funds have been reserved.

**Select Board Motion:** Mr. Murphy motioned to recommend at Town Meeting; Article 24: Funding Labor Contracts- FY23. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

The Select Board discussed Article 30: Public Shade Tree by-law in consideration of placing this article back on the warrant for the annual town meeting. After much discussion the Select Board did not reconsider the vote on Article 30: Public Shade Tree by-law for the annual town meeting. They stated they will add this to the Fall Town Meeting warrant.

Ms. Powers yielded the meeting to Finance Committee Chair Mr. Elliot

Mr. Elliot said the Finance Committee has several articles they will need to vote their recommendations but will do so after the conclusion of the joint meeting.

Mr. Elliot had questions regarding Article: 41: Union Wharf purchase, 900 sq. ft. parcel. Harbormaster Tim Cox showed a map of the parcel on Union Wharf and explained, this parcel is next to the public safety dock and in the event this property was sold to a private developer it could hinder the access to the Public safety dock. By purchasing this parcel, the town will own the entire piece of Union Wharf. Both Boards discussed the property and the importance of this piece of land to the town.

Mr. Elliot stated the Finance Committee had questions regarding Article 39: Public Facilities setback- FY23. Planning Director Paul Foley updated both Boards with a memo regarding Phase 2 of the Public Safety Facility (PSF) (Attachment A) Mr. Foley expects more answers on phase 2 within the next few weeks from the Department of Environmental Protection (DEP) if the lot will be suitable for a building. The five million dollars will be paying for the design and engineering of the new complex. Both Chief Myers and Chief Correia feel this is a suitable site for a new PSF pending positive testing results. Mr. Elliot had concerns that this piece of property may be in competition with the Department of Public Works to be used as the recycling center. Mr. Foley assured Mr. Elliot that the property is large enough to accommodate both departments but there was also concern the town will be left with empty buildings once a new complex is built. Mr. Espindola said there is long range planning in place to dispose of underutilized properties.

Mr. Espindola questioned whether the Finance Committee would offer their recommendation on Article 35: Municipal Light Plant. Mr. Elliot stated Article 35 is a procedural article and he feels the Finance Committee does not need to discuss this article because there is no direct financial impact and will yield to petitioner.

### **Year End Transfers**

Both Boards reviewed the year end transfers and made their recommendations as follows:

*Transfer \$16,000 from Retirement Appropriation to Repair and Maintenance (Fire Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$16,000 from Retirement Appropriation to Repair and Maintenance (Fire Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$16,000 from Retirement Appropriation to Repair and Maintenance (Fire Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$16,016.80 from Retirement Appropriation to Traffic Cameras (Police Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$16,016.80 from Retirement Appropriation to Traffic Cameras (Police Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$16,016.80 from Retirement Appropriation to Traffic Cameras (Police Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$11,331.14 from Retirement Appropriation to Dash Cameras (Police Department)*

**Finance Committee Motion:** Mr. Grindrod motioned to transfer \$11,331.14 from Retirement Appropriation to Dash Cameras (Police Department). Ms. Dupras seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$11,331.14 from Retirement Appropriation to Dash Cameras (Police Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$21,000 from Retirement Appropriation to Council on Aging salaries*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$21,000 from Retirement Appropriation to Council on Aging salaries. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$21,000 from Retirement Appropriation to Council on Aging salaries. Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$2850 from Housing Authority Retirement to Selectmen salaries*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$2850 from Housing Authority Retirement to Selectmen salaries. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

Ms. Powers stated the rule of necessity will apply when the Select Board vote on this transfer for the Select Board salaries.

**Select Committee Motion:** Mr. Murphy motioned to transfer \$2850 from Housing Authority Retirement to Selectmen salaries Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$1000 from retirement Appropriation to Regular pay, Board of Appeals*

Ms. Plante questioned if there had already been a transfer for this Department. Town Accountant Anne Carreiro explained; because of training needed there was a shortfall in the salary for the recording secretary.

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$1000 from Retirement Appropriation to Regular pay, Board of Appeals. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$1000 from Retirement Appropriation to Regular pay Board of Appeal Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$2,000 from retirement Salary and Wages to Gasoline and Diesel Account (Park Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$2,000 from retirement Salary and Wages to Gasoline and Diesel Account (Park Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$2,000 from retirement Salary and Wages to Gasoline and Diesel Account (Park Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$7,500 from Tax Title to Salaries (Treasurer/Collector)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$7,500 from Tax Title to Salaries (Treasurer/Collector). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$7,500 from Tax Title to Salaries (Treasurer/Collector). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$9,900 from Contracted Services to Salaries (Assessor's Department)*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$9,900 from Contracted Services to Salaries (Assessor's Department). Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot-yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$9,900 from Contracted Services to Salaries (Assessor's Department). Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

*Transfer \$15,000 from Fairhaven Wind to Town Hall utilities.*

**Finance Committee Motion:** Ms. Dupras motioned to transfer \$15,000 from Fairhaven Wind to Town Hall utilities. Mr. Grindrod seconded. Roll Call: Jennifer Dupras- yes, Robert Grindrod-yes, Carolyn Roberts- yes, Lisa Plante -yes, Kathi Carter - yes, Padraic Elliot- yes. Motion passes (6-0-0)

**Select Board Motion:** Mr. Murphy motioned to transfer \$15,000 from Fairhaven Wind to Town Hall utilities. Mr. Sylvia seconded. Vote was unanimous. (5-0-0)

Mr. Elliot stated the Finance Committee will continue to meet to discuss the vote on the articles and reserved fund transfers after the adjournment of the Select Board.

*Adjournment of Select Board*

**Motion:** Mr. Murphy motioned to adjourn at 8:23 pm. Mr. Silvia seconded. Vote was unanimous.  
(5-0-0)

Respectfully submitted  
On behalf of the Select Board Clerk,



Vicki L. Oliveira  
Administrative Assistant

A. Attachments;

Memo from Planning Director re: Phase 2 ESA at 194 Bridge Street Update



## Town of Fairhaven Board of Health

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

Kevin Gallagher, Chair  
Heidi Hacking, Vice-Chair  
Mike Ristuccia, Clerk  
David D. Flaherty Jr, RS , Health Agent

### MEMO

---

**DATE:** May 20, 2022  
**TO:** Fairhaven's Select Board  
**FROM:** David D. Flaherty Jr., RS  
Health Agent  
**RE:** COVID 19 Update

Dear Chairperson Powers,

Fairhaven's Select Board has maintained a policy of "Strongly Advising" 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 from 6.39% positivity rate up to 7.05%; our total case count has gone from 76 up to 87. This is an upward trend that reflects the situation across the Commonwealth and the Country. In light of this data, I would gently recommend suggesting that your Board re-enact the policy of a "Mask Mandate" for all municipal buildings. While mandates for mask wearing have been rescinded by State & Federal Jurisdictions in many situations, Health Officials feel that greater than 5% positivity rate is the trigger for more aggressive tactics to contain COVID-19. I will continue to be involved with Public Service Announcements to help the residents of Fairhaven better understand what these numbers mean and how they can better protect themselves.

We are not entirely out of the woods yet and we need to remain vigilant. Thank you.

Respectfully,

David D. Flaherty Jr., RS  
Health Agent

Cc: BOH



Executive Office for Administration & Finance

COMMONWEALTH OF MASSACHUSETTS

STATE HOUSE ▪ BOSTON, MA 02133

(617) 727-2040

B2

CHARLES D. BAKER  
GOVERNOR

MICHAEL J. HEFFERNAN  
SECRETARY

KARYN E. POLITO  
LIEUTENANT GOVERNOR

May 17, 2022

Dear Town Administrator Ellison,

It is with great pleasure that we inform you that Fairhaven has been awarded a \$250,000 grant in the inaugural round of the Community Compact Cabinet's (CCC) new Municipal Fiber grant program. The demand for funding and interest in the program was overwhelming. Your application was chosen because it met the overarching goal of supporting the closing of critical gaps in municipal networks and connecting municipally owned facilities to assist municipalities.

We are currently working to schedule an awards ceremony in the coming weeks where we will officially announce all of the grant winners. You will be notified via email of the specifics regarding this future event shortly and ask that you please refrain from publicly announcing this award prior to the ceremony.

As Chair of the Community Compact Cabinet, I want to congratulate you on your status as a Compact Community and participation in this newest program. Your participation reflects another effort to modernize and enhance municipal government capabilities and connectivity. I am glad to see your community taking advantage of the benefits the CCC program offers.

Sincerely,

A handwritten signature in black ink that reads "Karyn E. Polito".

Karyn E. Polito  
Lieutenant Governor

A handwritten signature in black ink that reads "Michael J. Heffernan".

Michael J. Heffernan, Secretary  
Executive Office for Administration and Finance

A handwritten signature in blue ink that reads "Curtis M. Wood".

Curtis M. Wood, Secretary  
Executive Office for Technology Services and Security





Angeline Lopes Ellison  
Town Administrator

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

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

Lisa Estrela, Assistant Director of Transportation Planning  
SRPEDD  
Via email to [lestrela@srpedd.org](mailto:lestrela@srpedd.org)

RE: Transportation Improvement Plan as it relates to the New Bedford/Fairhaven Bridge Ramp

Please accept this letter as form of support and comment on the impact the Transportation Improvement Plan (TIP) has in our community as it relates to mobility needs of people, accessible pedestrian walkways, bicycle transportation and how it fosters economic growth and development.

In particular, we are advocating, supporting and strongly encourage the building of the ramp on the north side of the Fairhaven-New Bedford Bridge. Whereas the ramp will meet goals and objectives of the TIP, we support and ask that you consider moving up from the anticipated 2027 date to coincide with the completion of the South Coastal Rail project. Coinciding the completing of both projects will have significant impact to our community and the region. People will utilize the ramp to travel on foot from Fairhaven and on bicycle from Fairhaven and points east to the rail station to commute up to Boston.

More closely aligning the ramp construction with the Rail Station opening will bring the vision that the plan already has in place (intermodal transportation and accessibility) into play four (4) years earlier and would be a very worthwhile consideration.

Thank you for your consideration.

Angie Lopes Ellison  
Town Administrator

*On Behalf of Select Board members*  
Stasia Powers  
Leon E. Correy III  
Robert J. Espindola  
Keith Silvia  
Charles K. Murphy, Sr.

## Committee Liaison Report – Bob Espindola – May 23<sup>rd</sup>, 2022

**SRPEDD** – The SRPEDD Commission will meet for our annual meeting next Wednesday night, May 25<sup>th</sup> at Whites of Westport. The keynote speaker will be MassDOT Secretary Jamey Tesler speak how the new infrastructure law will impact southeastern Massachusetts

### **Southeastern Metropolitan Planning Organization (SMMPO)**

The SMMPO met last Tuesday, May 17<sup>th</sup>. They read into record comments made including those made by the Fairhaven Bikeway Committee and the South Coast Bikeway Alliance about the ramp on the north side of route six and they did acknowledge the letter from our Board even though it, technically, came in after the deadline.

We had a discussion about the ramp and Mass DOT representative Pam Hazner said that they could not change the schedule this year but she said that that project will advance to 25% design, which may make it eligible for a move in the future if an opportunity arises. There have been cases, including in this past meeting, where project programming year was changed because one project was not ready to move forward and the next highest rated project was advanced forward. If that sort of thing happens at the right scale or if additional funds are made available, then n having the design work completed will help make the project eligible for a shift forward.

Thanks again to the Board and Ms. Ellison for your support on that.

### **Broadband Study Committee**

The BSC met on Monday, May 16<sup>th</sup>. Guest speaker Gayle Huntress, manager of the Shutesbury Municipal Light, an extremely successful Municipal Light, in Western Mass reviewed their success story with the committee, answered questions and provided details about their annual budget, costs to subscribers, etc. It was very helpful to hear from her as she has a wealth of knowledge about Broadband. Their model is one where they hire subcontractors to do the bulk of the work because Shutsebury is a small community and outsources many municipal services. This shows that an MLP can operate with very little hands on by the Town, if that is what is desired.

I had a meeting with Town Counsel to discuss guidance provided by the Department of Revenue regarding Broadband and how that guidance compares to the direction we are heading with Articles 34 and 35 at this year's Town Meeting.

We received some **great** news from the Community Compact Cabinet Municipal Fiber Grant program. We were awarded \$250 for the grant application we applied for. The grant was based on connecting the existing fiber loop building via a fiber hut to be located on Fairhaven Housing Authority property and to provide low cost internet service to housing authority tenants.

See the attached letter from Lt. Governor Karyn Polito

The Broadband Master Plan will be updated at our next meeting to reflect the work that will be done as part of the grant and to consider changes related strategy to drive costs down for what is known as "Middle Mile" broadband, which is the section of fiber that connects communities like ours to central hubs in Boston and Providence. We believe that this sort of emphasis in these two areas will better position the Town for additional grants in the future. The middle mile strategy will be based on work that has been done very successfully in California.

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**From:** Dale Leavitt <dale@bluestreamaquaculture.com>  
**Sent:** Friday, April 22, 2022 3:30 PM  
**To:** Sheri Souza  
**Cc:** Keith Wilda; James M Malandrinos; James M. Malandrinos (jmm1@univision.net)  
**Subject:** Fwd: 7209921 Blue Stream Shellfish Public Notice - Fairhaven Selectboard

Here is the draft public announcement. It will be in the 26 April edition of the Standard Times. They should send along confirmation once it is published. I'll let you know when that happens.

Thanks again,

Dale

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

**From:** Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>  
**Date:** Fri, Apr 22, 2022 at 11:53 AM  
**Subject:** RE: 7209921 Blue Stream Shellfish Public Notice - Fairhaven Selectboard  
**To:** Dale Leavitt <dale@bluestreamaquaculture.com>

Hello,

Your notice is scheduled to publish April 26, 2022 in the New Bedford Times. The total cost of your ad is \$205.40, which includes a publisher affidavit that will be mailed to you after the last date of publication. Prepayment is required. Please call the number in my signature below before to make payment. Please reference ad # 7209921 when calling. The deadline for payment will be Monday, April 25, 2022 by 3pm. Proof of the notice is attached for your review.

**Please review your proof carefully and advise of any corrections needed**

Town of Fairhaven Select Board, 40 Center Street, Fairhaven, MA 02719 30-day PUBLIC HEARING NOTICE: Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations promulgated by the Fairhaven Select Board that Blue Stream Shellfish LLC has filed an application to install a shellfish nursery raft associated with their shellfish processing barge within the municipal waters of the Town of Fairhaven. The application, including a plan showing the specific location of the existing site, can be viewed at the Marine Resources Department in Town Hall. The current application is open for 30-day public comment finishing with a public hearing with the Select Board, to be held on May 23, 2022, at 7:00 PM. Meeting information can be found on the Town of Fairhaven website (<https://www.fairhaven-ma.gov/select-board>). April 26, 2022 #7209921

Thank you,

Keyonna Theodore

Public Notice Representative



Office: 844-254-5287

**From:** Dale Leavitt <[dale@bluestreamaquaculture.com](mailto:dale@bluestreamaquaculture.com)>

**Sent:** Friday, April 22, 2022 10:53 AM

**To:** New Bedford Standard Times Legals <[newbedfordstlegals@gannett.com](mailto:newbedfordstlegals@gannett.com)>

**Cc:** Sheri Souza <[ssouza@fairhaven-ma.gov](mailto:ssouza@fairhaven-ma.gov)>; Keith Wilda <[keith@bluestreamaquaculture.com](mailto:keith@bluestreamaquaculture.com)>; James M Malandrinos <[jmalandrinos@fairhaven-ma.gov](mailto:jmalandrinos@fairhaven-ma.gov)>

**Subject:** 7209921 Blue Stream Shellfish Public Notice - Fairhaven Selectboard

Please include the attached Public Notice ad in the New Bedford Standard Times at your earliest convenience.

My contact information is listed below.

Thank you,

Dale

--

Dale Leavitt

Blue Stream Shellfish LLC

[REDACTED]

[dale@bluestreamaquaculture.com](mailto:dale@bluestreamaquaculture.com)

--

Dale Leavitt

Blue Stream Shellfish LLC

[REDACTED]

Town of Fairhaven Select Board, 40 Center Street, Fairhaven, MA 02719 30-day

**PUBLIC HEARING NOTICE:** Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations promulgated by the Fairhaven Select Board that Blue Stream Shellfish LLC has filed an application to install a shellfish nursery raft associated with their shellfish processing barge within the municipal waters of the Town of Fairhaven. The application, including a plan showing the specific location of the existing site, can be viewed at the Marine Resources Department at Town Hall. The current application is open for 30-day public comment finishing with a public hearing with the Select Board, to be held on May 23, 2022, at 7:00 PM. Meeting information can be found on the Town of Fairhaven website (<https://www.fairhaven-ma.gov/select-board>). Publication Date: April XX, 2022





**Date:** 21 March 2022

**To:** Fairhaven Marine Resources Department

**From:** Blue Stream Shellfish LLC

**Re:** Proposal for installation of Solar FLUPSY Nursery Complex

Tim,

Blue Stream Shellfish LLC (BSS) requests permission from the Town of Fairhaven to allow BSS to install a complex of solar powered floating upwellers adjacent to the BSS processing barge located at the West Island Marina. The floating upweller complex (FLUPSY complex) will consist of two 8' by 20' FLUPSY rafts, each containing eight 2' by 2' silos, coupled to a third 8' by 20' raft to house the photovoltaic panels and batteries required to operate the system. A diagram of the location and a closer view of the placement of the rafts at the stern of the processing barge are attached as Figures 1 and 2 with this document. The overall dimensions of the three-raft FLUPSY complex will be 24 feet wide and 20 feet long. The width of the complex matches the width of the 24' by 60' barge currently in place at the marina.

The design of the solar FLUPSY complex is an expansion of a solar FLUPSY first designed and constructed by Dale Leavitt (BSS member) when he was on the faculty at Roger Williams University (Figure 3). That system has been in seasonal operation since 2009 and is currently used by an associate on Hog Island at the mouth of Bristol (RI) Harbor.

BSS is receiving funding from the MA Department of Agriculture Resources Food Security Infrastructure Grant Program to develop the experimental system to aid in the expansion of shellfish nursery capacity throughout the Commonwealth. By divorcing these nurseries from the electrical grid, their placement and operation will be independent of shore power to operate the nursery.

Although the classification of the area for shellfish surrounding the marina is "Prohibited" due to proximity to the marina, current regulations in the Mass General Laws allows for shellfish nurseries to be placed in Prohibited waters and the shellfish (oysters) reared in the system can be held in these waters until they reach a size of 25 mm (1 inch) in length.



**Blue Stream Shellfish LLC**  
*proudly offering West Island Oysters*  
**tel.** 508.993.9993 | **address** 60 East Street (rear) | Ware, MA 01082





At that point, the oyster seed will be removed from the nursery and placed on the BSS farms located in Fairhaven and Mattapoisett.

BSS proposes that the construction of the Solar FLUPSY Complex will be completed in mid-May 2022 and will be installed on site by end of May 2022 for operation through the summer. The FLUPSY Complex will be emptied of seed starting in August and carrying through to November, depending on the growth rate of the oyster seed. The complex will be taken off-line by November and removed from the water for storage on the BSS property at 53 Goulart Memorial Drive.

Details of the engineering and construction are available on request from Blue Stream Aquaculture.

Figure 1: Before and after aerial photos indicating the proposed location of the Solar FLUPSY Complex.

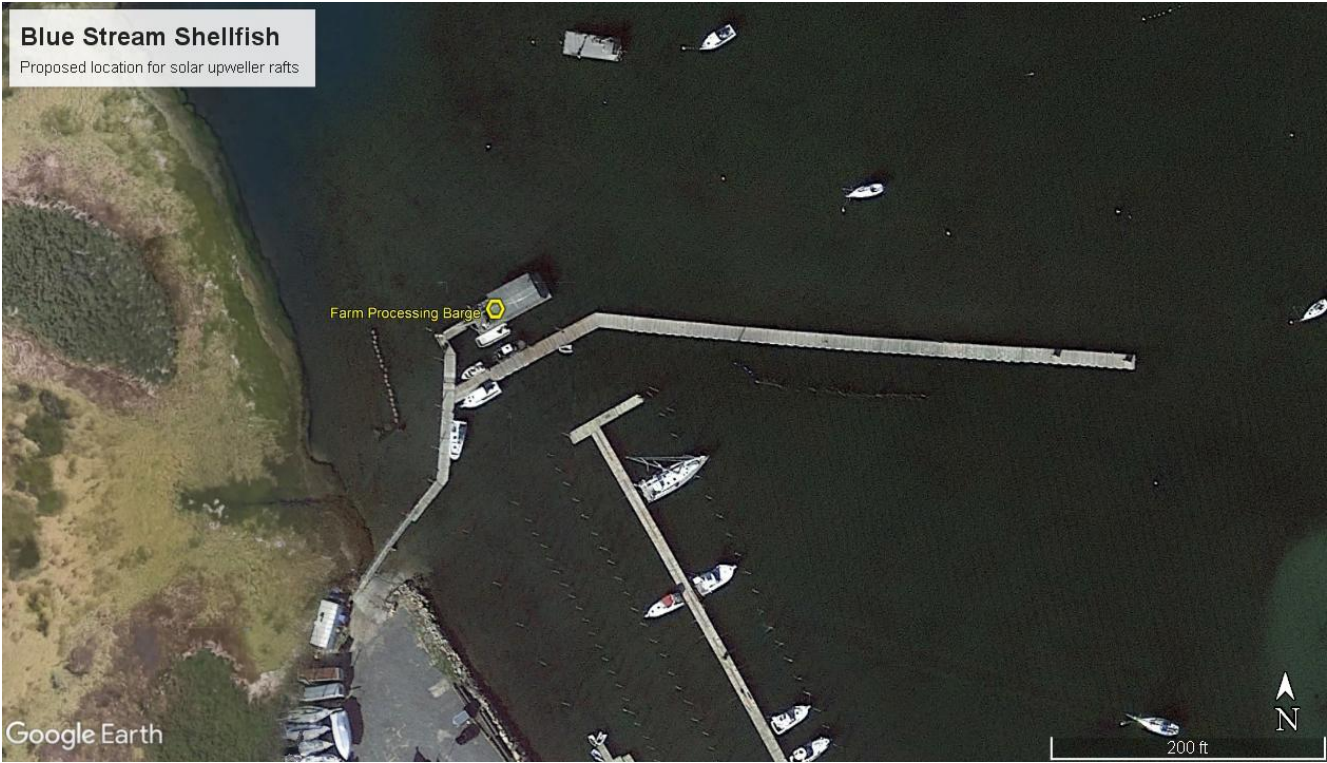


Figure 2: A closer view of the arrangement of the three raft Solar FLUPSY Complex as placed at the stern of the BSS Processing Barge in the West Island Marina.

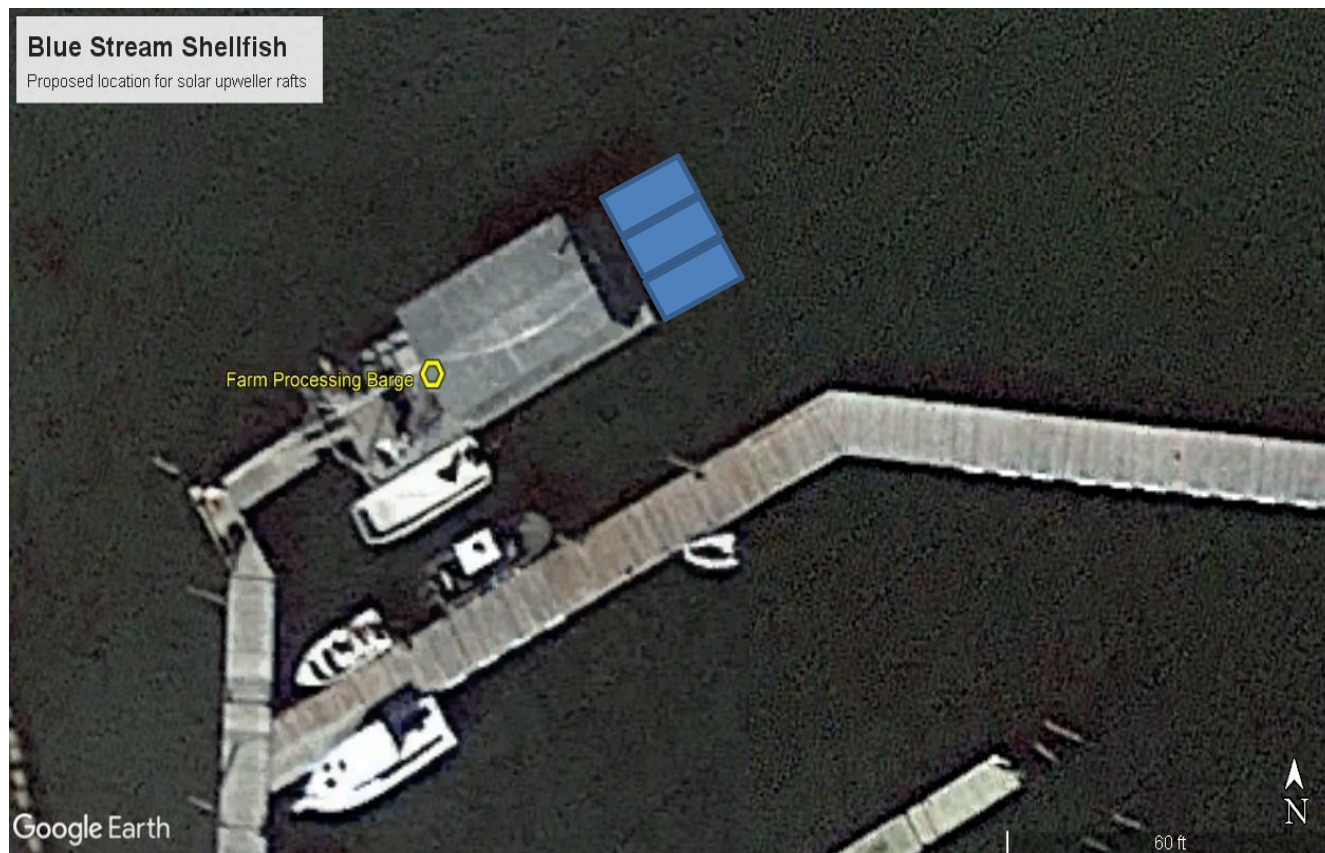




Figure 3: Two views of the arrangement of the prototype solar FLUPSY constructed at Roger Williams University in 2009 and still operational today.



**Fairhaven Marine Resources Committee**  
**Meeting Minutes: April 14, 2022**

**Present In Person & Via Zoom:** Harbormaster Tim Cox, Chairman Mike McNamara, Robert Hobson, Andrew Jones, Dave Hebert, Select Board Member Keith Silvia

Absent: Eric Dawicki, Michelle Potter

Chairman McNamara called the meeting to order at 6:31 pm.

**Approval of Minutes:**

A motion was made to approve the meeting minutes from March 3, 2022 by Mr. Hobson. Seconded by Mr. Hebert. Motion passed unanimously.

**Blue Stream Proposal for Installation of Solar Powered Floating Upwellers:**

Dale Leavitt from Blue Stream Shellfish made his proposal for the installation of solar powered floating upwellers to the committee. He is proposing three rafts for solar use to be held by moorings. The rafts were constructed by Mr. Leavitt and team. They will be disassembled sometime in October for the winter. The committee asked several questions of Mr. Leavitt, discussion ensued. Mr. Hobson made a motion to table this discussion until May because he believed he needed more time and information in order to vote. The motion was not seconded. If the committee advised that this matter be brought to the Select Board for their approval, per the Division of Marine Fisheries, Blue Stream will need to advertise a public notice 30 days prior to the public hearing. Mr. Jones motioned that the committee approve the proposal. Mr. Hebert seconded the motion. All were in favor except for Mr. Hobson. Motion passed.

**Dredging Updates:**

Harbormaster Cox stated that inside the Harbor North Terminal was finally awarded. Construction will be starting soon. They will finish the bottom of the CAD first then move forward with the dredging most likely around fall.

We have hired a grant company to write our application for a \$200,000.00 grant for West Island Dredging. There is an article request of \$40,000.00 for the Town match. If awarded this money, this will have us shovel ready in order to apply for the actual dredging grant so that we can continue with the project.

**Harbormaster Updates:**

Harbormaster Cox advised that he will be meeting with the BPW at Seaview next week to discuss putting the ramps back in. The State has begun cleaning up Pease Park Boat Ramp.

# SELECT BOARD'S MEETING

**MONDAY, May 23, 2022  
@ 7:10 PM**

**Alteration of Premise  
Car Dealer**

**Application submitted by:**

**Sarkis Enterprises Inc., dba A&A Auto  
220 Huttleston Avenue  
Fairhaven, MA 02719  
Owner, Iskandar Sarkis**

Taxes: ok  
WC: ok  
Tips: ok  
Bldg.: ok  
Health: ok.

THE COMMONWEALTH OF MASSACHUSETTS

-----OF-----

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR  
VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a ..... class license, to Buy, Sell,  
Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General  
Laws.

1. What is the name of the concern? Sackis Enterprises Inc.....

.....Business address of

concern. No. 200 Hutton Ave.....St.,

Fairhaven..... City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? .....

Corporation.....

3. If an individual, state full name and residential address.

.....

.....4. If a co-partnership, state full names and  
residential addresses of the persons composing it.

.....

.....

.....

.....

.....

.....

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Iskandar Sackis 17 Highland Ave Fairhaven MA

Secretary.....

Treasurer.....

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Yes

If so, is your principal business the sale of new motor vehicles? No.....

Is your principal business the buying and selling of second hand motor vehicles? Yes.....

Is your principal business that of a motor vehicle junk dealer? No.....



7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

We have been approved by the Planning Board to extend our current dealer lot onto 200 Hutton Ave. We would like to amend our current dealer license to add display spaces as per the included site plan. (44 display spaces)

8. Are you a recognized agent of a motor vehicle manufacturer?..... No  
(Yes or No)

If so, state name of manufacturer.....

9. Have you a signed contract as required by Section 58, Class 1?..... No  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?..... Yes  
(Yes or No)

If so, in what city - town ..... Fairhaven

Did you receive a license?..... Yes For what year? 2011 to 2022

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?..... NO  
(Yes or No)

Sign your name in full..... Alexandra Sparks  
(Duly authorized to represent the concern herein mentioned)

Residence..... 17 Highland Ave  
Fairhaven, MA

### IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation.....  
(Approved or Disapproved)

License No. ....granted.....20..... Fee \$.....

Signed.....  
.....  
.....  
.....  
.....

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CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles,

Section 58. Licenses granted under the following sections shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of Class 2

Class 2. A person whose principal business is the buying or selling of second hand motor vehicles may be granted a used dealer's license.

Class 3. A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

Section 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

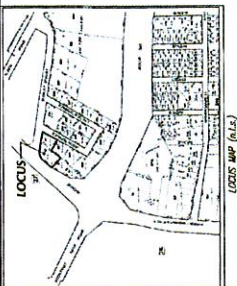


Diagram of a raised planting bed with the following labels and dimensions:

- PLANT WITH LOW GROWING JEWEL FUCHSIA
- 8" PL. LANDSCAPE IMAGE
- SEWING WITH 10" THICKNESS SORDOS
- DISTING INFLUENT
- NOT TO BE REMOVED
- 8" PL. LONG RE-BACK THIMBERS @ 0.1 C.
- RAISED PLANTING BED DETAIL
- WEST BED = 8' LONG x 40" WIDE x 1.5'

NOTES:  
1) THE PUFF

**NOTES:**

- a. THE PURPOSE OF THIS PLAN IS TO DETECT THE NUMBER OF PARKING SPACES AND DISPLAY SPACES AVAILABLE FOR A USED CAR DEALERSHIP AT AN
- 2) AND CONDITIONS FOR PROJECT LOCUS WAS PERFORMED BY AN
- 3) THE SPOONING SURVEY PERFORMED ON 4-1-77
- 3) BUILDINGS FOR AIRCRAFT, LOGS SHOWN ARE DERIVED FROM MASSBUS MAPS AND ARE APPROXIMATE LOCATIONS AND SIZES ONLY.
- 4) LOT IS SHOWN ON PLAN BOOK 147 PAGE 102
- 4) LOT IS SUBJECT TO
- e. "NOTICE OF ACTIVITY AND USE LIMITATION" AS RECORDED IN DEED BOOK 147 PAGE 102
- f. LIMITED ACCESS AS SHOWN ON MASS HIGHWAY LAYOUT 1945
- g. BOARD OF APPEALS DECISION RECORDED IN DEED BOOK 1704 PAGE 102 (CIRCA 1991).
- e. PLANNING BOARD SPECIAL MEETING HELD 10/21/11, 2012.

**REQUIRED PARKING SPACE TABLE**  
 LOTS 82 & 85 MAP 304  
 REQUIRED PARKING SPACES PER SEC 198-22B(2)

1. BUILDING AREA OF 200 HOTTLESTON AVE = 760 sf  
 2. REQUIRED SPACES =  $760sf / 250sf = 4$  SPACES

1C EMPLOYEE	2 SPACES (9'X18)
1C CUSTOMER	2 SPACES (9'X18)
TOTAL	4 SPACES

**USED CAR DEALERSHIP**

PER SEC 100-27J  
NUMBER OF VEHICLES AND AREA TO BE OCCUPIED TO BE  
DETERMINED BY BOARD OF SELECTMEN/BUILDINGS  
COMMISSIONER

DISPLAY SPACES PROVIDED:

01. SALES DISPLAY 44 SPACES (BUX.2) 530V65 77 1476510 537M5

**CURRENT ZONING:**  
 BUSINESS DISTRICT - B  
 MINIMUM AREA = 15,000 S.F.  
 MINIMUM FRONTAGE = 100'  
 MINIMUM BUILDING SETBACKS:  
 FRONT = 20'  
 REAR = 10' ABUTTING RESIDENCE DISTRICT  
 SIDE = 10' ABUTTING RESIDENCE DISTRICT  
 MAXIMUM LOT COVERAGE = 70%  
 MAXIMUM BUILDING COVERAGE 35%

### SITE INFORMATION

SUE ALLEN  
200 WUTTELOW AVE  
ASSASSONS MAP #304 - LOTS #2 & #5  
OWNER OF RECORD  
200 WUTTELOW AVENUE REALTY TRUST  
CATHERINE TASSOPOLLOS, TRUSTEE  
DEED BOOK 12791 PAGE 116  
DEED BOOK 12791 PAGE 168 - TRUSTEE

APPLICANT:  
SANDO PROPERTIES, INC.  
196 HATFIELD AVENUE  
CAMBRIDGE, MA

Seq. #	DATE	BY	DESCRIPTION
1	3-18-22	D.M.D.	REMOVED PARKING SPACES, FENCES & PLANTING PLANT AND LIGHTING AND SIGN SPACES.

**USED CAR DEALERSHIP**

**VEHICLE DISPLAY LAYOUT PLAN**  
**ASSESSORS' LOT #2 & #5 ON MAP 30A**  
**#200 HUTTLESTON AVE**  
**FAIRHAVEN, MA**  
 PREPARED FOR  
**SAKO PROPERTIES, INC**

SCALE: 1"=20'

**SCHNEIDER, DAVIGNON & LEONE, INC.**  
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS  
1 COUNTY RD. P.O. BOX 480, MATTAPOSETT, MA 02739

Am. Apr 3/10/22

Company	City	State	Zip	Phone	1-800-735-7896
Source	City	State	Zip	Phone	

	WRITTEN BY: N.D.S.	REVISED BY: D.M.B.	JULY 1962
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# Fairhaven Neighborhood News

## Ad proof

Contact Beth David with approval or changes: 508-979-5593 • Fax: 508-991-5580

**PLEASE  
CHECK  
YOUR AD  
CAREFULLY**

**The NeighbNews  
is not responsible  
for any errors  
approved  
by client.**

### **TOWN OF FAIRHAVEN**

The Fairhaven Select Board will hold a Public Hearing on Monday, May 23, 2022 at 7:10 PM at the Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA. Purpose for this hearing is to consider approval for an application submitted for alteration of premise located at 200 Huttleston Ave., Fairhaven, MA 02719. Applicant; Sarkis Enterprises, dba A&A Auto, Iskander Sarkis owner.

*Stasia Powers  
Leon Correy III  
Robert Espindola  
Keith Silvia  
Charles Murphy  
FNN: 5/5/22*

One week: 5/5/22  
1x1.5", \$30/week

# Stevie's WINE & SPIRITS

E1

115 Huttleston Avenue | Fairhaven, MA 02719 | 774-510-7881

Greetings Fairhaven Select Board Members,

Stevie's Wine & Spirits, located at 115 Huttleston Ave, has raised \$3,425.00 to donate to the Town of Fairhaven to be placed in the Beautification Gift Account. This money should be used for the purpose of trash pick and clean up projects in the Town with the balance to remain in the Beautification Gift Account to be used for beautification projects in the future.

George Reinhart  
General Manager  
Stevie's Wine & Spirits  
115 Huttleston Avenue  
Fairhaven, MA 02719  
C 781-635-3895

**From:** mhrees  
**Sent:** Thursday, May 5, 2022 10:16 AM  
**To:** Vicki Oliveira  
**Subject:** Steamship Authority

Vicki, could you please this email on to Angie? Thanks

Hi Angie, I previously provided you with a memo I drafted regarding the Steamship Authority's consideration of granting a license to a private concern to provide freight barge service from New Bedford (Fish Island) to Nantucket. I currently serve on the Steamship Authority Port Advisory Council as Fairhaven's representative. In that memo I requested the Fairhaven Select Board to send a letter to the Steamship Authority requesting that truck traffic to the loading site go through New Bedford and not Fairhaven.

Since there was a possibility that the Steamship Authority Board may meet to act on the license prior the Select Board reviewing my memorandum, I expressed my concerns regarding truck traffic to the Authority Board through the General Manager.

On April 29<sup>th</sup> the Authority Board met and granted a license for the freight service on a pilot basis without any restrictive language regarding truck routes. Instead, they asked Authority General Manager to request that the freight service use the New Bedford Truck Route.

At a meeting of the Port Advisory Council held on May 3<sup>rd</sup>, I expressed my significant displeasure over the actions of the Authority Board for not mandating that the New Bedford truck route be used as part of the license agreement.

Even through the license agreement as been approved, I would still recommend that the Select Board take this matter up at their next meeting and, at least for the record, also state their concerns and displeasure to the Steamship Authority Board.

Please do not hesitate to contact me if you have any questions or need additional information.

All the best,

Mark

Sent from Mail for Windows

MEMO

TO: Fairhaven Select Board

FROM: Mark Rees, Steamship Authority Port Council Representative

DATE: April 26, 2022

RE: Proposed Barge Freight Service between New Bedford and Nantucket

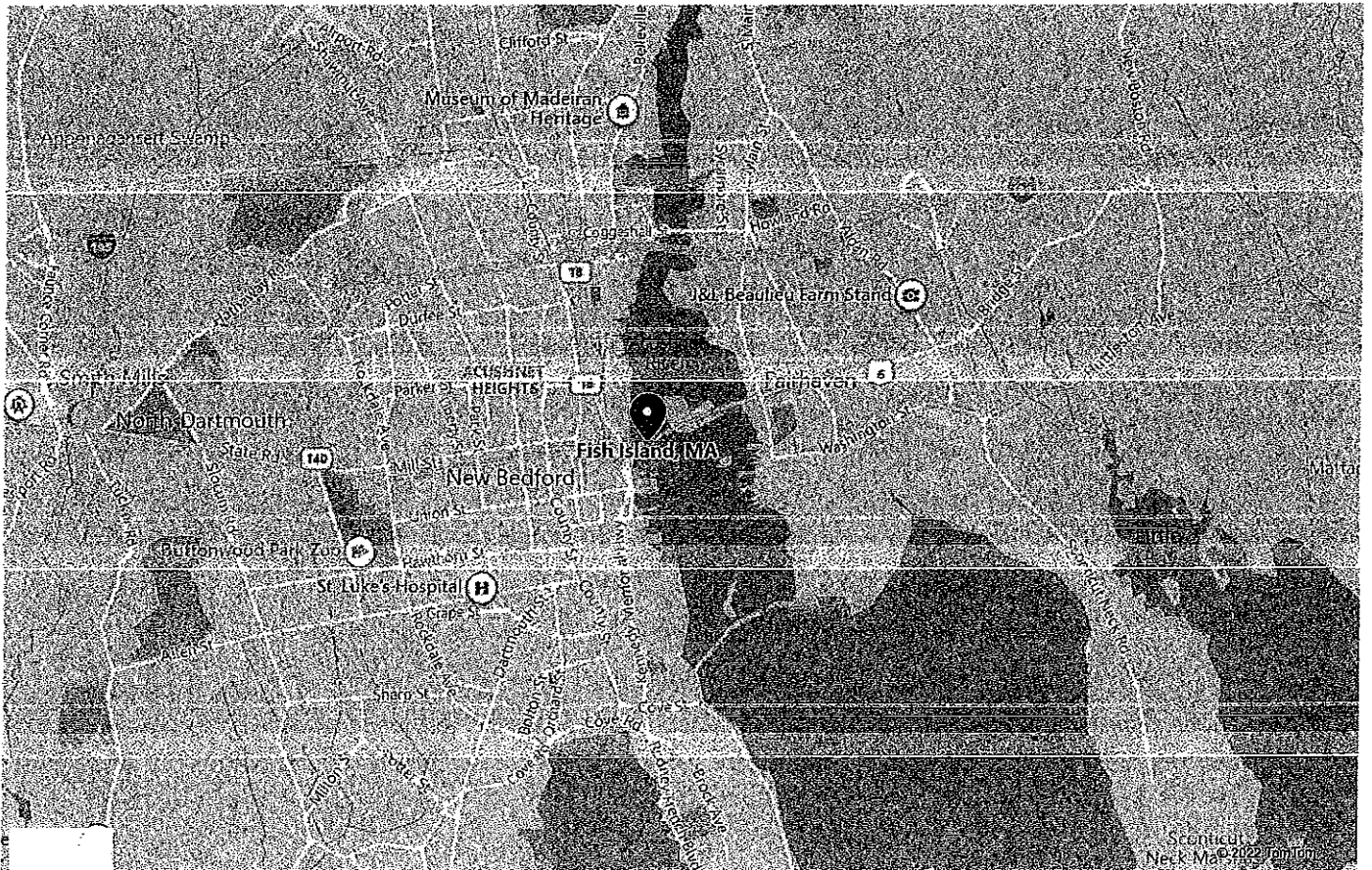
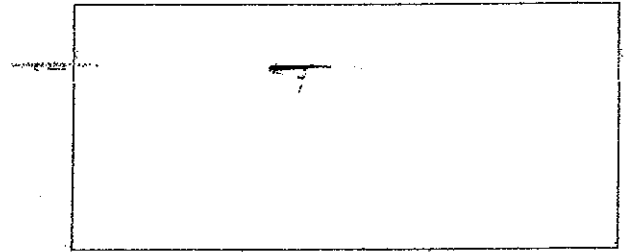
CC: Town Administrator Angie Lopes Ellison  
~~Robert Davis, Steamship Authority~~

The Woods Hole, Marth's Vineyard and Nantucket Steamship Authority is considering issuing a license to private company, 41 North Offshore, LLC to operate a tug and barge freight service between New Bedford (Fish Island) and Nantucket on a trial basis between May 2022 and October 2022. The impetus for this service is the failure of a delivery service, UPS, to book sufficient space on Steamship Authority boats to deliver packages from the mainland to Nantucket.

There is the potential for this service to have a negative impact on Fairhaven through possible increased truck traffic on Main Street and Huttleston Ave (Rt 6). While it is expected that most of the trucks accessing the departure location on Fish Island would travel on I-195 to Rt 18 S and then on to Rt 6 E to Fish Island, alternative routes may include Coggeshall Street to Main Street to Huttleston Ave (RT 6 West) or from I-195 to 240S to Huttleston Ave (RT 6 West).

Given the amount of truck traffic currently on those streets, especially from the quarry in Acushnet, the Select Board may want to consider asking the Steamship Authority, should they decide to grant a license to 41 North Offshore, LLC, to specifically prohibit trucks using their service from traveling routes through Fairhaven to access Fish Island unless there is an unexpected event preventing them from using the RT 18 route.

## Fish Island, MA



Data from: Wikipedia





7 Fish Island | New Bedford, MA 02740  
(774) 202-9292

March 24, 2022

Mr. Robert Davis  
Woods Hole, Martha's Vineyard & Nantucket Steamship Authority  
P.O. Box 284  
Woods Hole, MA 02543

Ref.: Tug & Barge Freight Service – Pilot Program  
New Bedford, MA – Nantucket, MA

Subject: Request for License Agreement

Dear Mr. Davis:

41 North Offshore, LLC (41N) submits the attached proposal in support of its request for a license agreement with the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority (SSA) to operate a tug & barge freight service pilot program between New Bedford, MA and Nantucket, MA. Specific details of the pilot program, including the dates for the program, are outlined in the proposal.

To meet the dates proposed for the program, 41N requests the SSA consider the proposal and 41N's request for a license agreement at its upcoming Port Council meeting on April 5, 2022, and Board of Governors' meeting on April 19, 2022. 41N is available to answer questions the proposal and license agreement request generate and provide additional information both in advance of and at the meetings.

41N appreciates the SSA's consideration of 41N's proposal and license agreement request and would welcome an opportunity to discuss further at the Port Council and Board's meetings. Please let us know if 41N's request will be added to the Port Council and Board's meeting agendas and if 41N should plan to attend one or both meetings.

Respectfully submitted,

41 North Offshore, LLC

Jonah Mikutowicz, Manager

Cc:

Matthew Fisher | 41 North Offshore, LLC  
Mark Giuffre | United Parcel Service  
Albert Murat | United Parcel Service  
Anthony Nuckles | United Parcel Service  
Elaine Mooney | Woods Hole, Martha's Vineyard & Nantucket Steamship Authority

Encl.



7 Fish Island | New Bedford, MA 02740  
(774) 202-9292

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## **Tug & Barge Freight Service – Pilot Program**

**New Bedford ↔ Nantucket**

**March 24, 2022**

## 1.0 – General Overview

41 North Offshore, LLC (41N) is proposing a pilot program (Pilot) to determine the feasibility of offering a tug & barge freight service between New Bedford and Nantucket. 41N has partnered with the United Parcel Service (UPS) for the Pilot, with UPS engaged as the initial seed customer. The Pilot would run from over a five (5) month period from mid-May 2022 until mid-October 2022 and consist of up to seventy (70) round trips, each trip carrying an average of three (3) tractor trailer equivalent units. Loading and offloading in New Bedford would occur at the Fish Island Terminal (FIT) located on Fish Island in New Bedford Harbor and in Nantucket at the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority's (SSA) Nantucket Terminal.

## 2.0 – Pilot Participants

### A. 41 North Offshore, LLC

41N is a tug & barge operator based in New Bedford, MA. Established in 2011, 41N operates a fleet of three (3) tugboats, one (1) push boat and three (3) barges. 41N's primary services include marine transportation, coastal marine towing and dredge support.

41N has extensive experience operating tugs and barges between New Bedford and Nantucket, including delivering modular houses and loose bulk aggregate to the SSA's Nantucket Terminal and offloading at the Terminal. 41N has historically averaged one (1) to two (2) barge deliveries per week to the SSA's Nantucket Terminal, but currently is averaging three (3) to four (4) barge deliveries per week to the Terminal.

41N is experienced working with SSA Nantucket Terminal personnel and management and understands the operational aspects and constraints required when docking and working at the Terminal and around the SSA's ferries in Nantucket Harbor.

### B. United Parcel Service

UPS is the largest package delivery provider operating on Nantucket. UPS's service delivers critical, time sensitive packages including medication, healthcare items and food service packages. UPS is vital to commerce on Nantucket and the majority of local business inventory is transported by UPS.

UPS's delivery volume on Nantucket increases by 70% during the Summer months and averages five thousand (5,000) packages per day. Delivery of these packages to Nantucket is made using two (2) to three (3) tractor trailer units per day.

### C. Fish Island Terminal

The FIT is an industrial marine terminal located on Fish Island in New Bedford Harbor. The FIT consists of a mix of upland staging space and waterside dockage for industrial barges, tugboats and fishing vessels. Current uses of the FIT include barge loading of rolling and bulk cargo, marine construction staging, and dockage for tugboats, barges and fishing vessels.

## 3.0 – Background

In late 2020, 41N started discussing the concept of operating a freight service between New Bedford and Nantucket. Discussions continued through 2021 and into 2022. As restrictions from the

global COVID-19 pandemic were lifted and travel began to increase, 41N started receiving an increasing number of calls from parties trying to move their vehicles and cargo to Nantucket. The common theme in the calls 41N received was that the SSA was unable to offer a reserved space on its ferries due to the ferries being fully booked.

In late 2021, UPS inadvertently missed the SSA's filing deadline for bulk ferry reservations for the 2022 Summer window. Upon realizing the deadline had been missed, UPS immediately contacted the SSA and both parties have been working together to find a solution to ensure uninterrupted service for UPS's freight to Nantucket.

While discussions with the SSA were ongoing, UPS contacted 41N to discuss an alternative contingency solution to provide transportation for UPS's freight to Nantucket on one of 41N's barges. Discussions between 41N and UPS about a potential freight service to Nantucket led to the full development of the service proposed by this Pilot.

To limit the number of trips that UPS would need to utilize 41N's service, UPS undertook an extensive internal investigation to ensure that their freight transport to Nantucket was as efficient as possible. Items investigated by UPS included ensuring the space utilization in trailers transiting on the SSA was maximized and utilizing different truck and trailer combinations to fit in spaces that the SSA still had available for reservations. In addition, UPS investigated the option of transporting freight by air and considered trips that may still be able to be made with the SSA on a standby basis.

Despite the ongoing concerted efforts of both the SSA and UPS, there will most likely still be tractor trailer trips that UPS would need to utilize 41N's proposed service to cover. The number of tractor trailer trips that UPS would need to utilize 41N's service to cover is still being finalized, however UPS's number of trips without guaranteed reservations is projected to be between one hundred fifty (150) and two hundred (200) trips. Covering these tractor trailer trips utilizing 41N's service is estimated to require seventy (70) barge trips.

#### **4.0 – Service**

The Pilot is designed with a focus on two things; first to determine if a tug and barge freight service between New Bedford and Nantucket is a viable transportation method that could supplement the existing SSA ferry service between Hyannis and Nantucket; and second, to solve the immediate need of a critical transporter of products, medicine and supplies to Nantucket (UPS), that is not able to meet all its Nantucket transportation needs using the SSA during the busy Nantucket Summer season.

The goal of the Pilot is to determine if, as the service develops, other SSA customers that cannot reserve a guaranteed spot with the SSA will participate in the service. The service is not designed nor intended to take customers and freight traffic away from the SSA, but rather supplement the SSA at times when the SSA cannot offer a guaranteed reservation.

Utilizing 41N's service would be a last resort for most parties due to the additional factors that come into play when traveling by barge between New Bedford and Nantucket. Tug and barge service to Nantucket has factors that inherently make it less efficient and desirable than traditional ferry service. Transit of a tug and barge is slower than a traditional ferry, is more restricted by the weather conditions that it can operate in, must transit a greater distance from New Bedford than a ferry must transit from Hyannis and is more expensive on a per-unit basis.

The Pilot would operate around UPS's needs and not as a regular everyday service. While UPS has engaged as the seed customer for the service, UPS intends to continue to work with the SSA to

identify openings or standby slots on SSA ferries for trips that UPS does not currently have a reservation for. As UPS's needs are met by the SSA, UPS will cancel trips tentatively scheduled for 41N's service. Unless other parties are scheduled to utilize the service, 41N would in-turn cancel scheduled trips when UPS is able to obtain coverage on SSA ferries. Both 41N and UPS expect some portion of the trips outlined in this proposal to occur, however exactly what percentage of the potential trips utilize 41N's service would be driven by the number of trips UPS is able to cover utilizing the SSA.

## **5.0 – Service Details**

### ***A. Roles***

41N would be the operator of the service and provide the tug, barge and crew that would transport trucks and trailers between New Bedford and Nantucket. 41N would handle directing trucks and trailers on the barge during loading and offloading and securing and un-securing all trucks and trailers while on the barge. 41N would be the point of contact for coordination with the SSA on the service.

UPS would be the seed customer for the service and provide trucks and trailers that would utilize the service. UPS would handle transporting the trucks and trailers to/from the FIT, loading the trucks and trailers on/off the barge in both New Bedford and Nantucket, and transporting the trucks and trailers to/from the SSA's Nantucket Terminal.

Since UPS is the seed customer for the Pilot, this proposal describes UPS is the sole "customer" of the service. If other non-UPS customers engage 41N to utilize the service, their roles would be the same for their trucks and trailers as the roles outlined and planned to be handled by UPS.

The FIT would serve as the departure and arrival point in New Bedford. Trucks and trailers would stage at the FIT in advance of a barge loading and following offloading on the return trip. Trucks and trailers would utilize the FIT transfer bridge to load and offload from the barge.

The SSA would serve as the arrival and departure point in Nantucket. 41N would utilize the SSA's Nantucket Terminal dock space for securing the tug and barge while in Nantucket, transfer bridge for loading and offloading trucks and trailers, upland space for trucks and trailers arriving for loading and departing following offloading and SSA personnel for operating the transfer bridge.

### ***B. Schedule & Frequency***

41N intends to operate the Pilot from Tuesday, May 17, 2022 through Wednesday, October 19, 2022 and make two (2) to five (5) trips per week, Monday through Friday only, with a weekly average of three (3) trips per week. One (1) to five (5) tractor trailer equivalent units would transit each way on the barge with an average of 1 ¼ units transiting from New Bedford to Nantucket and 1 ¾ units transiting from Nantucket to New Bedford on the return leg of the trip.

### ***C. Notice of Cancellation***

41N would endeavor to provide a minimum notice of cancellation to the SSA twenty four (24) hours in advance of a scheduled offload in Nantucket. Due to weather factors outside of 41N's control, there may be trips that would need to be canceled twelve (12) to twenty four (24) hours in advance of a scheduled offload in Nantucket.

#### *D. Route*

The route between New Bedford and Nantucket would transit Buzzard's Bay, Vineyard Sound and Nantucket Sound, covering a total distance of fifty two (52) nautical miles one way.

#### *E. Transit Time*

The transit would take an average of eight (8) hours one way at a speed of six and one half (6 ½) knots. Tug and barge speeds are highly influenced by tides and sea conditions so the transit time could vary by up to an hour above or below the average depending on the day.

#### *F. Arrival & Departure Times*

Transit from New Bedford to Nantucket would occur overnight, with departure from New Bedford at 1800 the day before a scheduled Nantucket offload and arrival in Nantucket around 0200 the day of the offload. Upon arriving in Nantucket, 41N's tug and barge would secure in Slip #2 at the SSA's Terminal and standby for offloading and loading in the morning.

Transits from Nantucket to New Bedford would occur the same day as a Nantucket offload, with departure from Nantucket at 0730 and arrival back in New Bedford around 1530. In the event a delay in the offload/reload in Nantucket delays 41N's departure for New Bedford beyond 0730, 41N's tug and barge would either hold and depart after the arrival and docking of the first freight boat from Hyannis, if offloading in Slip #2, or temporarily clear the Nantucket terminal by 0730 and then return following the departure of the 0915 passenger ferry, if offloading in Slip #1.

#### *G. Passengers*

The service is planned to transport trucks and trailers only, without passengers onboard. UPS would meet the trucks and trailers at the dock in both New Bedford and Nantucket to offload and load them off and on the barge.

#### *H. Staging in New Bedford*

Loaded trucks and trailers scheduled to be delivered to Nantucket would be delivered by UPS to the FIT and staged in advance of loading. UPS drivers delivering loaded trucks and trailers to the FIT would backhaul empty trucks and trailers that had returned from Nantucket to UPS's offsite facility.

#### *I. Offloading & Loading in New Bedford*

Offloading & loading at the FIT would occur between 1700 -- 1800 the day before a scheduled offload in Nantucket. Empty trucks and trailers that returned on the barge from Nantucket would be driven off the barge by UPS, using the FIT transfer bridge, and parked at the FIT. Following offload of the empty trucks and trailers, loaded trucks and trailers would be backed onto 41N's barge by UPS and secured on the barge by 41N.

#### *J. Staging in Nantucket*

Due to the limited terminal space at the Nantucket Terminal and ongoing ferry operations, there would be no staging of trucks and trailers at the Terminal. Loaded trucks and trailers that



were delivered to Nantucket on the barge would be driven directly from the SSA's property after offloading from the barge. Empty trucks and trailers that are to be loaded on the barge in Nantucket would only arrive at the Terminal once the barge was ready to be loaded and would be immediately loaded onto the barge.

#### *K. Offloading & Loading in Nantucket*

Offloading and loading in Nantucket would occur between 0630 – 0730, with a secondary window of 0930 - 1115. Offloading and loading would utilize either the Slip #1 or #2 transfer bridges, with which slip utilized being determined by the SSA's Terminal Manager on a trip-by-trip basis. Operation of the transfer bridge would be completed by SSA personnel with 41N personnel securing the bridge to the barge. Once the bridge was secured to the barge, loaded trucks and trailers would be driven off the barge by UPS and from the Terminal. Once all trucks and trailers that had been delivered to Nantucket had been offloaded from the barge and departed the Terminal, the empty trucks and trailers would arrive at the Terminal and be immediately loaded onto the barge.

#### *L. Barge*

41N plans to utilize its deck barge "THING 2" to carry the trucks and trailers on the service. "THING 2" is a flat steel deck barge with overall dimensions of 130' x 40'. Fitted to the deck of "THING 2" are steel bin walls across the bow and down both sides of the barge with a concrete wearing deck inside the bin walls. "THING 2" can carry a maximum of five (5) fifty, seven foot (57') total length tractor trailer equivalent units. Attached under Appendix A is information on "THING 2".

Offloading and loading of rolling cargo on "THING 2" occurs over the stern end of the barge, which is flat and does not have a radius like the SSA's ferries. To utilize the SSA's head dolphin fenders and transfer bridge, 41N would outfit the barge with a cantilevered, radiused platform that would match the stern radius of the SSA's ferries. The cantilevered platform would be designed and constructed to support the same loads that the SSA's transfer bridges can support. 41N engaged a licensed Structural Engineer to develop preliminary details and calculations for the barge radius platform. Attached under Appendix B is a preliminary detail showing the barge and radiused platform, positioned as it would sit in Slip #2 during loading and offloading.

### **6.0 – License Fee**

41N proposes a license fee structure like the fee structure charged to non-SSA entities whose vessels utilize SSA facilities for the loading and discharging of passengers.

For the use of the SSA's facilities in Nantucket and providing SSA personnel to operate the transfer bridge, 41N proposes paying the SSA a flat fee of One Hundred Dollars (\$100.00) per docking.

For the use of the SSA's facilities in Nantucket to offload and load trucks and trailers as outlined in this proposal, 41N proposes a fee for each one-way unit equivalent to Ten percent (10%) of the SSA's regular one-way fare to provide the same service on its ferries between Hyannis and Nantucket.



E3

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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## Fwd: Sustainability Committee

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**Leon Correy III** <lcorrey@fairhaven-ma.gov>  
To: Vicki Oliveira <vicki@fairhaven-ma.gov>

Mon, May 9, 2022 at 1:11 AM

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

From: **Seth Baumgartner** <[REDACTED]>  
Date: Sun, May 8, 2022 at 10:17 PM  
Subject: Sustainability Committee  
To: <lcorrey@fairhaven-ma.gov>

Dear Selectman Correy,

I am writing to you to express interest in becoming a member of the town's Sustainability Committee as a alternate member.

My interest in this position comes from my love of the environment and the desire to be a voice for it's protection, enrichment, and revitalization. I hope to use that passion to help in the committee's actions with plans to help and preserve the environment. Plans that would directly impacts us as best as possible.

I have two small children who will inherit the rewards or consequences of the actions that we take today. I want to be able to look at my children, and if it happens someday grandchildren, and say that I tried my best to do something about it. I know that we are a small town, but small actions collectively can reap big rewards.

Thank you for the opportunity to write to you and I hope you will consider me for the Sustainability Committee.

Seth Baumgartner

# BOARDS AND COMMITTEES

E4

Board/Committees	Name	Title	Expiration Date
<b>Art Curator</b>	Mark Badwey		5/31/2023
<b>1 Year Term</b>	Kelly Smith	Associate	5/31/2023
<b>Board of Assessors</b>	Pamela Davis		5/31/2025
<b>3 Year Term</b>	Ronnie J. Manzone		5/31/2025
	Ellis B. Withington		5/31/2025
<b>Bell Committee</b>	Lee Baumgartner		5/31/2023
<b>1 Year Term</b>	Doug Brady		5/31/2023
	Nils Isaksen		5/31/2023
	Jacqueline Kenworthy		5/31/2023
	Helena Oliveira		5/31/2023
	Cody Thibault		5/31/2023
<b>Belonging Committee</b>	Greg Weider		5/31/2023
<b>1 Year Term</b>	Kylie Bateman		5/31/2023
	Geoffrey Haworth II		5/31/2023
	Jessica Fidalgo		5/31/2023
<b>Bikeway Committee</b>	Chip Hawthorne		5/31/2023
<b>1 Year Term</b>	Mike Rotondo		5/31/2023
	James Anderson		5/31/2023
	Justin Gledhil		5/31/2023
	Tim Garcia		5/31/2023
<b>Broadband Study Committee</b>	Sean Daly	at large	5/31/2023
<b>1 Year Term</b>	Sean Powers	at large	5/31/2023
	Alyssa Botelho	at large	5/31/2023
<b>Cable Advisory Committee</b>	Barbara Acksen		5/31/2023
<b>1 Year Term</b>	Maria Carvalho		5/31/2023
	Ronald Medina		5/31/2023
	Thomas McAfee		5/31/2023
	John Methia		5/31/2023
<b>Capital Improvement Planning Committee</b>	Stephen Hickox	Construction Rep	5/31/2025
<b>3 Year Term</b>	David Faunce	Open Space Rep	5/31/2025
<b>Commission on Disability</b>	Marcus Ferro	Elected Official	5/31/2025
<b>3 Year Term</b>	Eleanor Chew		5/31/2025
<b>Community Preservation Committee</b>	Beth Luey	Select Board Appointment	5/31/2025
<b>3 Year Term</b>			

## BOARDS AND COMMITTEES

Board/Committees	Name	Title	Expiration Date
<b>Conservation Commission</b>	Geoffrey Haworth II		5/31/2025
<b>3 Year Term</b>	Jacob Galary		5/31/2025
<b>Economic Development Committee</b>	Eddie Lopez	At- Large	5/31/2023
<b>1 Year Term</b>	Travis Rapoza	At- Large	5/31/2023
	Kevin McLaughlin	At- Large	5/31/2023
	Bernard Roderick	At- Large	5/31/2023
	Cathy Melanson	At- Large	5/31/2023
<b>Historical Commission</b>	Wayne Oliveira		5/31/2025
<b>3 Year Term (Full)</b>	Vicki Oliveira		5/31/2025
	Gary Lavalette		5/31/2025
<b>1 Year Term ( Associate)</b>	Natalie Mello	Associate	5/31/2023
	Michael Kelly	Associate	5/31/2023
<b>Local Emergency</b>	Tara Kohler	School Representative	5/31/2023
<b>Planning Committee</b>	David Flaherty	Health Agent	5/31/2023
<b>1 Year Term</b>	Chris Carmichael	Building Commisioner	5/31/2023
	Todd Correia	Fire Chief	5/31/2023
	Vincent Furtado	Public Works Superintendent	5/31/2023
	Marc Jodin	Emergency Management Director	5/31/2023
	Michael Myers	Police Chief	5/31/2023
<b>Marine Resources Committee</b>			
<b>1 Year Term</b>	Eric Dawicki		5/31/2023
	Michelle Potter		5/31/2023
	David Hebert		5/31/2023
	Michael McNamara		5/31/2023
	Andrew Jones		5/31/2023
<b>Matt River Valley Water</b>	Jeff Furtado		5/31/2025
<b>District Commission</b>	Vincent Furtado		5/31/2025
<b>3 Year Term</b>			
<b>Matt River Valley Water</b>	Jeff Furtado		5/31/2025
<b>Protection Adv Comm.</b>	Vinnie Furtado		5/31/2025
<b>3 Year Term</b>			
<b>Millicent Library Trustees</b>	Kathryn Powers	Select Board Appointment	5/31/2026
<b>4 Year Term</b>			
<b>Municipal Hearing Officer</b>	Michael Myers	Police Chief	5/31/2023
<b>1 Year Term</b>			

## BOARDS AND COMMITTEES

Board/Committees	Name	Title	Expiration Date
<b>Oil Spill Coordinator</b>	Todd Correia	Fire Chief	5/31/2023
<b>1 Year Term</b>			
<b>Parking Clerk</b>	Vicki Oliveira		5/31/2023
<b>1 Year Term</b>			
<b>Rogers Reuse Committee</b>	Doug J. Brady		5/31/2023
<b>1 Year Term</b>	Nils M. Isaksen		5/31/2023
	Susan Loo		5/31/2023
	Beverly Rasmussen		5/31/2023
	Barbara Acksen	Associate (non voting)	5/31/2023
	Gary Lavalette	Associate (non voting)	5/31/2023
<b>Sustainability Committee</b>	Ann Richard		5/31/2023
<b>1 Year Term</b>	Christin Ritz		5/31/2023
	Karen Gent		5/31/2023
	Susan Spooner		5/31/2023
	Deirdre Healy		5/31/2023
	Tim Garcia		5/31/2023
	Wendy Drumm		5/31/2023
	John Pond	Associate	5/31/2023
<b>Zoning Board of Appeals</b>			
<b>5 Year Term (Full)</b>	Peg Cook		5/31/2027
<b>3 Year Term (Associate)</b>	Nicholas Sylvia	Associate	5/31/2025
	Alberto B. Silva	Associate	5/31/2025

Constables	Term Expires
Steven Borges	5/31/2023
Matthew M. Botelho	5/31/2023
Pamela A. Bourgault	5/31/2023
Richard E. Ferreira	5/31/2023
Joseph Latimer	5/31/2023
Robert Jones	5/31/2023
Kevin W. Kobza	5/31/2023
Lawrence Machado	5/31/2023
Scott McGarty	5/31/2023
David Miller	5/31/2023
Nicholas Sylvia	5/31/2023
Herve W. Vandal, Jr.	5/31/2023
Milan Whitaker	5/31/2023

**\*\*All names have been vetted and verified  
by the Fairhaven Police Department**

**All terms are One Year**





E6

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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## Nicole Podkowa 5K Fairhaven Road Race

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**Rebecca Vento** <rvento@fairhaven-ma.gov>

Tue, May 10, 2022 at 8:31 AM

To: William A Burns <BurnsW@southcoast.org>

Cc: Vicki Oliveira <vloliveira@fairhaven-ma.gov>, David Sobral <David.Sobral@fairhavenpolice.org>

Good morning,

At last night's BPW meeting the Board voted unanimously to approve the request for Southcoast Health's Annual Nicole Padkowa 5K on October 8, 2022. Attached is the signed permit.

Please let me know if you have any questions.

Have a great day!

Becky

[Quoted text hidden]

[Quoted text hidden]



**Southcoast Health Nicole Podkowa 5K 2022 10-08.pdf**

70K



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

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## Nicole Podkowa 5K Fairhaven Road Race

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William A Burns <BurnsW@southcoast.org>

Fri, Apr 29, 2022 at 3:57 PM

To: "vloliveira@fairhaven-ma.gov" <vloliveira@fairhaven-ma.gov>

Hi Vicki,

We are hoping to resurrect the Nicole Podkowa 5K Road Race this fall. A copy of the Request to Use Town Property and the race route are attached.

You were very helpful with the Select Board approval in 2020, we are hoping that you can add this to an upcoming meeting for approval. Thank you.

**William A. Burns | Executive Director, External Affairs & Planning**

**Southcoast Health | 101 Page Street | New Bedford, MA 02740**

phone: 508.973.5885 | cell: 508.965.1787

[Burnsw@southcoast.org](mailto:Burnsw@southcoast.org) | [www.southcoast.org](http://www.southcoast.org)

[facebook](#) | [instagram](#) | [linkedin](#) | [twitter](#)



**More than medicine.**



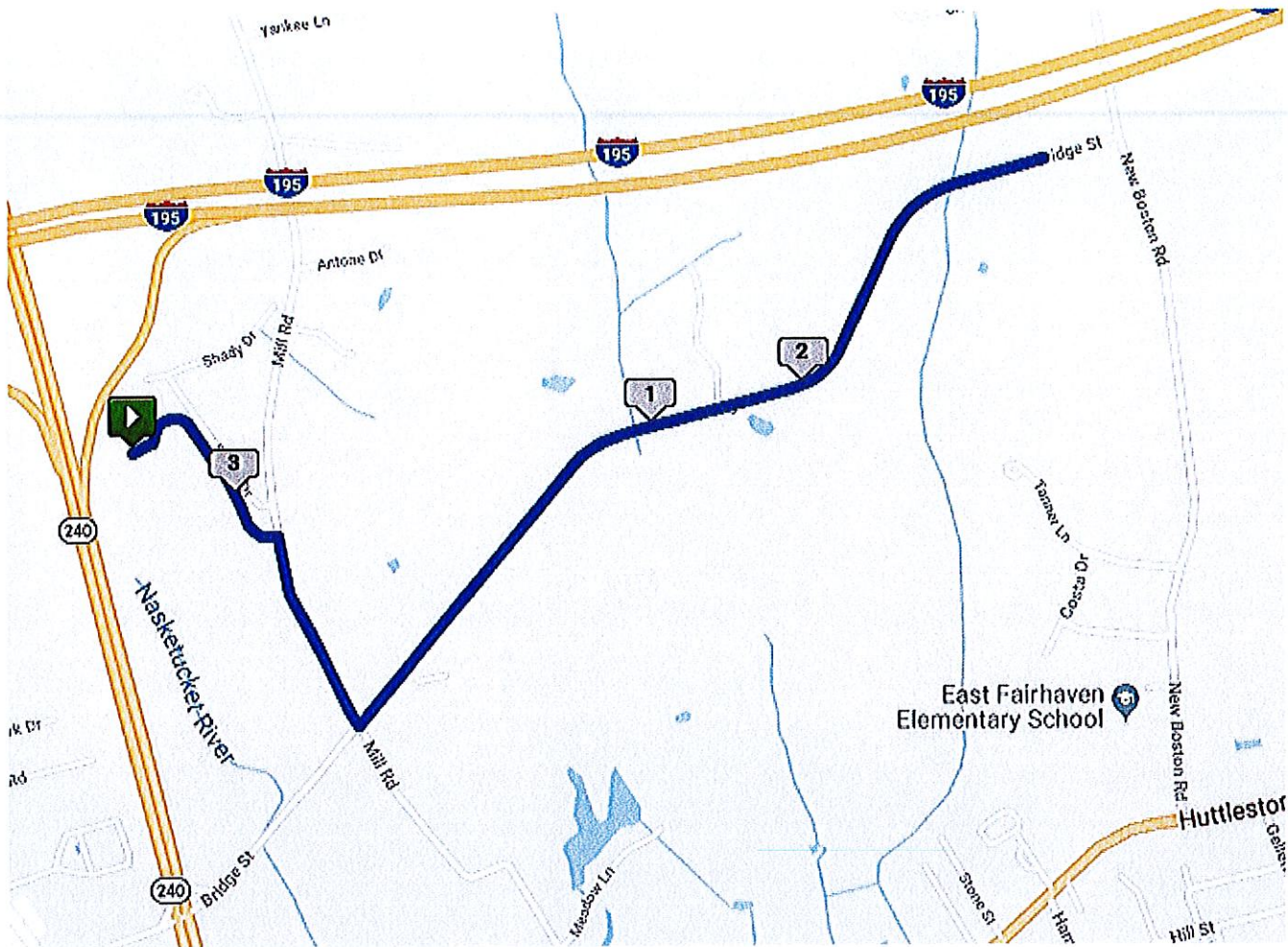
Southcoast Hospitals Group, which includes Charlton Memorial Hospital, St. Luke's Hospital and Tobey Hospital, is a 2020 Newsweek's World's Best Hospital.

CONFIDENTIALITY NOTICE: This email (including any attachments) may contain confidential, privileged or otherwise protected information. It is intended for a particular recipient. If you are not the intended recipient, please immediately notify the sender by reply email, delete this email and destroy any copies of the email and its attachments. Any unauthorized use or disclosure of this email and its attachments is strictly prohibited. The recipient has full responsibility for protecting its systems from viruses and other breaches of the system's integrity and Southcoast accepts no liability for any damage caused by any virus transmitted by this email or its attachments.

---

2 attachments

[request\\_to\\_use\\_town\\_property.pdf](#)  
206K



**From:** Mark Rees <mrees@fairhaven-ma.gov>  
**Sent:** Monday, March 9, 2020 2:17 PM  
**To:** William A Burns <BurnsW@southcoast.org>  
**Cc:** Vicki Paquette <vpaquette@fairhaven-ma.gov>  
**Subject:** Re: [EXTERNAL]Re: Nicole Podkowa 5K/Town of Fairhaven

**Warning:** External e-mail. **DO NOT** click links, open attachments, or reply with any information unless you know the content is safe and have verified the e-mail address of the sender.

Hi Mr. Burns, The Fire Chief said you were trying to reach me. Sorry about the confusion. He said you were seeking to change the route of your road race. In looking at your submission, you had two options #1 and #2. Have you chosen a particular option you want to go with, or do you know have a 3rd option you would like to submit.

Thank you.

Mark

**TOWN OF FAIRHAVEN - BOARD OF PUBLIC WORKS**  
**REQUEST TO USE TOWN PROPERTY**



Date of Event: 10/8/22 or 10/9/22

Time: 7 am - 1 pm

Name: Adriann Corazzini - Southcoast Health

Address: 101 Page Street

City/Town/Zip: New Bedford, MA 02740

Phone #: (508) 973-5811

Email: corazzinia@southcoast.org

Location Request: See Race Route

Type of Event: Podkowa 5K Race Fundraiser

Estimated Number of  
People Attending : 300

Special Requests -

Additional Fee may apply:

Fee: \$25.00 non refundable - Check made payable to "Town of Fairhaven"

Date Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_ Check # \_\_\_\_\_

Rules & Regulations: No food or alcoholic beverages are permitted on the premise.

No tents are allowed on premise.

All decorations must be removed when function is completed.

Limited amount of chairs for elderly.

Area must be cleaned when function is completed.

\*unless otherwise noted.

\*

Approved: \_\_\_\_\_

Date: 5/9/22

Not Approved: \_\_\_\_\_

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





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

E7

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

April 21, 2022

Atlas Tack Corporation  
Mr. Leonard Lewis, President  
266 Beacon Street, Suite 2  
Boston, Massachusetts 02116-1287

RE: **FAIRHAVEN**  
Release Tracking Number: 4-0017321  
Atlas Tack Corporation  
83 Pleasant Street  
**ADMINISTRATIVE CONSENT ORDER  
WITH PENALTY  
ENFORCEMENT DOCUMENT NUMBER  
00011556**

Dear Mr. Lewis:

Please find enclosed a signed copy of the Administrative Consent Order with Penalty ("Consent Order") that the Department of Environmental Protection (MassDEP) has negotiated with you.

The Consent Order was executed on April 21, 2022. The terms and conditions of the Consent Order now apply and are binding.

If you have any questions regarding this Consent Order or any of the requirements contained in it, please contact Kathryn Carvalho at the letterhead address or by calling (508) 946-2742. MassDEP appreciates your cooperation in this matter.

Sincerely,

Millie Garcia-Serrano  
Regional Director

MGS/JH/KC/xx

Enclosure: Copy of Administrative Consent Order Penalty 00011556

BY EMAIL: [mmurphy@regnante.com](mailto:mmurphy@regnante.com)

ec: Town of Fairhaven  
Board of Health  
Board of Selectmen

DEP-SERO

Attn: Millie Garcia-Serrano, Regional Director  
Attn: John Handrahan, Acting Deputy Regional Director  
Attn: Andrew Fowler, Regional Counsel  
Attn: Lara Goodine, Regional Enforcement Coordinator

Michael Murphy, Esq.  
Regnante Sterio LLP  
[mmurphy@regnante.com](mailto:mmurphy@regnante.com)

Paul J. Leikhim  
[leikhim@hotmail.com](mailto:leikhim@hotmail.com)



**COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of:  
Atlas Tack Corporation  
266 Beacon Street, Suite 2  
Boston, Massachusetts 02116-1287

Enforcement Document Number:  
00011556  
Issuing Bureau: BWSC  
Issuing Region/Office: SERO  
Release Tracking Number: 4-0017321

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY  
AND  
NOTICE OF NONCOMPLIANCE**

**I. THE PARTIES**

1. The Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Southeast Regional Office at 20 Riverside Drive, Lakeville, Massachusetts 02347.
2. Atlas Tack Corporation ("Respondent") is a Corporation with a mailing address of 266 Beacon Street, 2<sup>nd</sup> Floor, Boston Massachusetts 02108. Respondent's mailing address for purposes of this Consent Order is 266 Beacon Street, 2<sup>nd</sup> Floor, Boston, Massachusetts 02108.

**II. STATEMENT OF FACTS AND LAW**

3. MassDEP is responsible for the implementation and enforcement of: M.G.L. c. 21E and the Massachusetts Contingency Plan ("MCP") at 310 CMR 40.0000. MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.
4. Unless otherwise indicated, the terms used herein shall have the meaning given to them by the MCP, and if such terms are not defined in the MCP, they shall have the meanings given to them by M.G.L. c. 21E. "Property" shall mean the real property located at 83 Pleasant Street, Fairhaven, Massachusetts. "The Site" shall mean the particular Site (as that term is defined in the MCP) resulting from releases of oil and/or hazardous materials at the Property. The Site shall include, without limitation, any place or area within or outside the Property where oil and/or hazardous material resulting from such releases has come to be located.

Page 2

Respondent is a Responsible Party ("RP") or Potentially Responsible Party ("PRP") for the Site as the owner.

5. The following facts and allegations have led MassDEP to issue this Consent Order:
  - A. On September 30, 2002, DEP issued a Notice of Responsibility (NOR) to Atlas Tack based on the identification of petroleum contaminants in the soil and groundwater at the Site.
  - B. On May 1, 2007, Atlas Tack submitted a Phase I/Tier Classification for the Site.
  - C. On May 30, 2014, Atlas Tack submitted a Tier II Extension. Atlas Tack filed additional Extensions in May 2016, April 2018 and April 2020. Each Tier Extension contained a plan to achieve a Temporary or Permanent Solution at the Site.
  - D. Pursuant to 310 CMR 40.0560(2)(b), a Phase II Comprehensive Site Assessment Report (Phase II Report) shall be submitted to MassDEP within three years of the effective date of Tier Classification. The effective date for the Tier Classification for this Site is May 1, 2007. Therefore, the Phase II Report was due to be submitted to MassDEP by May 1, 2010.

The effective date for the Tier Classification for this Site is May 1, 2007. Respondent's Phase II Report was due by May 1, 2010. To date, Respondent has not submitted a Phase II Report.

*Also see 310 CMR 40.0560(7)(f) ("A Tier Classification Extension obtained under 310 CMR 40.0560(7) does not forgive an RP's, PRP's or Other Person's noncompliance with any provisions of 310 CMR 40.0000, including but not limited to, noncompliance that resulted from the late submittal of...Phase II Report....").*

6. On March 25, 2021, MassDEP issued a Notice of Noncompliance (NON) to Respondent describing the above violation, specifying the actions to be taken to return to compliance, and stating the deadlines for performing such actions. This NON was returned to MassDEP unclaimed by the U.S. Postal Service (USPS).
7. As of today, the Respondent has failed to respond to the NON.

### III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

8. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called

Page 3

for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.

9. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

10. Respondent shall perform the following actions:

- A. By **December 31, 2022**, submit to MassDEP a Phase II Comprehensive Site Assessment Report and a Risk Characterization (the Phase II Report) prepared in accordance with 310 CMR 40.0835 and 310 CMR 40.0900, respectively. If, after the completion of the Phase II Report, the Respondent can demonstrate that a condition of No Significant Risk exists and it is documented to MassDEP in a Permanent Solution Statement in full accordance with the provisions of 310 CMR 40.1000, the Respondent need not continue with Comprehensive Response Actions at the Site, pursuant to 310 CMR 40.0560(3).
- B. By **December 31, 2022**, if the Phase II Report indicates that comprehensive response actions are necessary at the Site, also submit a Phase III Remedial Action Plan prepared pursuant to 310 CMR 40.0861. If, after the completion of the Phase III Remedial Action Plan, it can be demonstrated that a condition of No Substantial Hazard has been achieved and it is concluded that response actions to achieve a Permanent Solution are not currently feasible and Respondent submits a Temporary Solution Statement prepared in full accordance with 310 CMR 40.1000, Respondent need not comply with items C and D by the established dates.
- C. By **June 30, 2023**, the Respondent shall submit to MassDEP a Phase IV Remedy Implementation Plan (RIP) prepared in full accordance with the provisions of 310 CMR 40.0870.
- D. By **December 31, 2023**, Respondent shall submit to MassDEP a Permanent Solution Statement prepared in full accordance with 310 CMR 40.1000. This deadline to submit a Permanent Solution Statement shall not apply if you achieve Remedy Operation Status pursuant to 310 CMR 40.0893 on or before **December 31, 2023**.

11. Unless submitted via eDEP or except as otherwise provided herein, all notices, submittals and other communications required by this Consent Order shall be directed to:

Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup  
20 Riverside Drive  
Lakeville, Massachusetts 02347

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

12. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.
13. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.
14. The Commonwealth assesses a civil administrative penalty in the amount of **Seven Thousand Five Hundred dollars (\$7,500.00)** for the violations identified in Part II above, as follows:
  - A. Within thirty (30) days of the effective date of this Consent Order, Respondent shall pay to the Commonwealth **Two Thousand Five Hundred Dollars (\$2,500.00)**;
  - B. Within one hundred twenty (120) days of the effective date of this Consent Order, Respondent shall pay to the Commonwealth **Two Thousand Five Hundred Dollars (\$2,500.00)**; and
  - C. Within two hundred (210) days of the effective date of this Consent Order, Respondent shall pay to the Commonwealth **Two Thousand Five Hundred Dollars (\$2,500.00)**.

Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended and stipulated penalties, and if applicable, past due annual compliance fees, by certified check or cashier's check, credit card or electronic transfer made payable to the Commonwealth of Massachusetts. If payment is made by certified check or cashier's check, Respondent shall clearly print on the face of its payment Respondent's full name, the enforcement document number appearing on the first page of this Consent Order, and Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 3982  
Boston, Massachusetts 02241-3982

15. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.
16. This Consent Order may be modified only by written agreement of the parties hereto.
17. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.
18. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.
19. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of MassDEP to recover costs incurred by MassDEP in connection with response actions conducted at the Site.
20. The payment of any penalty in this matter shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of MassDEP to recover damages in any separate action for injury to and for destruction or loss of natural resources, including the costs of assessing and evaluating such injury, destruction or loss, pursuant to M.G.L. c. 21E, § 5 or 42 U.S.C. 9601, et seq.
21. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting MassDEP's authority to: (a) perform response actions at the Site or (b) require Respondent to conduct response actions at the Site or take other actions beyond those required by this Consent Order in order to comply with all applicable laws and regulations including, without limitation, M.G.L. c. 21E and the MCP.
22. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

23. This Consent Order shall be binding upon Respondent and upon Respondent's successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's directors, officers, employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.
24. In addition to the penalty set forth in this Consent Order, if any (including any suspended penalty), if Respondent violates any provision of the Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of **\$1,000 per day for each day**, or portion thereof, each such violation continues.

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within **thirty (30) days** of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

25. The Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended, or stipulated penalties and/or any associated fees. **The Respondent has four options for payment.**

- Option 1:** certified check;
- Option 2:** cashier's check;
- Option 3:** on-line payment using a credit card;
- Option 4:** electronic transfer.

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**Option 1 and 2:**

Certified or cashier's checks must be made payable to the Commonwealth of Massachusetts and received **within 30 days of the effective date of this Consent Order.**

If payment is made by certified check or cashier's check, the Respondent shall clearly print on the face of its payment Respondent's full name, the enforcement document number appearing on the first page of this Consent Order, and Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 3982  
Boston, Massachusetts 02241-3982

**(IMPORTANT NOTE: DO NOT INCLUDE THE SIGNED ACOP WITH  
PAYMENT BY CHECK)**

**Option 3:**

Online Payment Using Credit Card

Your prospective BILL will contain information necessary to pay on-line by credit card.

When you receive your BILL:

LOG ONTO THE MassDEP e-PAYMENT WEB SITE AT:

[HTTPS://WWW.MASSPAYS.COM/dep](https://www.masspays.com/dep)

Online payment using credit card is due **within 30 days of the effective date of this Consent Order.**

**(If a BILL (invoice) is not received within 10 days of the effective date of the consent order, you should contact The Revenue Department at 617-292-5668 to obtain a copy of your BILL (invoice).)**

**Option 4:**

Electronic Funds Transfer

Respondent must complete the enclosed form "Electronic Funds Transfer Request" found on the last page of this document and, **within 10 days of the effective date of this Consent Order**, submit payment request to Director, BAS Division of Fiscal Management via Facsimile at the MassDEP Revenue Number: 617-556-1049 or via mail to:

Department of Environmental Protection  
Attn: Revenue Unit  
1 Winter Street, 4th Floor  
Boston, MA 02108

In the event Respondent fails to pay in full any civil administrative penalty as required by this Consent Order, then pursuant to M.G.L. c. 21A, § 16, Respondent shall be liable to the



Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorneys' fees, including all costs and attorneys' fees incurred in the collection thereof. The rate of interest shall be the rate set forth in M.G.L. c. 231, § 6C.

26. Force Majeure - General

A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent's employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent's employees, agents, consultants, and contractors.

B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.

C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than 5 days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.

D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise complies with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.

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- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.
27. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.
28. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to 83 Pleasant Street, Fairhaven for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.
29. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.
30. This Consent Order does not relieve Respondent's obligation to pay Annual Compliance Assurance Fees pursuant to 310 CMR 4.00 et seq.
31. All applicable transmittal fees shall accompany any submission(s) required by this Consent Order.
32. The Respondent shall comply with all applicable Public Involvement activities regarding the Site, as described in 310 CMR 40.1400.
33. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.
34. This Consent Order shall become effective on the date that it is executed by MassDEP.

**SPECIAL INSTRUCTIONS:**

Your signed copy of the Administrative Consent Order with Penalty (ACOP) must be delivered, for execution (signature) by MassDEP, to the following address:

Kathryn Carvalho  
Massachusetts Department of Environmental Protection  
20 Riverside Drive  
Lakeville, Massachusetts 02347

In the Matter of: Atlas Tack Corporation  
Enforcement Document Number: 00011556

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MassDEP will return a fully executed copy of the ACOP to you.

Payment will be due, pursuant to the instructions outlined within the ACOP after you receive your fully executed copy.

**PLEASE DO NOT INCLUDE YOUR PAYMENT WITH THE SIGNED ACOP. SIGNED ACOPs ARE TO BE SENT TO THE ABOVE ADDRESS.**

Please call Kathryn Carvalho at 508-946-2742 if you have questions regarding payment and/or instructions.

**Consented To:**  
**ATLAS TACK CORPORATION**

By: Leonard Lewis President

Mr. Leonard Lewis

President

266 Beacon Street

Boston, Massachusetts 02116

Federal Employer Identification No.: 041049130

Date: April 6 2022

**Issued By:**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By: Millie Garcia-Serrano

Millie Garcia-Serrano

Regional Director

Department of Environmental Protection

20 Riverside Drive

Lakeville, Massachusetts 02347

Date: April 21, 2022

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**Requesting Electronic Funds Transfer.**

**Note:** Respondent may request to pay amounts due under this ACOP via electronic funds transfer pursuant to Paragraph 25 of this ACOP. That request must be:

- 1.) in the form of a letter (example below) that identifies the Respondent; and
- 2.) sent either:
  - a) via facsimile to MassDEP Revenue Unit, at fax number (617) 556-1049; or
  - b) via regular mail to the address below.

---

(Respondent's Letterhead)

Department of Environmental Protection  
Attn: Revenue Unit  
1 Winter Street, 4th Floor  
Boston, MA 02108

RE: Electronic Funds Transfer Request for [Enforcement Document Number]

Director, BAS Division of Fiscal Management:

In order to complete a wire transfer for payment of the penalty assessed under [list enforcement number here], [put Respondent name here] requests the following information:

DEP's legal address,  
DEP's Federal Tax Identification Number,  
The name and address of DEP's bank,  
DEP's account name and number, and  
The ABA/routing number for DEP's account.

Please mail or fax this information to:  
[Respondent's contact name and address]

Fax number:

Sincerely,

Signed:

Print name:

Title:

Work phone number:

Date:

## **Fairhaven Select Board -Meeting Protocols 2022- Effective July 1, 2022**

### **Protocol 1 – Meetings**

Regular meeting of the Select Board shall be held in the Banquet Hall, Town Hall, at 6:30pm on the FIRST and THIRD Monday of each month, except when one of said Monday falls on a legal holiday or town hall closure; the Select Board shall meet on the following day in such an event. Calls for special meetings may be made at any time by the Town Administrator or the Select Board Chair. Members ought to be present at the time of the opening of the meeting. The Chair may cancel meetings when appropriate.

### **Protocol 2 – Organization and Chair selection**

The Select Board shall hold its organizational meeting in The Banquet Hall at the first regular meeting after a municipal election. The Town Administrator shall preside over the nomination and election proceedings for Chair, Vice Chair and Clerk. The newly elected Chair will preside over the remainder of the meeting.

### **Protocol 3 – Acceptance of The Meeting protocols**

At the same meeting as the reorganization, the Chair will review and vote to accept the meeting protocols. A majority vote is required to adopt the protocols. The previous year's protocol will remain in affect until a new one is accepted.

The Chair presides over all meetings. In the absence of the chair, the vice chair shall resume the role. All members shall preserve decorum and order and await recognition by the chair to speak. Parliamentary Protocols may be applied when meetings fall out of order.

### **Protocol 4 – Seating**

The seats of the members of the Select Board, shall be numbered 1-4 with the chair at the centre seat. Seats 1 and 2 are to the right of the Chair and seats 3 and 4 are to the left. Select Board members (except the Chair with centre seating) will draw numbers to determine seating assignment.

### **Protocol 5 – Action and Motions**

Every action of the Select Board shall require a motion or vote. If a vote is not taken, the action is moot and considered a discussion. After a motion is requested by the Chair, it shall be acted upon by the Select Board unless withdrawn by the mover before an amendment or decision.

Every member present at Select Board meetings shall vote yea or nay when a motion is put unless excused on the grounds of clear and real conflict of interest by which the member can request to abstain from the vote and state the reason for obtaining.

### **Protocol 6 – Public participation**

Member of the public may address the Select Board regarding items on the current

agenda, if the Chair so deems it appropriate. Those wishing to do so, shall wait to be acknowledged by the Chair, shall identify themselves by name and address, shall make their remarks brief but the chair may limit and confine the time to no longer than two (2) minutes. The comments shall be void of personalities, libellous remarks and innuendo, and shall limit their remarks to matters of municipal interest.

During any portion of the meeting members of the public shall not verbally, non-verbally, or illustratively, utilize racial, ethnic, religious, age, sexual preference, gender or disabilities, slurs or connotations during their remarks. The Chair shall rule a member of the public, who uses such slurs, connotations, libellous remarks or innuendo out of order and no longer recognize the individual to speak.

#### **Protocol 7 – Public Comment**

Near the end of every meeting an open forum will be conducted. During the Public Comment, any member of the public may address the Select Board regarding city business, concerns and events that were not mentioned in agenda. Those wishing to do so, shall wait to be acknowledged by the Chair, shall identify themselves by name and address, shall confine their remarks to a total of two (2) minutes and shall avoid personalities, libellous remarks and innuendo, and shall limit their remarks to matters of municipal interest.

#### **Protocol 8 – Conduct of Members, Officials, and public**

Members, officials, and public, when about to speak, shall initially address the Chair using the phrase “through the Chair,” shall confine themselves to the question under debate, and shall avoid all personalities and libel comment. Any individual, who may be mentioned in debate or addressed by another member, shall be so mentioned or addressed by their title and or name (ex. Mr/Ms. Last name); and in an intelligible, respectful, and professional manner. No member or official shall speak out of their turn without leave of the Chair, nor shall any member be interrupted by another while speaking except to make a point of order or request for explanation.

#### **Protocol 9 – Board Member Items:**

Select Board members may offer items of information or discussion of informal matters during at this forum. Items brought up here may be requests for agenda items as well as various announcements of interest.

#### **Protocol 10 – Agenda Items, Material and Supporting Documentation**

All action and discussion item containing matters for consideration by the Select Board shall be affirmed by the Chair. Meeting material request by the public must be submitted to the Chair or Town Administrator on the second Monday for the third Monday meeting and on the last Monday of the month for the following Monday meeting. Select Board meeting material and request shall be submitted by the Wednesday before the first and third Monday.

#### **Protocol 11 – Committee Liaison and Assignments**

Committee liaison of the Select Board shall be appointed annually by consensus of the members at the reorganization meeting. Each committee shall have one

liaison. Select Board members may participate in assigned committee but may not be a voting member.

Select Board members may also be assigned to other committees as needed.

Select Board liaisons may make an informational report to the board during Committee Liaison Reports on the Meeting Agenda.

**Protocol 12 – Public Hearings**

At every Public Hearing meeting of the Select Board, other than executive sessions, citizens of the town, shall have reasonable opportunity to be heard regarding any matter being considered during the public hearing by the Select Board at such meeting. Citizens shall observe the same rules of conduct required in Protocol 6, 7 and 8: i.e. they shall address the Chair, confine themselves to the question under debate, and avoid personalities, libellous statements and innuendo.

**Protocol 13 Process of Seeking Legal Opinion**

If a Select Board member want a legal opinion from Town or Labor Counsel, they must provide a communication to the Town Administrator with an explanation of what they are looking for and what they have done to date to take advantage of freely available information. The Town Administrator will determine if counsel is needed. If the Town Administrator denies the request, the member may request an agenda action item vote of the Select Board membership to request that the Town Administrator seek said legal opinion.

As attest to and agreed upon on this 23<sup>rd</sup> day of May, 2022 by

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Stasia Powers, Chair

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Leon E. Correy III

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Robert J. Espindola

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Charles K. Murphy, Sr.

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Keith Silvia





# *Whitfield-Manjiro Friendship Society, Inc.*

E9

11 Cherry Street, Fairhaven, MA 02719

Tel. 508-858-5303

[www.Whitfield-Manjiro.org](http://www.Whitfield-Manjiro.org)

**President & CEO  
Gerald P. Rooney**

**Honorary President  
*In memorium*  
Dr. Shigeaki Hinohara**

May 17, 2022

Ms. Angie L. Ellison  
Town Administrator  
Town Hall  
Center Street  
Fairhaven, MA 02719

Dear Ms. Ellison:

First, let me thank you for attending our cherry blossom festival on May 1. We could not have had a better day and all visitors seemed to enjoy our efforts.

As you are aware we have been trying to restore the barn behind the museum for the past 11 years. Finally, we are making significant progress and we expect to complete the task by early next year.

As we were cleaning up from the festival, one of our helpers suggested that the old barn doors should be put on Kreg's List or E-bay as they would bring some surprising income. My first reaction was that they belong to the town in as much as Dr. Hinohara had donated the property to the town with the condition that our non-profit organization would operate the museum. However, it has been suggested that, if the doors could be determined as surplus, we could sell them with the profits going into the restoration of the carriage house which belongs to the town.

Our designated representative from the Selectboard is Charles Murphy and he suggested that this might be an acceptable conclusion to the satisfaction of all parties. We would appreciate your consideration of this "win-win" outcome.

We wish you the best in your new position and hope to hear from you when time allows for the consideration of this issue.

Sincerely,

Gerald P. Rooney

**A 501(c)3 non-profit agency (donations are tax-deductible)**



**Town of Fairhaven  
Massachusetts**  
Office of the ~~Board of Selectmen~~Select Board  
40 Center Street  
Fairhaven, MA 02719  
  
Tel: (508) 979-4023  
Fax: (508) 979-4079  
selectmboard@Fairhaven-MA.gov

- Any request to fly a flag / banner on Town Property must be made through the Selectmen's office at least 60 days in advance of the requested flying period. The distinction made that a flag being a cloth attached
  - Flag: a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities; a banner is
  - 1)a. Banner: a long strip of cloth bearing bears a slogan or design, hung in a public place or carried in a demonstration or procession
- 2) The Board will only permit flags acknowledging proclamations made by ~~from~~ the federal government and/or the Commonwealth of Massachusetts, as well as flags/banners announcing local upcoming events that are open to the public, provided they are not in support of a candidate ~~or~~ political party or ballot question, and are not primarily commercial or religious in nature.
  - 3) The Board of Selectmen will have final say, at their own discretion, on whether any flag / banner is appropriate to be displayed on any Town Facility.
  - 4) Requests will not be granted for flags/banners to be displayed for longer than 30 days.
  - 5) The Board of Selectmen shall have the right, at their own discretion, and upon a vote of the Board, to remove any flag / banner prior to the end of the approved time period. The Selectmen may choose, at the time of approval, to pass this authority to remove any flag / banner on to the Town Administrator.
  - 6) For any time period where multiple requests are made, the time will be shared equally by all approved requests with not more than one flag or banner flown at any time.
  - 7) The Town will not be responsible for hanging or taking down the banner but will provide direction on where it may be hung.
  - 8) The flag, as displayed, must not interfere with any aspect of the operation of any Town Facility.

~~8)9)~~ The Town does not, nor has it ever, intended to designate the flagpole as a public forum by permitting a third party to display a particular flag. Accordingly, nothing contained within this policy, the Town's choice of which flag(s) to raise or applications to grant or deny, or the manner in which the Town makes such decisions should be interpreted as designating the flagpole as a public forum

~~9)10)~~ The requestor must present a signed, dated copy of the attached waiver along with their request to fly a flag/banner.

Angeline Lopes Ellison <alopesellison@fairhaven-ma.gov> H1**Fwd: [fairhavenma] FPA Opening Day, Sun. June 12, 2022 Fort Phoenix (Sent by Debra Hanson Almeida, EdD, [REDACTED])**

2 messages

**Stasia Powers** <spowers@fairhaven-ma.gov>

Thu, May 19, 2022 at 8:51 AM

To: Bob Espindola &lt;selectmanbobespindola@gmail.com&gt;, Keith Silvia &lt;ksilvia@fairhaven-ma.gov&gt;, Leon Correy III &lt;lcorrey@fairhaven-ma.gov&gt;, Charles K Murphy Sr &lt;cmurphy@fairhaven-ma.gov&gt;, Angeline Lopes Ellison &lt;alopesellison@fairhaven-ma.gov&gt;, Vicki Oliveira &lt;vloliveira@fairhaven-ma.gov&gt;

Cc: [REDACTED]

Good morning,

I'm sorry about the delay in forwarding this... This should be a nice event.

Thanks  
Stasia

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

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

Date: Sat, May 14, 2022 at 1:32 PM

Subject: [fairhavenma] FPA Opening Day, Sun. June 12, 2022 Fort Phoenix (Sent by Debra Hanson Almeida, EdD, [REDACTED])

To: SPowers &lt;spowers@fairhaven-ma.gov&gt;

Hello SPowers,

Debra Hanson Almeida, EdD ([REDACTED]) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/104/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/104/edit>.

Message:

Hi Stasia, you and the Select Board are cordially invited to attend the Opening Day of the Fairhaven Pickleball Association on Sunday, June 12, 2022 at 11:00 AM at Fort Phoenix. Ken Pottel has asked that you say a few words of support with regard to our efforts and the impact that pickleball has had on the town. This spring we are offering clinics to adults and children, a new youth program, and a series of tournaments. We congratulate you on your position of Select Board Chairman and your past support of our program. Please pass this invitation on to members of the Board. Thank you, Debbie Almeida, Ken Pottel, and the membership of the FPA

--

Stasia A. Powers  
Chair  
Select Board  
Town of Fairhaven, MA

40 Center Street

Fairhaven, MA 02719

spowers@fairhaven-ma.gov

508-971-6528

**Angeline Lopes Ellison** <alopesellison@fairhaven-ma.gov>

Thu, May 19, 2022 at 9:17 AM

To: Stasia Powers &lt;spowers@fairhaven-ma.gov&gt;

Cc: Vicki Oliveira &lt;vloliveira@fairhaven-ma.gov&gt;

This will be added in correspondence on agenda since its directed to all board members.