



Revised

FAIRHAVEN SELECT BOARD

Agenda

Tuesday, October 12, 2021

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

RECEIVED
TOWN CLERK

2021 OCT -1 P 3:50

FAIRHAVEN,
MASS.

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

Log on to:

<https://us06web.zoom.us/j/81661413882?pwd=OVg3cW9McThCL2pBNWxHaWYrcDI4QT09>

or call 1-929-205-6099

Meeting ID: 816 6141 3882

Passcode: 426216

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

A. MINUTES

1. Approve the minutes of September 27, 2021 – Open Session

B. TOWN ADMINISTRATOR REPORT

C. COMMITTEE LIAISON REPORTS

D. APPOINTMENTS

1. 6:50 pm Meet and Greet Precinct 3

E. POSSIBLE ACTION/DISCUSSION

1. 61A (agricultural tax land) notice of intent to sell, 732 Sconticut Neck Road
2. Common Victualer- Jersey Mike's
3. Resignation from Board of Public Works—Frank Coelho
 - a. Discuss process for filling BPW vacancy
4. Request to join Cultural Council—Ron Fortier
5. Request to join Bikeway Committee—Tim Garcia
6. Request to join Sustainability Committee—Tim Garcia
7. Discuss fund raising efforts for Town Hall street lights
 - a. Letter from Historical Commission Chairman regarding Street Lamps
8. Discuss policy for use of Town web site
9. Retirement of Town Counsel
10. Mask Mandate update

F. EXECUTIVE SESSION

1. To discuss strategy with respect to litigation- MGL Chapter 30A, Section 21(a) 3: Atlas Tack
2. To discuss - strategy regarding option to purchase land -MGL Chapter 30A, Section 21(a) 6: 61A Notice for 732 Sconticut Neck Road

RECEIVED
TOWN CLERK
2021 OCT -8 A 11:55
FAIRHAVEN,
MASS.

G. NOTES AND ANNOUNCEMENTS

1. The next **regularly** scheduled meeting of the Select Board is Monday, October 25, 2021 at 6:30 p.m. in the Town Hall Banquet Room

ADJOURNMENT

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

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



Fairhaven Select Board Meeting Minutes September 27, 2021

Present: Chairman Robert Espindola, Vice-Chairwoman Stasia Powers, Clerk Keith Silvia, Interim Town Administrator Wendy Graves, Cable Access Director Derek Frates and Administrative Assistant Vicki Oliveira

Also Present: Town Counsel, members of the Rogers Re-Use Committee

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

Chairman Robert Espindola opened the meeting at 6:30 pm in the Town Hall Banquet Room.

Minutes

Ms. Powers made a motion to approve the open session minutes of September 13, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the executive session minutes of September 13, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the open session minutes of September 16, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the executive session minutes of September 16, 2021. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator Report

Ms. Graves reminded the Board about the Town possession auction is scheduled for tomorrow (September 28, 2021).

Committee Liaison Reports

Ms. Powers said she was unable to attend the Cable Advisory meeting. Cable Access Director Derek Frates said the Cable Access Department will hold a remote Halloween party on October 22, 2021 and there will be a screening of Alyssa Botelho's movie "From Dust All Return" on Friday, October 1, 2021 in the Town Hall auditorium. The Cable Department will also attend the Office of Tourism Halloween Party scheduled for October 9, 2021.

Mr. Silvia said he attended the Library Trustees meeting where the discussion was on trying to have air conditioning installed in the library.

Mr. Silvia said the Rogers Re-Use Committee has an open house scheduled for Rogers School this week.

Mr. Silvia said he stopped by Fort Phoenix Saturday night to see the Fairhaven Village Militia fire off the cannons. Cannon #1 was fired in memory of John Rogers Jr.

Mr. Espindola said the Broadband Study Committee met last week and are currently working on the project with EntryPoint Networks for establish the Operational Backbone of the fiber optics network. This would require a \$500,000 match from the town for a State Grant. (Attachment A)

Mr. Espindola stated Representative Bill Straus indicated the article to change the Select Board from 3 members to 5 has advanced forward to the next stage. (Attachment B)

61A (Agricultural Tax Land) Notice of Intent to Sell, 732 Sconitcut Neck Road/ Special Town Meeting

Ms. Graves told the Board the owner of 732 Sconitcut Neck Road is looking to sell the property but there appears to be a problem with the paperwork that was submitted. Mr. Crotty said the Town has 120 days once the notice to exercise the right of first refusal is received. In order to not exercise the town must hold a public hearing and must have a purchase and sales agreement with in 90 days. The Select Board must do 2 things: send a notice to the seller that there needs to be a new notice and notify the seller that the town is looking into purchasing the property. Under the law the town has the right to purchase the property for the price that is being offered, but this would need to go before town meeting in order to appropriate the money. Mr. Espindola stated the Conservation Agent has notified the Board interest in purchasing the property and will meet soon to discuss. Mr. Foley, in a memo, stated the Planning Board will be discussing this property.

The Board discussed possible dates for a special town meeting. Ms. Graves said the December date would not work because the auditors will be at town hall. Ms. Graves has consulted with the Town Clerk and the date of February 8 could work. Mr. Crotty said another option would be to split the special town meeting in 2 parts and hold the second half in the future months after the first half. The Board discussed different options and possible dates.

Acceptance of Easement—Reynold's Drive

Ms. Graves said this is easement acceptance is from a town meeting article from November of 2018. Ms. Powers made a motion for the acceptance of the easement for Reynolds Drive. Mr. Silvia seconded. Vote was unanimous. (3-0)

Change of Officers and Directors: 99 Restaurants of Boston, LLC

Mr. Espindola said this was a routine transaction.

Ms. Powers made a motion to approve the change of officers/directors/managers for 99 Restaurants of Boston, LLC. Mr. Silvia seconded. Vote was unanimous. (3-0)

Request to join Lagoa Friendship Pact Committee

Mr. Espindola read a request to join the Lagoa Committee from Charlie Murphy.

Ms. Powers made a motion to appoint Charlie Murphy to the Lagoa Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

SRTA Advisory Board

The Board discussed who would be the representative to the SRTA Advisory Board. Mr. Foley will remain the designee.

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

Approval of Stop Signs

Mr. Espindola read two requests from Police Chief Mike Myers requesting stop signs. (Attachment C)

Ms. Powers made a motion to approve the stop sign at Gilbert Street and Raymond Street. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the stop sign at Plymouth Avenue and Francis Street. Mr. Silvia seconded. Vote was unanimous. (3-0)

Meet and Greet Precinct 2

Precinct 2 resident Michael Hevey asked the Board about the progress of Robert Street.

Mr. Espindola left the room at 6:52 pm, as he is an abutter to Robert Street

Mr. Crotty said Town Meeting voted to accept the street but the street was not owned by the developer and some of the neighbors did not want to make this a public way. Ms. Graves will do some research and update Mr. Hevey.

Mr. Espindola returned to the room at 6:54 pm

Mr. Hevey had questions regarding a parcel at the end of North Street. Ms. Graves will report back the information at the next meeting.

Mr. Hevey expressed his disappointment in the handling of the recent e-coli out break and feels the notification process should have been handled differently.

Mr. Hevey said was inquiring how to file a complaint to the Building Commissioner regarding a property that has some building code violations.

Gary Lavalette would like to know where the trees from the recent Block Grant go if they had not been planted.

Diane Hahn is disturbed about the Tree Warden removing 62 trees and is upset that the Select Board did not fine the Tree Warden for his actions. Ms. Hahn has concerns regarding the trees in her neighborhood on Plymouth Avenue that may be removed as part of the Block Grant.

Ms. Hahn would like to see some signs posted at the Little Bay Loop warning people of the hunters in the area.

Precinct 2 Chairperson Anne Richard reminded precinct 2 members there is an opening on the Finance Committee.

Fairhaven Police Department—Accreditation /Service Awards

Chief Myers, Captain Botelho, Lieutenant Kobza and Detective Cudmore were in attendance among some family and friends. Chief Myers presented a Service Award to Detective Glenn A. Cudmore for his dedication, commitment and exemplary performance serving as the first ever Drug Enforcement Agency Task Force Member for the Fairhaven Police Department. (Attachment D)

Chief Myers also presented a Service Award to Lieutenant Kevin W. Kobza for his dedication, commitment and exemplary performance serving as the first ever Accreditation Manager for the Fairhaven Police Department. (Attachment E)

The Select Board thanked both men for their outstanding dedication and service to the Town.

Veterans Day Parade

Veterans Service Agent Brad Fish met with the Board to discuss the idea of holding a Veterans Day Parade this year. The Board discussed the idea of holding a parade this year due to the COVID numbers rising recently. Ms. Powers made a motion to support the Veterans Day parade pending the Board of Health/Heath Agent recommendations, this is subject to change if conditions get worse. Mr. Silvia seconded. Vote was unanimous. (3-0)

Retirement of Town Counsel

Mr. Espindola said Attorney Crotty has announced his retirement as of the end of the year. Attorney Crotty stated that he plans to shut down his private practice by the end of the year but would be willing to stay on with the Town for a few months afterward. The Board discussed different options and will discuss more at the next meeting.

Disposition of Rogers School Property

Members of the Rogers Re-Use Committee (RRC) were in attendance. Chairperson Sue Loo read a statement to the Board regarding the committee engaging in discussion with SMEC to lease a portion of the school. (Attachment F). The RRC would like to have the Board support speaking to SMEC but also explore all options for Rogers School. Mr. Espindola handed a memo to the Board (Attachment G) expressing his concerns and feels there should be a new Request for Proposal (RFP) issued before moving forward with SMEC. Mr. Espindola is worried about the litigation that is still pending regarding New England Preservation and Development. Attorney Crotty said the property is still subject to the lis pendens and the courts could have a decision within 6-8 months. RRC committee member Doug Brady feels SMEC deserves the opportunity to speak to the Board about leasing the school, but Mr. Espindola is worried about the potential for hidden costs associated with a lease agreement. Planning Director Paul Foley has applied for a potential grant for Rogers School but there is no guarantee that the town will be awarded the grant from the State. Discussion continued regarding, leasing to SMEC, and issuing an RFP.

Ms. Espindola made a motion to write a letter to SMEC outlining the concerns of Town Counsel regarding the Lis pendens and explain the grant process that Mr. Foley is endeavoring, and that the Board is willing to consider a proposal that would be submitted through Mr. Foley as would typically be the process. Mr. Powers seconded. Vote was unanimous. (3-0)

Wellness Committee

Mr. Silvia said he has had some town employees approach him about starting the Wellness Committee back up but Mr. Silvia is not in favor of anyone receiving comp time for their volunteering efforts on the committee. The Board is in favor of looking into reinstating the Wellness committee in the future. Mr. Espindola said the wellness program requires the support of the administration and would be best started once the new Town Administrator is hired. Ms. Powers made a motion to support the Wellness Committee to be formed once the new Town Administrator is hired and to get feedback from the town staff. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mask Mandate Update

Ms. Graves said the COVID numbers have gone down a little bit.

Notes and Announcements

Mr. Silvia and the Board welcomed Jersey Mike's to Fairhaven.

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

- A. Email from Representative Straus
- B. Memo regarding Broadband
- C. Stop sign requests
- D. Service Award: Detective Cudmore
- E. Service Award: Lieutenant Kobza
- F. Rogers Re-Use Statement
- G. Chairman Espindola's Statement

Meet Precinct THREE



61A 732 Sconticut Neck Road

To be
Discussed at
meeting

AGENDA ITEM FOR THE NEXT SCHEDULED SELECT BOARD'S MEETING

Application for a new business (Common Victualer License)

FROM:

JERSEY MIKE'S SUBS
215 Huttleston Avenue
Fairhaven, MA 02719

Taxes: ok

Bd. of Health: ok

Bldg.: ok

WC:ok

Note: Fee pro-rated for remainder of 2021 (Oct., Nov. & Dec.)



TOWN OF FAIRHAVEN

APPLICATION FOR A LICENSE AS A COMMON VICTUALER

The undersigned hereby makes application for a license as **Common Victualer** with the privilege of doing business on the Lord's Day as provided by General Laws of 1920, Chapter 140, Section 2-21, and Acts amending the same or in addition thereto at

For the year 2021

Firm name Jersey Mike's Subs

Signature X Janette Hall

Business Address 215 Huttleson Ave
Fairhaven MA 02719

Telephone # X 508-717-3747

Pursuant to M.G.L. Chapter 62C, section 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Social Security Number or Federal Identification Number _____

Date: X 9/27/2021

Workers' Compensation OK
Building Department OK
Board of Health OK
Taxes OK

Fee: \$25.00

X Janette Hall
Signature of individual or Corporate Name

By: _____
Corporate Officer (If applicable)

RECEIVED
2021 SEP 27 AM 11:17
BOARD OF SELECTMAN
FAIRHAVEN MA

*Town of Fairhaven
Board of Public Works*

*5 Arsene Street
Fairhaven, Massachusetts 02719*

TEL. 508-979-4030

FAX. 508-979-4086

bpw@fairhaven-ma.gov



To: Robert Espindola, Chairman, Board of Selectmen
From: Brian Wotton, Chairman, Board of Public Works
Subj: BPW Vacancy
Date: October 5, 2021

Brian Wotton

By means of this correspondence please be advised that, due to health reasons, Frank Coelho had to resign from his elected position as a Board of Public Works Commissioner.

As such, in accordance with the Town's Special Acts, I am required to notify you of said vacancy so that a person can be appointed to fill this role until next April's election. Please let this communication serve as this required notice.

As this appointed person is going to be involved with Town Meeting requests, budgets (including the construction money for the treatment plant upgrade), the water meter change over project as well as all of our "typical" tasks, the Board of Public Works Commissioners would like to be part of this decision and are very much interested in attending a joint meeting where the above can be accomplished.



The Town of Fairhaven is seeking one Fairhaven Resident to serve on the Fairhaven Board of Public Works to fill a vacancy. The Select Board will meet on October 25, 2021, to appoint one person to serve in this position until the next town election.

Letters of interest may be mailed to the Select Board Office, 40 Center Street, Fairhaven, MA 02719 by October 21, 2021 at 4:00 p.m. or emailed to Selectboard@Fairhaven-ma.gov

Chapter A502. Special Acts

§ A502-3. Board of Public Works.

Chap. 722. AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the Town of Fairhaven a board of public works, hereinafter called the board, consisting of seven members, one to be elected from each precinct and one to be elected at large, to be elected at the first annual Town election after the passage of this act. The member elected at large and the first two in order of votes received of the members elected from precincts shall serve for terms of three years, the second two in the order of votes shall serve for terms of two years, and the remaining two in the order of votes shall serve for terms of one year. Thereafter, when the term of any member expires, his successor shall be elected at an annual Town election to serve for a term of three years. In all cases, the members of the board shall serve until their successors are qualified. The members of the board shall, after each annual Town election, elect from its members a chairman and a clerk for the ensuing year. In case of a vacancy, the board of selectmen shall, within thirty days, fill such vacancy until the next Town election, when a new member or members shall be elected to fill the unexpired term. No person shall serve on the board who holds an elective or appointed office in the Town other than Town meeting members, and no person who is an employee of the Town shall serve on the board.

SECTION 2. Upon the election and qualification of the initial members of the board of public works, the board shall have all the powers and duties now and from time to time vested by general or special laws, Town charter or Town by-laws in the following boards, departments and offices having corresponding powers and duties in the Town of Fairhaven, to wit: highway department, water and sewer commissioners, park commissioners, cemetery commissioners, refuse and garbage collection, and with respect to construction and maintenance only, the Town dump and such boards, offices and departments shall be abolished. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished.

The board shall have such additional powers with respect to the furnishing of engineering services, the maintenance and repair of Town buildings and property, and the performance of such duties of any other boards, departments and offices of the Town as may be reasonably related to the duties and responsibilities of a board of public works, as the Town may, from time to time, by by-law provide, and other provisions of law to the contrary notwithstanding.

SECTION 3. The board shall appoint and fix the compensation of a superintendent of public works who shall exercise and perform, under the supervision and direction of the board, such powers, rights and duties transferred to it under sections two and three as it may, from time to time, designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board. He shall be specially fitted by education, training and experience to perform the duties of said office, and need not be a resident of the town. During his tenure he shall hold no elective or other appointive office, nor shall he be engaged in any other business or occupation. He shall give to the Town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties, in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his

office and render to the board as often as it may require a full report of all operations under his control during the period reported upon; and annually, and from time to time as required by the board, he shall make a synopsis of such reports for publication. He shall keep the board fully advised as to the needs of the Town within the scope of his duties, and shall furnish to the board each year upon its request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

Approved July 19, 1968.

PROPOSED AMENDMENT

"Shall the Town of Fairhaven approve the charter amendment proposed by the Town meeting summarized below?"

Voted:

2359 – YES

988 – NO

SUMMARY

(Chapter 722 of the Acts of 1968 created the Board of Public Works for the Town of Fairhaven. Section 1 of that Act provided in substance for seven members of the Board of Public Works, one to be elected from each of six precincts and one to be elected at large, the terms of which members would be for three years. It is proposed to the voters to amend Section 1 so that the membership of the Board of Public Works will consist of five members, all elected at large, the terms of which members would be for five years.)

The full text of the measure is as follows:

To see if the Town meeting will vote, in accordance with the provisions of Article LXXXIX of the Amendments to the Constitution of Massachusetts (Home Rule Amendments) and the procedures for amendment of existing special laws pertaining to towns under the provisions of General Laws Chapter 43B Section 10 to propose to the voters the amendment of Section 1 of Chapter 722 of the Acts of 1968 (creating the Board of Public Works) so as to read as follows:

Section 1. There shall be established in the Town of Fairhaven a Board of Public Works hereinafter called the Board, consisting of five members at large, to be elected at the first annual Town election after the passage of this act as amended. The first in order of votes received of members so elected shall serve for a term of five years, the second in such order shall serve for four years, the third in such order shall serve for three years, the fourth in such order shall serve for two years and the fifth in such order shall serve for one year. Thereafter when the term of any member expires, his successor shall be elected at an annual Town election to serve for a term of five years. In all cases, the numbers of the board shall serve until their successors are qualified. The members of the Board shall after each annual Town election, elect from its members a chairman and a clerk for the ensuing year. In case of a vacancy the Board of Selectmen shall, within thirty days fill such vacancy until the next Town election when a member or members shall be elected to fill the unexpired term or terms. No person shall serve on the board who holds an elected or appointed office in the Town other than Town Meeting Member, and no person who is an employee of the Town shall serve on this Board; this amendment to take effect of the first Annual Town Election after the passage) thereof.

Chap. 453. AN ACT RELATIVE TO THE APPOINTMENT OF THE SUPERINTENDENT OF PUBLIC WORKS IN THE TOWN OF FAIRHAVEN AND ESTABLISHING THE POSITION OF SUPERINTENDENT OF HIGHWAYS IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 722 of the acts of 1968 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject

to the will of the board and shall not be subject to any provisions of chapter thirty-one of the General Laws.

SECTION 2. Said chapter 722 is hereby further amended by adding the following section:

Section 4. The board shall appoint and fix the compensation of the superintendent of highways who shall exercise and perform, under the supervision and direction of the board, such powers, rights and duties, transferred to it under sections two and four as it may, from time to time, designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board and shall not be subject to any provisions of chapter thirty-one of the General Laws. He shall be specially fitted by education, training and experience to perform the duties of said office, and need not be a resident of the town. During his tenure he shall hold no elective or other appointive office, nor shall he be engaged in any other business or occupation.

SECTION 3. This act shall take effect upon its passage.

Approved July 11, 1975.

Chapter 510

FAIRHAVEN, TOWN OF—SUPERINTENDENT OF PUBLIC WORKS—OTHER OFFICES

An act authorizing the superintendent of public works in the Town of Fairhaven to hold other appointive offices.

Be it enacted by the senate and House of Representative in General court assembled, and by the authority of the same, as follows:

SECTION 1. Section 3 of chapter 722 of the acts of 1968, as amended by section 1 of chapter 453 of the acts of 1975, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- During his tenure he shall hold no elective office nor shall he be engaged in any other business or occupation.

SECTION 2. This act shall take effect upon its passage.

Approved January 2, 1991.

Chapter 122

FAIRHAVEN, TOWN OF — BOARD OF PUBLIC WORKS

An act relative to the board of public works of the Town of Fairhaven.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The charter amendment adopted by the Town of Fairhaven effective February first, nineteen hundred and seventy-one with respect to the number and terms of office of the members of the board of public works of said Town is hereby ratified, validated and confirmed.

SECTION 2. Chapter 722 of the acts of 1968 is hereby amended by striking out section 1 and inserting in place thereof the following section:

Section 1. There shall be established in the Town of Fairhaven, a board of public works, hereinafter called the board, consisting of five members at large. Upon the expiration of the term of any member, his successor shall be elected at an annual Town election to serve for a term of three years. In all cases the members of the board shall serve until their successors are qualified. The members of the board shall, after each annual Town election, elect from among its members a chairperson and a clerk for the ensuing year. In the case of a vacancy, the board of selectmen shall, within thirty days, fill such vacancy until the next annual Town election, when a member shall be elected to fill an unexpired term resulting from such vacancy. No person shall serve on the board who holds an elected or appointed office in said Town other than Town meeting member and no employee of the Town shall serve on the board.

SECTION 3. This act shall take effect upon its passage.

Approved July 14, 1992.

September 27, 2021

Robert J. Espindola, Chairman
Select Board
Fairhaven Massachusetts
40 Center Street,
Fairhaven, MA 02719

RECEIVED
2021 SEP 27 P 3:43
BOARD OF SELECTMEN
FAIRHAVEN MASS

Dear Mr. Espindola:

I write you to introduce myself and to ask you to allow me to become a member of the Fairhaven Cultural Council. I am a resident of Fairhaven, a practicing artist, and the co-founder of *The Artists Index Website Project*.

As an artist, I have exhibited locally, nationally, and internationally – www.ronfortier.net and as the co-founder of the *The Artists Index Website Project*, I am collaborating with the *New Bedford Whaling Museum's Common Ground Project* under a grant from the New Bedford Cultural Council. We are awaiting word on our grant application to Mass Humanities' Expand Massachusetts Stories 2021 grant program.

The Artists Index - www.theartistsindex.com is a collective digital archive focusing on the creative community of Southeastern Massachusetts. The Index gathers images, documents, audio and video files, anecdotes, as well as memories, recollections, and insights of present and past artists of the SouthCoast. The organization's objective is to serve as a resource for everyone: artists, art lovers, art buyers, researchers, scholars, art educators and artists from all over.

I am applying to the Fairhaven Cultural Council for a grant to create an imaginative interpretation of the September 5, 1778, British attack on Fort Phoenix. The canvas will be on display at The Millicent Library. Also applying for a grant for *The Artists Index* to produce five podcasts on Fairhaven residents who are visual, performing, or literary artists.

I have already spoken with Abigail Hevey and Kyle DeCicco-Cary about my intent to apply for these grants. If you have any question, my number is 508-965-5075

Sincerely,

Ron Fortier

BOARDS AND COMMITTEES

| Board/Committees | Name | Title |
|--------------------------|------------------|------------|
| Bikeway Committee | Chip Hawthorne | |
| (Appointed by Selectmen) | Mike Rotondo | |
| 1 Year Term | Robert Espindola | Ex Officio |
| no charge | James Anderson | |
| | Justin Gledhill | |
| | Vacant | |

Tim Garcia
356 Alden Road
Fairhaven, MA 02719

[REDACTED]
[REDACTED]

October 6, 2021

Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

To Selectboard and Committee Chair/Members:

I would like to volunteer for the Bikeway Committee which meets on the third Thursday every month. I see there are two vacancies, and being an avid mountain biker throughout town I truly appreciate the promotion and expansion of bike paths. I have community-minded ideas of interconnecting pathways throughout Fairhaven and how funding them could be beneficial to all involved.

Thank you very much for your time and consideration pertaining to my interest in membership of the Bikeway Committee.

Sincerely,
Tim Garcia

RECEIVED
2021 OCT - 6 A 8:40
BOARD OF SELECTMEN
FAIRHAVEN MASS

BOARDS AND COMMITTEES

| Board/Committees | Name | Title |
|--|-------------------------|-------------|
| Sustainability Committee | Ann Richard | Chairperson |
| (Appointed by Selectmen) | Christin Ritz | Alternate |
| 1 Year term | Karen Gent | Clerk |
| 7 FULL voting members | Susan Spooner | Full |
| 5 ALTERNATE members | Deirdre Healy | Full |
| | Vacant | Full |
| | Wendy Drumm | Full |
| | Vacant | Alternate |
| | Vacant | Alternate |
| | Vacant | Alternate |
| (5/2018 changed back to Sustainability Committee) | vacant-Alternate | Alternate |
| | vacant-Alternate | Alternate |

Tim Garcia
356 Alden Road
Fairhaven, MA 02719

[REDACTED]
[REDACTED]

October 6, 2021

Whitney McClees, Conservation Agent
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

RECEIVED
2021 OCT - 6 A 9:42
BOARD OF SELECTMAN
FAIRHAVEN MASS

To Whitney McClees:

My name is Tim Garcia and I am very interested in becoming a member of the Sustainability Committee. I have spoken with the acting Town Clerk and she has forwarded me your email to which I can send this letter of interest.

Sustainability has been apart of my career since 2008, while working at Ocean Spray Cranberries, Inc., in Lakeville. For them it had been a new field and they needed someone with energy to lead charge. I have done Six Sigma training, earned Toastmasters certificates, and even partnered with close business contacts and friends at the Genzyme Center building in Cambridge to better equip myself with the many projects undergone.

I am excited to potentially be a part of any projects and/or initiatives here in Fairhaven, even if all I need to do is support the committee. If there are any projects which require hands-on assistance, I am also excited to volunteer my time.

Thank you for this consideration and I hope to hear from you soon. Have a great day and good luck with all your sustainability efforts.

Sincerely,
Tim Garcia

[REDACTED]



Fairhaven Historical Commission

40 Center Street
Fairhaven, MA 02719

Wayne Oliveira
Chairman

October 6, 2021

Fairhaven Select Board
Fairhaven Town Hall

Dear Select Board Members,

Please accept this letter as formal complaint against our Tourism Director, Chris Richard.

On Wednesday, October 6, 2021, Mr. Richard posted negative and disparaging remarks about a Street Lamp Project that the Historical Commission is undertaking. These negative comments were posted on a town social media site under the "Fairhaven, MA, Visitors Center" and signed by Christopher J. Richard – Director of Tourism. This is unacceptable behavior for a town department head.

Mr. Richard should be ashamed of himself for attacking a Town Committee on a page reserved for tourism to our town. Not only is this unprofessional, it is a violation of the Town's social media policy. Can you imagine a potential tourist looking to our Facebook page only to find a department head bashing the local Historical Commission?

What is a person supposed to think of our Town after reading this bickering?

I have personally witnessed Mr. Richard being rude and disrespectful to the public on social media and in person while he represents the town.

Anything short of a formal reprimand would be misguided and I demand an apology be given to the Historical Commission. Further, he needs to cease his unprofessional and immature tactics on social media.

Respectfully,

Wayne Oliveira

Chairman

Fairhaven Historical Commission.

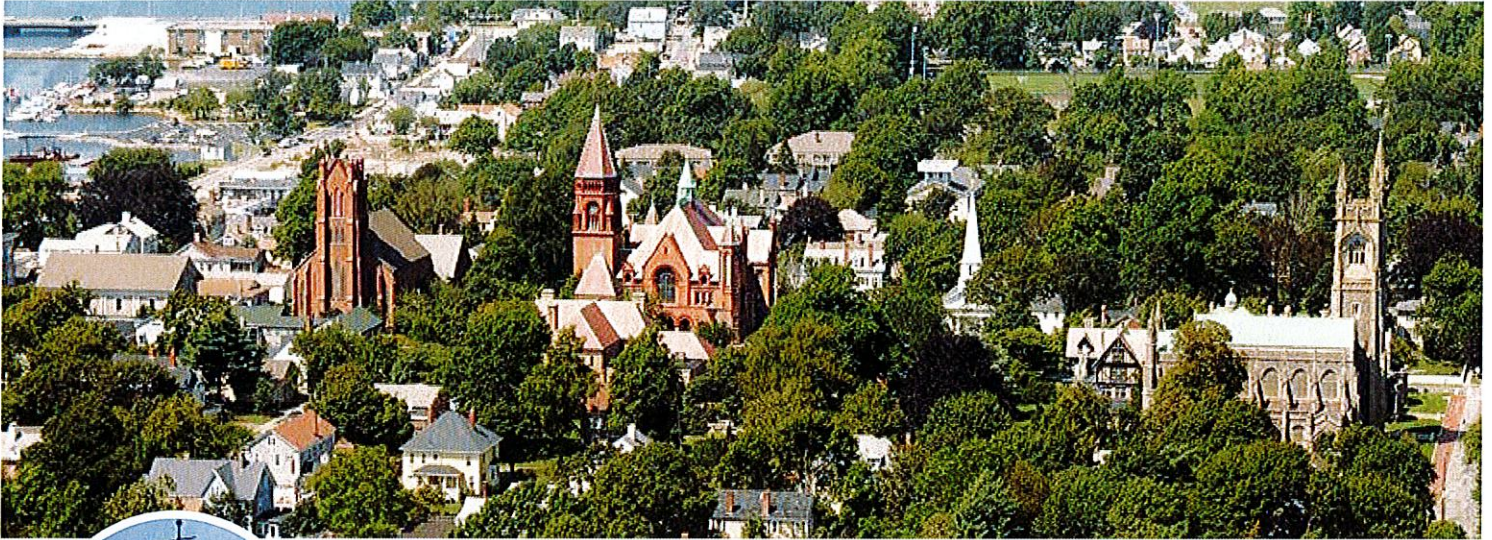
RECEIVED
2021 OCT - 7 A 15
BOARD OF SELECTMAN
FAIRHAVEN MA



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Fairhaven, MA, Visitors Center

@FairhavenTours · Tourist Information Center

 Send Message

Hi! Please let us know how we can help.

About

[See All](#)

 141 Main St Fairhaven, MA
02719



 The Fairhaven, MA, Visitors Center, operated by the Town of Fairhaven, MA, Office of Tourism, provides brochures, maps, info, & has a Little Free Library.

 The Fairhaven, MA Visitors Center page on Facebook is maintained by the Town of Fairhaven Office of Tourism.





3,480 people follow this

377 people checked in here

<http://Fairhaventours.com/>

(508) 979-4085

Typically replies within a few hours

[Send Message](#)

Price Range · Not Applicable

Closed Now

8:00 AM - 12:00 PM

Tourist Information Center · Public & Government Service

Suggest Edits

Is this the correct category for Fairhaven, MA, Visitors Center?

Waste Management Company

Yes

Unsure

No

Photos

[See All](#)





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Come by and spray a real fire hose!



6

411 Views · 3 years ago

Upcoming Events

[See All](#)



THIS SATURDAY AT 10 AM

Fairhaven Kids Fest

Fairhaven, MA, Visitors Center



Sheri and 18 friends

Interested

Page Transparency

[See All](#)

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.



Page created - August 22, 2009



Page manager location: United States

Related Pages



Eco Kids Learning Center

Veronique Thomaes Sylvia likes this

Dav Care

Like





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Christopher Richard likes this Event

Like



John Cooke Memorial Park
Martha Rogers likes this Park

Like

Add Your Business to Facebook

Showcase your work, create ads and connect with customers or supporters.

Create Page

Privacy · Terms · Advertising · Ad Choices · Cookies · More · Facebook © 2021

PINNED POST



Fairhaven, MA, Visitors Center
January 18, 2019 ·



Just about everything you need to know about visiting Fairhaven-- attractions, history, tours, events, accommodations, marinas, and even things to see in neighboring towns--can be found at the Office of Tourism website: <https://fairhaventours.com>



FAIRHAVENTOURS.COM

Fairhaven Office of Tourism - A small town with a big history.



You, Stephen Almeida, Julie Shives and 45 others

16 Shares

Like

Comment

Share



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20+



OTHER POSTS



Fairhaven, MA, Visitors Center

1h · 



Good morning,

The Fairhaven Office of Tourism strongly opposes the Fairhaven Historical Commission's proposed project to install modern reproduction "Victorian" light posts in the area that is currently under consideration as a National Register District in front of Fairhaven Town Hall, which itself is on the National Register of Historic Buildings.

Henry H. Rogers' fortune would be worth \$5 billion today. When he built the Town Hall and the Millicent Library and installed the brick sidewalks around both with no concern for expense, he chose to install beautiful outdoor lighting fixtures to illuminate the building entrances. The Town Hall's lights are attached to the building and the library's is on a granite pedestal near the main entrance. They are part of the original designs by architect Charles Brigham. These original lamps, which have endured for 125 years, were recently restored with historical grant money.

Both of those buildings are on the National Register, and they are in an area that is currently being considered as a National Register District. Adding relatively cheap, modern, imitation "Victorian" lamp posts is not something that our Historical Commission should be doing. I'm quite sure Town Meeting already shot down a similar proposal using Town money a few years ago. The Commission is trying to circumvent that vote by raising the funds privately, when they should, in fact, be the ones advocating for more historical accuracy.

It will be a step toward turning the historical center into a fake Disneyland-like environment that is not true in spirit to anything that was there in the past. Some of my earliest advertisements for Fairhaven as Tourism Director 25 years ago included headlines saying you could enjoy this beautiful place with "no need to wear mouse ears!"

Downtown New Bedford's street lamps in its historical downtown work because they were a well-researched part of an overall project supervised by people who fully understood historical restoration and were professionals in the field. They are also much more expensive, sturdy, and historically accurate lamps that the things Fairhaven is going to stick in front of an H.H. Rogers building designed by Charles Brigham.

The lamps proposed outside Town Hall have no historical connection to 19th or early 20th century Fairhaven or that particular neighborhood.

~ ~ ~





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Carol Tyson, Jordan Richard and 2 others

2 Comments 2 Shares



Like



Comment



Share



Don Bisaillon

Might set up a committee to look around and see if they can find real ones from that time period

Like · Reply · 59m



Author

Fairhaven, MA, Visitors Center

If street lamps need to be there at all, they don't necessarily have to be real ones. New Bedford has very nice reproductions that were installed under a plan by WHALE involving top notch historical architecture and landscape professionals.

Like · Reply · 37m



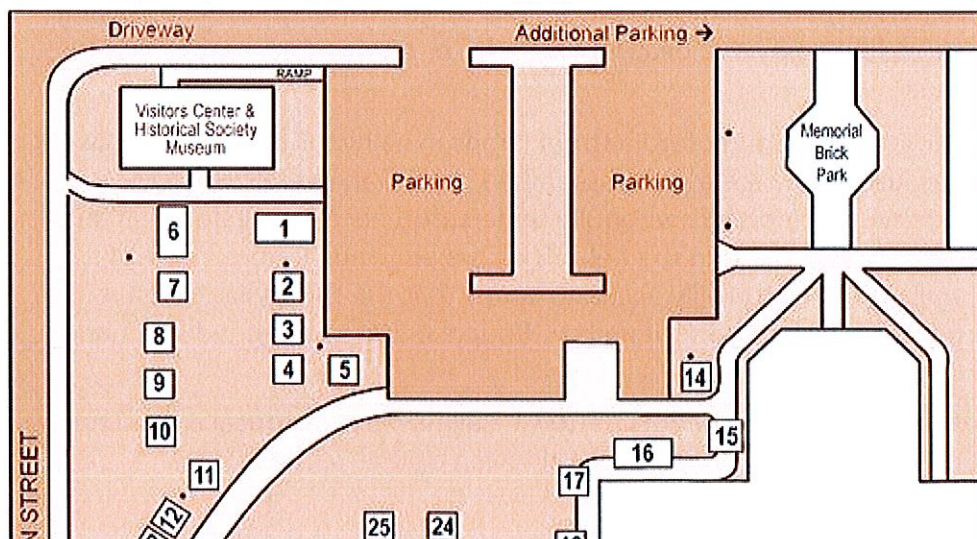
Write a comment...



Fairhaven, MA, Visitors Center

October 2 at 11:11 AM

FAIRHAVEN KIDS FEST, Saturday, October 9, 141 Main Street Fairhaven at Route 6, next to Fairhaven High School, 10:00 a.m. to 3:00 p.m.



Acceptable Use Policy – Computer, Technology, Email, Cell Phone, Internet, Social Media

43-1. Policy. The Town of Fairhaven may provide email and/or Internet access to employees who are connected to the municipal network server at the Town Offices and, additionally, to various employees in other town buildings. The purpose of providing these services to employees is to improve communication between departments and to provide the means to communicate and obtain information via the Internet. These services shall be used to improve the efficiency and effectiveness of municipal operations. Access and Control of the Town's technology resources, equipment, and information shall be as follows:

The Town has established these policies to set the standards for the proper and allowed uses of the Town's telecommunications systems including telephones, email, facsimile machines (faxes), cell phones, and the Internet, including social media, and to set the standards expected of town personnel in the use of private equipment and media. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The Town reserves the right to review and monitor employees' use of Town systems and communication devices. Employees are advised that they have no legitimate expectation of privacy in regard to their use of the Town's system and communication devices.

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment.

Email: Electronic data in the form of email is considered a public record and as such is subject to the requirements of the Public Records Law (MGL c 66) including the requirement to maintain that data, and as applicable to make that data available to the public upon request. Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act. Electronic data that is generated or communicate by a town employee in the course of his employment, will be considered a public record regardless of whether the equipment used is town owned or personally owned.

Appropriate Use: Email and related online services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services.

Users shall act professionally, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

The telecommunications systems (including Town office Wi-Fi access) shall not be used for:

- Personal gain or to conduct personal business, political activity, non-Town-related fundraising activity, or charitable activity;
- The transmission of materials used for commercial promotion, product endorsement, or political lobbying;
- Discriminate, or promote discrimination, on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability, or sexual preference; to promote, cause, or contribute to sexual harassment; or to promote personal, political, or religious business or beliefs;
- To violate any of the Town's personnel policies;

- For any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any criminal activity.

No user shall violate the computer security systems or procedures implemented by the Town, the IT Director or his/her designee, including proper use of passwords, security systems, and virus detection programs. For security purposes, employees should either log off or revert to a password screensaver when leave their computer for an extended period. When leaving for the day, employees should log off and power down all electronic equipment.

Employees are expected to use careful consideration before opening emails or files from unknown senders. Employees are prohibited from downloading or transferring unauthorized software or files. No user shall pirate, download, or transfer software for which the user does not have the proper licensing. Additional restrictions or regulations on the importing of remote files may from time to time be imposed, and such restrictions or regulations shall be considered part of this policy.

Internet browsing should be limited to Internet sites directly related to the user's job function. Internet browsing for personal use is prohibited. The use of town equipment and access for the purpose of private social networking is prohibited. Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources.

Open Meeting Law Compliance: All provisions of the Massachusetts Open Meeting Law apply to email communication.

41-2. *Social Networking.* Whether acting within the scope of employment for the Town, or not, employees are encouraged to use professional judgment at all times concerning personal and professional use of social networking sites. In using social networking sites, employees should at all times be respectful to co-workers, residents, or persons seeking assistance from the Town. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking sites, and must refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes, or which may otherwise interfere with the ability of the Town government to function properly. Such statements or comments occurring online and/or through the use of social networking sites will not be tolerated and may be subject to disciplinary action.

Subject to applicable law, online activity outside of work that violates the Town's Personnel Policies may subject an employee to disciplinary action, up to and including termination.

Use of social media during work hours, except as related to town business or postings, is prohibited and subject to disciplinary action.

43-3. *Mobile Devices Provided by the Town.* Employees whose work requires the issuance of a mobile device will be provided such device at the recommendation of the Department Head and the approval of the Town Administrator. Employees who do not accept a Town mobile device, and instead opt to use their own device, shall be eligible to receive a stipend, upon furnished proof of cell phone invoice paid. Such proof shall be provided to the Town Accountant's office, along with any reimbursement/payable

cover sheets, and shall be signed by the Town Administrator for reimbursement. Employees who opt to use their own mobile devices for Town business must seek approval from their Department Head and should be advised that their device may be subject to records access laws. The rate of payment for cell phone stipends will be periodically reviewed. Proposed cell phone stipends must be included in the annual departmental budget and are subject to Town Meeting appropriation. Users are responsible for the physical safety of their Town-provided devices and must report lost/stolen/damaged equipment immediately to the technology staff (IT Department).

43-4. Usage Guidelines.

- Detailed records of the use of Town mobile devices are public records and may be requested at any time.
- Mobile devices provided by the Town are to be used predominately for work-related purposes. Personal use that incurs charges must be paid for by the employee.
- In addition to this policy, the use of mobile devices is governed by personnel policies which relate to the use of all Town computing equipment.
- Town employees and elected officials may use social media and social networking services and tools for personal use outside of the workplace. However, these types of tools can sometimes blur the line between professional and personal interactions. Therefore, employees and elected officials are reminded that as representatives of the Town of Fairhaven, the above policies should be taken into consideration when participating in these services at any time, particularly when identifying themselves as employees of the Town or when context might lead to that conclusion, employees and volunteers should use discretion and common sense when employing social media, to help prevent inadvertently compromising professional, legal, or ethical standards, or otherwise violating this policy.

Retirement of Town Counsel

To be
discussed
at
meeting

FAIRHAVEN REPORT 10.8.2021

COVID Report

Total case count

2,405

Total tests in the last 2 weeks:

2,394

Total cases in the last 2 weeks:

88

(decrease of 11 since 10/1)

4.34% **Positivity**

(decrease of .54%)

Vaccination Data

Total vaccinated persons:

9,675

(increase of 41 since 10/1)

Fully vaccinated females:

5,390

(increase of 20 since 10/1)

65% Per Capita

55% Proportion

Fully vaccinated males:

4,375

(increase of 21 since 10/1)

56% Per Capita

45% Proportion

| Age Group | Population | Proportion of town population | Fully vaccinated individuals | Fully vaccinated individuals per capita | town fully vaccinated individuals |
|-------------|------------|-------------------------------|------------------------------|---|-----------------------------------|
| 12-15 Years | 713 | 4% | 350 | 49% | 4% |
| 16-19 Years | 633 | 4% | 415 | 66% | 4% |
| 20-29 Years | 1,639 | 10% | 865 | 53% | 9% |
| 30-49 Years | 3,837 | 24% | 2,232 | 58% | 23% |
| 50-64 Years | 3,729 | 23% | 2,705 | 73% | 28% |
| 65-74 Years | 2,034 | 13% | 1,746 | 86% | 18% |
| 75+ Years | 1,784 | 11% | 1,475 | 83% | 15% |
| Total | 16,013 | 100% | 9,788 | 61% | 100% |