



## FAIRHAVEN SELECT BOARD

### Meeting Minutes

March 20, 2023

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

**The meeting was videotaped by Cable access and Zoom meeting application.**

**Ms. Powers opened the meeting at 6:30PM**

**Motion:** Mr. Murphy made a motion to enter Executive Session Pursuant to G.L. c. 30A, § 21(a)(2) “[t]o conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel”: (Angie Lopes Ellison). Mr. Silvia seconded. Roll Call Vote, Mr. Espindola in favor, Mr. Correy in favor, Ms. Powers in favor, Mr. Silvia in favor and Mr. Murphy in favor, motion passed unanimously (5-0-0).

**The Board returned to Open Session at 7:44PM**

#### MINUTES:

**Motion:** Mr. Murphy made a motion to accept the open session minutes of February 21, 2023. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Motion:** Mr. Murphy made a motion to accept the executive session minutes of February 21, 2023. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Motion:** Mr. Murphy made a motion to accept the open session minutes of March 6, 2023. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

#### TOWN ADMINISTRATOR REPORT

Ms. Ellison updated the Board on:

- Staffing updates: The Finance Director position has been reposted. The Board of Public Works (BPW) received a resignation letter from Marcus Ferro, interested residents can apply or contact the BPW with questions. Letters of interest due by Monday, April 10, 2023.
- The Massachusetts Department of Public Health sent a communication announcing the plan to end the Public Health Emergency on May 11, 2023 coinciding with the ending of the Federal Public Health Emergency (*Attachment A*).
- Budget process update, the rest of the departments will present an overview of their FY24 budgets at the joint Select Board and Finance Committee meeting on Thursday, March 23. Mr. Bienvenue will provide any updated materials once they are ready.
- Going forward the Town will use a standard municipal contract form and attach the agency contract as addendums. The Town should not sign other agency contracts due to provisions like interest and payment schedules that may be included in those contracts.
- Oxford School has been accepted on the National Register of Historic Places (*Attachment B*).

#### Annual Town Meeting Election Warrant

Town Clerk Linda Fredette presented the Annual Town Election Warrant to the Board for Monday, April 3, 2023. The Town Meeting Warrant will be presented to the Board at a later date.

**Motion:** Mr. Murphy made a motion to approve the April 3, 2023 Annual Town Election Warrant as described by the Town Clerk. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Poll Workers for the Annual Town Election**

Ms. Fredette presented the list of Poll Workers for the Annual Town Election on Monday, April 3, 2023. Ms. Powers read the list of poll workers (*Attachment C*).

**Motion:** Mr. Murphy made a motion to approve the poll workers read by Ms. Powers (*Attachment C*). Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Police for the Annual Town Election**

Ms. Fredette reviewed her recommendation for three police officers to be assigned for the Annual Town Election on Monday, April 3, 2023. (*Attachment D*)

**Motion:** Mr. Murphy made a motion to approve the Police detail as outlined by the Town Clerk (*Attachment D*). Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Special Election: May 22, 2023**

The Board discussed the process and timing when determining a special election date. Ms. Fredette spoke to the overall process which includes ballot production and voter education. She also advised that the approximate cost of holding an election is about ten thousand dollars and if the election were cancelled it has to be done through a court order and there would be a cost for that.

The Board tabled this item.

**Lagoa Friendship Pact Committee appointment: Despina Longinidis**

Ms. Longinidis spoke to her volunteer application and interest in joining the committee.

**Motion:** Mr. Murphy made a motion to appoint Despina Longinidis to the Lagoa Friendship Pact Committee for a term to end May 2024. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Agricultural Committee appointment: Joseph Figueiredo**

Mr. Figueiredo's volunteer application and interest in joining the committee was read by Ms. Powers.

**Motion:** Mr. Murphy made a motion to appoint Joseph Figueiredo to the Agricultural Committee for a term to end May 2024. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Council on Aging Board of Directors appointment: Theresa Pereira**

Council on Aging Director Martha Reed spoke to Ms. Pereira's volunteer application and interest in joining the Board. Cameron Durant, Ms. Pereira's grandson, added that she would be honored to serve.

**Motion:** Mr. Murphy made a motion to appoint Theresa Pereira to the Council on Aging Board of Directors for a term to end May 2024. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

*An amended memo correcting the subject line of Ms. Pereira's application will be included (*Attachment E*)*

### **Consider Changes to the Financial Policy**

Mr. Espindola presented the Board with an edited version of the Financial Policy showing his recommendations (*Attachment F*). The existing policy was updated by the Select Board in September 2016 and is online under Town Policies.

Discussion ensued regarding Other Post-Employment Benefits (OPEB), the Town's bond rating, Capital Stabilization Fund use and setting a limit on how much goes into it, asking for input from the School Superintendent regarding Special Education, asking the Fire Chief for input on the Ambulance Stabilization Fund, Mr. Espindola's highlighted sections, monthly and quarterly presentations and the role of Mr. Bienvenue.

The Board and Ms. Ellison asked for time to review before discussing further. Ms. Ellison reminded the Board that Mr. Bienvenue's role has been a budget consultant to get the Town ready for Town Meeting FY24 budget items.

### **Progress Pride Flag/Banner: request to hang at Town Hall**

The Board discussed the request and concern that the current policy states in bullet point number six, "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 one time." Mr. Silvia asked if the Fairhaven Homecoming Banner had been a part of the Board's approval of the use of Town Hall for homecoming on June 24, 2023. The Board discussed following the policy and sharing the time for both requests.

Diane Hahn of 86 Francis Street, spoke in favor of flying the Progress/Pride flag.

**Motion:** Mr. Murphy made a motion to approve to hang the Progress/Pride Flag at Town Hall for the first two weeks of June from the first to the fifteenth. Mr. Silvia seconded.

Ms. Ellison asked the Board to reconsider the policy and to be inclusive because the month of June is recognized for Pride it would tie into the Homecoming event in June and welcoming everyone.

Mr. Murphy rescinded his motion. Mr. Silvia rescinded his second.

The item was tabled and the Select Board will post for a meeting on March 23, 2023 at 6PM to review the Flag/Banner Policy and both requests for flying flags/banners in June from the Belonging Committee and Fairhaven Improvement Association.

### **Building Department Fee Structure**

This item was passed over until a draft of recommendations is available.

### **Change of Manager: Acushnet River Safe Boating Club**

Application for change in Manager of the Acushnet River Safe Boating Club to Daniel Fowler.

**Motion:** Mr. Murphy made a motion to approve the change in Manager to Daniel Fowler. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

### **Podkowa 5K Race Fundraiser: use of public roads**

Adriann Corazzini attended via zoom and spoke to the event. The Board asked the organizers to gain approval from Police, Fire and the Board of Public works.

**Motion:** Mr. Murphy made a motion to approve the use of Town roads for the Podkowa 5K Race Fundraiser to occur on October 1, 2023 from 7AM to 1PM pending approval from the Police and

Fire Departments. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Tour de Crème Charity Bike Ride: use of the Bike Path**

Ms. Powers read the request from the Mattapoisett Land Trust, Inc. to use the Bike Path for the Tour de Crème Charity Bike Ride on Sunday, May 21, 2023. Mr. Espindola added that this is an event that has come back since Covid impacts and this group supports the extension of the Bike Path into Mattapoisett.

**Motion:** Mr. Murphy made a motion to approve the Mattapoisett Land Trust and the Friends of the Mattapoisett Bike Path use of the Town Bike Path on May 21, 2023 from 10AM to 1:45PM. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Discuss Mass Broadband Institute Digital Equity Fellowship Grant Opportunity**

Mr. Espindola reviewed the grant opportunity that just became available for a Fellowship with a deadline for application of April 1, 2023. Fifteen Fellowships within the Commonwealth, SRPEDD has offered to host one Fellow and cover the matching cost if there is enough interest in the region. Mr. Murphy, Mr. Silvia, Ms. Powers and Mr. Correy were in favor of Mr. Espindola working with SRPEDD on the application.

**Opioid Settlement: authorize the Town Administrator**

Ms. Ellison explained this item is to authorize the Town Administrator to enter into discussion and actions through Town Counsel on the Town's behalf.

**Motion:** Mr. Murphy made a motion to authorize the Town Administrator to enter into a contract regarding the additional opioid lawsuit with CVS, Walgreens, Walmart, Teva and Allergan. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

**Correspondence**

Ms. Powers read the Department of Planning and Economic Development's memo regarding a Public Hearing on March 27, 2023 at the BPW Building to receive public comment on the performance and outcomes of the Town's FY21 Community Development Block Grant project, Hedge Street Improvements Phase 3, from Main Street to approximately number 70 Hedge Street. (*Attachment G*).

Mr. Espindola asked through the Chair how correspondence to the email [selectboard@fairhaven-ma.gov](mailto:selectboard@fairhaven-ma.gov) is handled. Ms. Ellison explained emails to [selectboard@fairhaven-ma.gov](mailto:selectboard@fairhaven-ma.gov) go to the Executive Assistant and if they can be resolved it is handled. Mr. Espindola asked if an email came in from Phil Harding which Ms. Hart confirmed. Mr. Espindola mentioned concerns over not receiving emails. Ms. Powers added a discussion on this is not on the agenda.

**COMMITTEE LIAISON REPORTS**

*Mr. Espindola reported:*

Updates from the Broadband Study Committee, Broadband Coalition, SMMPO, SRPEDD Commission, Fairhaven Bikeway Committee and an update regarding a meeting with the Tree Warden and Mr. Wayne Hayward (*Attachment H*). At the Massachusetts Municipal Association Legislative Breakfast on March 17, upcoming legislation was mentioned, House Bill 3675 and S1489 to establish a new independent state authority for assistance with construction of new public safety buildings. Suggestion was made to advise Representative Strauss and Senator Montigney of the Board's interest and support of these items.

*Mr. Correy reported:*

Digital Equity grant has been narrowed down, reviewing proposal. EDC and Library meeting have conflicted with the joint Select Board and Finance Committee meetings. SRTA is meeting this week.



*Ms. Powers had no meetings to report on.*

*Mr. Silvia had no meetings to report on.*

*Mr. Murphy had no meetings to report on due to the conflict with the joint meetings.*

**PUBLIC COMMENT:**

Ms. Diane Hahn of 86 Francis St. thanked Ms. Ellison for recommending recognizing the whole month of June for Pride. In regards to the public safety and emergency committee, everyone should contact their reps about this. She had a question about mattress disposal collection and was referred to the BPW.

Ms. Shelly Harrison of 111 Adams Street, New Bedford, identified herself as a member of the Grandparents Rights Advocates National Delegation of the USA. Left paperwork about parental alienation (*Attachment I*).

**BOARD MEMBER ITEMS:**

Mr. Espindola made a formal request for emails sent to the Board at [selectboard@fairhaven-ma.gov](mailto:selectboard@fairhaven-ma.gov) be sent real time to each member. Ms. Ellison explained that the executive assistant was handling and forwarding as needed and in regards to management of responses suggested either the office handles or the Board handles and suggested it be added to the agenda for March 23, 2023.

Mr. Espindola asked about posting information on ARPA funded projects and status; many questions seem to be on whether or not we can reconsider projects and why they cannot be reconsidered. Ms. Ellison explained that the Board reviewed the projects, voted and the commitment is made for the projects as presented. Some projects are being sent through to the county for approval of funds and the timeline for approval from the county is about two to three months, others are for state ARPA funds. Because the funds have been committed to certain projects, that cannot be changed. The online Select Board packet of December 5, 2022 contains the ARPA projects discussed and voted on.

Mr. Correy reminded everyone to get involved, check the website and reach out, great to see so many getting involved. He also encouraged anyone with concerns to reach out and get the answer directly versus

**News and Announcements:**

The next scheduled Select Board meeting will be Thursday, March 23, 2023 at 6:00PM in the Town Hall Auditorium room. The Select Board will meet on April 3, 2023, election night, at 8:30PM. The next regularly scheduled Select Board meeting will be Tuesday, April 18, 2023 at 6:30PM in the Town Hall banquet room.

**The meeting adjourned at 9:48PM**

**Attachments:**

- A. Massachusetts Department of Public Health: update: MA Public Health Emergency**
- B. Notification of the Oxford School accepted on the National Register of Historic Places**
- C. April 3 Election, Poll Workers list**
- D. April 3 Election, request for Police Officers**
- E. Amended memo for Theresa Pereira's for the Council on Aging Board of Directors**
- F. Draft of Mr. Espindola's Financial Policy recommendations**
- G. Notice of Public Hearing for FY21 Community Development Block Grant**
- H. Committee Liaison Report: Robert Espindola**
- I. Letter from Shelly Harrison regarding parental alienation**

Date: Wed, Mar 15, 2023 at 8:01 AM

Subject: MA Department of Public Health - Update: MA Public Health Emergency

Dear Colleagues,

Later today, Governor Healey will announce that the Public Health Emergency will be ending on May 11, 2023, coinciding with the ending of the Federal Public Health Emergency. This means that any mandates or waivers/flexibilities that were allowed under the public health emergency will be lifted at that time, unless legislative action is taken. The Administration will be filing legislation to extend three public health orders addressing staffing in out-of-hospital dialysis, the Medication Administration Program to provide additional time to come into compliance with regulatory requirements, and ambulance staffing to continue to provide flexibility going forward. More information will be shared with respective stakeholders over the coming weeks.

Every person in the Commonwealth has been impacted by the pandemic. It is because of your work, your partnership, and your collaboration that Massachusetts is now at a point where we can lift the public health emergency and continue to move towards treating COVID-19 in an endemic state. Your collective efforts encouraging people to stay home, test if sick, access therapeutic treatments, wear masks, and get vaccinated and boosted have gotten us here, and for that we thank you.

DPH remains committed to keeping the lines of communication open, partnering with you however we can, and ensuring the health and safety of the residents as we make these changes.

Sincerely,

The Massachusetts Department of Public Health





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**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

March 13, 2023

Keith McDonald  
Oxford School Residences LP  
100 Corporate Place, Suite 404  
Peabody, MA 01960

Dear Mr. McDonald:

The Massachusetts Historical Commission is pleased to inform you that the Oxford School in Fairhaven was accepted by the National Park Service, Department of the Interior, for listing in the National Register of Historic Places on February 17, 2023. Enclosed is a certificate recognizing the designation of the building in the National Register of Historic Places.

For your information, an explanation of the National Register of Historic Places is enclosed. If you have any questions or wish further information, please do not hesitate to contact the Massachusetts Historical Commission.

We share with you a sense of pride that this historic property has been listed.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. F. Galvin".

William Francis Galvin  
Secretary of the Commonwealth  
Chairman, Massachusetts Historical Commission

A handwritten signature in dark ink, appearing to read "Brona Simon".

Brona Simon  
Executive Director  
State Historic Preservation Officer  
Massachusetts Historical Commission

cc: Stasia Powers, Chair, Fairhaven Select Board  
Wayne Oliveira, Chair, Fairhaven Historical Commission  
Wayne Hayward, Chair, Fairhaven Planning Board  
Quinn Stuart, VHB

Enclosures



# TOWN CLERK'S OFFICE

## FAIRHAVEN, MASSACHUSETTS

TOWN HALL · 40 CENTER STREET · FAIRHAVEN, MA 02719  
TELEPHONE: 508-979-4023 x 3 · EMAIL: CLERK@FAIRHAVEN-MA.GOV

To: Select Board  
From: Town Clerk  
Date: 3/13/23  
RE: April 3, 2023-Poll Workers

Below is the list of the Poll Workers I have scheduled to work at the April 3<sup>rd</sup> Annual Town Election Election for your approval.

Bernadette Costa	19 Huttleston Avenue	Fairhaven, MA 02719
Pam Bettencourt	12 Evergreen Street	Fairhaven, MA 02719
George Diggle	21 Summer Street	Fairhaven, MA 02719
Dennis Mattos	14 Newton Street	Fairhaven, MA 02719
Christine Alfonse	38 Veranda Avenue	Fairhaven, MA 02719
Claire Millette	138 Main Street 1	Fairhaven, MA 02719
Despina Longinidis	101 Washington St	Fairhaven, MA 02719
Carole Fauteux	87 Harding Road	Fairhaven, MA 02719
Jodi Duval	46 Wilding Street	Fairhaven, MA 02719
Andrew Romano	440 Bridge St	Fairhaven, MA 02719
Myles Romano	440 Bridge St	Fairhaven, MA 02719
Kathryn (Kacie) Silvia	25 Harvard Street	Fairhaven, MA 02719
Linda Therrien	287 Huttleston Avenue	Fairhaven, MA 02719
Kim Mimoso	59 Oliver St	Fairhaven, MA 02719
Maria J(MJ)Carvalho	29 Newbury Avenue	Fairhaven, MA 02719
Anne Ellis	310 Mill Road	Fairhaven, MA 02719
Lisa Moniz	23 Harvard Street	Fairhaven, MA 02719
Lisa Rose	12 Summer Street	Fairhaven, MA 02719
Maria Branco	13 Reservation Road	Fairhaven, MA 02719
Donna Ross	18 Cedar St	Fairhaven, MA 02719
Pauline Parker	38 Blackburn Street	Fairhaven, MA 02719
Cathy Melanson	110 Adams Street	Fairhaven, MA 02719
Michael Thomas	1 Teal Circle	Fairhaven, MA 02719
Joanne St Amand	7 Suzanne Way	Fairhaven, MA 02719
Rebecca Surprenant	10 Nonquitt Ave	Fairhaven, MA 02719
Peggy Souza	34 McGann Terr	Fairhaven, MA 02719
Steven Silvia	347 Main St Unit 1	Fairhaven, MA 02719
Joseph Sylvia	326 Huttleston Ave	Fairhaven, MA 02719





# TOWN CLERK'S OFFICE FAIRHAVEN, MASSACHUSETTS

TOWN HALL · 40 CENTER STREET · FAIRHAVEN, MA 02719  
TELEPHONE: 508-979-4023 X 3 · EMAIL: CLERK@FAIRHAVEN-MA.GOV

To: Select Board  
From: Town Clerk  
Date: 3/13/23  
RE: April 3, 2023-Police Officer Assignment

**Action is requested in response to the changes made to section 72 of MGL 54, which now charges the Select Board with detailing a sufficient number of police officers or constables for each polling location.**

*On June 22, the election reform law (the "VOTES Act") was signed into law by Governor Baker. The VOTES Act makes many of the changes from the pandemic permanent (eg., Vote by Mail and Early In-Person Voting). In addition, the assignment of the number of police officers and/or constables at polling places now requires a vote of the Select Board.*

The Town of Fairhaven has 6 precincts that will vote in 1 polling location-the Fairhaven Recreation Center, 227 Huttleston Ave. The assigned officers are responsible for delivering the ballots and voting machines to the precincts in the morning, and back to the Town Hall at the end of the night, as well as to preserve order and to protect the election officers and supervisors from any interference with their duties.

In past elections, either three (3) or four (4) officers have been assigned to work at the Rec Center, depending on the expected turnout of the election. Since the Annual Town Election will most likely have a lower turnout than the previous State Elections, my recommendation is to assign three (3) police officers to the polling location, one (1) inside the gymnasium to maintain order in the six precincts, one (1) in the lobby area/front door, and one (1) to assist with traffic in the parking lot.

**The following action is recommended:**

**MOTION:** Move to approve a sufficient number of police officers, but not less than three (3), at the polling location (Rec Center, 227 Huttleston Ave) for the April 3, 2023 Annual Town Election, to preserve order, and to protect the election officers and supervisors from any interference with their duties, and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54.

Further, move to designate the Police Chief the authority to assign specific police officers according to scheduling and availability. The Town Clerk will advise the Police Chief on the location and time the officers are needed.



## MEMORANDUM

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*From: Theresa Pereira*

*Date: March 16, 2023*

*Re: Application for The Board of the COA-amended*

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My name is Theresa Pereira and I would like to share my interest in joining the Board of the COA. I have a long history of public service including being the president of the West Island Improvement Association, the Recording Secretary of the Fairhaven Improvement Association, and the Clube Madeirense - Feast of the Blessed Sacrament in New Bedford. I would be happy to continue to volunteer my time.

**TOWN OF FAIRHAVEN**  
**FINANCIAL MANAGEMENT**  
**POLICIES AND GUIDELINES**  
RJE DRAFT for Consideration  
3-20-2023 Select Board Meeting

### **INTRODUCTION**

The following financial management policies and guidelines set forth the broad framework for overall planning and management of the Town of Fairhaven's financial resources. The policies are intended to be advisory in nature and serve as a point of reference for all policy-makers, administrators and advisors. It is fully understood that Town Meeting retains the full right to appropriate funds and incur debt at levels it deems appropriate, subject to statutory limits such as Proposition 2 ½.

The policies are designed to ensure the Town's sound financial condition now and in the future. Sound financial condition may be defined as:

- Cash Solvency:                      The ability to pay bills in a timely fashion
- Budgetary Solvency:              The ability to annually balance the budget
- Long-Term Solvency:              The ability to pay future costs
- Service Level Solvency:        The ability to provide needed services

It is equally important that the Town maintain flexibility in its finances to ensure that the Town is positioned to react and respond to changes in the economy and new service challenges without measureable financial stress.

### **FISCAL RESERVES GUIDELINES**

The Town's accumulation of prudent reserves is critically important to the fiscal health of the community for many reasons. Reserves are a resource to sustain a community during an economic downturn and may provide for cash flow needs until sufficient revenues are received, reducing or eliminating the need for short-term borrowing. Rating agencies and investors also view reserves favorably as evidence of the community's financial flexibility. The Town will endeavor to establish and maintain the following reserve levels:

- Surplus Revenue (Free Cash) – To maintain a certified Free Cash balance of at least three to five percent (3-5%) of the General Fund Operating Budget.

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A. \_\_\_\_\_

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- B. Unrestricted Stabilization Fund, To provide long-term financial stability for the

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DRAFT Rev. Updated



Town, while also improving the Town's credit worthiness and flexibility. The provisions for this fund are dictated by Chapter 40 Section 5B of Massachusetts General Law. This fund can be appropriated for any lawful purpose, including without limitation, an approved school project under Chapter 70B or any other purpose for which the Town or District may lawfully borrow money.

- The Town will endeavor to achieve and maintain a minimum balance of six (6) to eight (8) percent of the current operating budget in its general stabilization fund. Withdrawals from the fund should only be used to mitigate emergency or other unanticipated events that cannot be supported by the current general fund appropriations. When possible, withdrawal of funds should be limited to the amount available above the six percent minimum target. If any necessary withdrawal drives the fund below this minimum, the withdrawal should be limited to one-third of the fund's available balance, and the Town Administrator, will develop a detailed plan to replenish the fund to the minimum level within the next two (2) fiscal years.

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- C. Capital Stabilization Fund. This Funds minimum target level should be one (1) to two (2) percent of the General Fund budget. By sustaining funding in this type of reserve, the Town can balance debt with pay-as-you-go practices and protect against unforeseen capital costs. Any time a balance in the Capital Stabilization Fund exceeds two (2) percent, the Town Administrator, working with the Select Board, should provide a plan and schedule for use of the funds, or transfer any funding above 2% to the Unclassified Stabilization Fund.

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- D. Assessors Stabilization Fund. This fund is established to offset annual interim-year valuation adjustments and the costs associated with five-year revaluation process. This stabilization is funded through an appropriation of free cash every five years.

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- E. SPED Stabilization Fund. The school committee may include a separate line item in their annual budget request to appropriate monies into the SPED stabilization fund. The balance in the reserve fund cannot exceed two percent of the annual net school spending of the school district.

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Commented [BE1]: Reference used for language in this section - <https://www.doc.mass.edu/finance/circuitbreaker/stabilization.html>. Recommend consulting with School Superintendent on best practices.

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Commented [BE2]: Recommend consulting with School Superintendent on best practices

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Commented [BE3]: Recommend consulting with School Superintendent on best practices

Funds in the reserve fund can only be expended or transferred out after a majority vote of both the School Committee and Select Board

Other areas districts may choose to consider when establishing the fund are:

- Maximum balance in the fund shall be (TBD)
- A limit on the amount that can be expended in a fiscal year shall be (TBD)
- Annual appropriations into a stabilization fund should not be reported as an expenditure on the End of Year Financial Report. There is no reporting requirement for increasing the balance in the fund.

- Expenditures from the fund should be reported as an additional appropriation of the school committee in the appropriate function codes on Schedules 1 and 3 of the End of Year Financial Report. Expenditures are made directly from the stabilization fund so a transfer into the general fund is not required.

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F. **Ambulance Stabilization Fund.** This fund is established to cover the cost of ambulance runs in a given fiscal year. Revenue projections should follow same guidelines established in this policy for local receipts.

Commented [BE4]: Recommend consulting with the Fire Chief

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- B. — To provide long-term financial stability for the Town, while also improving the Town's credit worthiness and flexibility. The provisions for this fund are dictated by Chapter 40 Section 5B of Massachusetts General Law. This fund can be appropriated for any lawful purpose, including without limitation, an approved school project under Chapter 70B or any other purpose for which the City, Town or District may lawfully borrow money.

Fairhaven will utilize this fund for the "depreciation" or replacement of major pieces of rolling stock or operating equipment such as fire engines, rescue vehicles, backhoes,

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graders, rollers, street sweepers, trucks and the like. Purchases should be made utilizing equipment replacement reserves and accumulated interest earnings without the necessity of relying on outside funding. Continued maintenance of this fund will benefit the Town in the long run.

The Town should maintain a Stabilization Fund balance of at least seven percent (7%) of General Fund operating budget with a minimum of five percent (5%) after appropriation for capital improvement or equipment. The Fund should be replenished within three (3) years to seven percent (7%).

*Alternately, have two stabilization accounts: one that would be maintained at 5% (five percent) and a second stabilization account for equipment and improvements with 2-3% (two to three percent) replenished within three (3) years.*

**C.G. Employer Health Insurance Trust Fund** – It shall be the policy of the Town of Fairhaven to hold a reserve in the Health and Dental dedicated fund in an amount not to be less than three (3) months of average costs of Health and Dental assessments including all administrative fees. Additionally, at no time shall the fund hold less than one million, six hundred thousand dollars (\$1,600,000) in reserves at the close of any fiscal year. The Town Administrator shall report the status of the Trust Fund to the Board of Selectmen in February of each year and make the necessary adjustments in conjunction with the Town Finance Director. Should an additional appropriation be necessary to restore the fund to its minimum balance, the Town Administrator shall bring forth an article for a Special or Annual Town Meeting for approval by the Board of Selectmen.

**D.II. Overlay Reserve** – To establish an annual Overlay Reserve for tax abatements and exemptions at an appropriate level based on an analysis of historical data and specific circumstances such as a property revaluation project. The Overlay Reserve is to be determined with the assistance of the Assessors. At the conclusion of each fiscal year, the Board of Assessors will submit to the Town Administrator and Finance Director an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Select Board may request that the Board of Assessors vote to declare those balances surplus and available for use in the Town's Capital Improvement Plan or any other one-time expenditure.

**E.I. Reserve Fund** – The Town currently has a Reserve Fund that is controlled by the Finance Committee. The Town has established and maintained an operating Reserve Fund, which provides for emergency expenditures. The amount of money to be held in this reserve should not be less than \$100,000. The actual reserve level will be determined as part of the budget adoption process.

**J. Other Post-Employment Benefits Trust Fund (GASB 45)** – It shall be the policy of the Town to maintain a reserve in the Other Post-Employment Benefits (OPEB) trust fund and to budget and recommend appropriation of \$50,000 (minimum) per year to the trust fund. The Town, working with its OPEB Valuation Consultant, has developed a comprehensive strategy fund their OPEB Liability. That strategy includes spelling out the nature of the Town's financial commitment to annual appropriations into the OPEB Trust fund, including identification of the funding sources of revenue for that appropriation. The Town's policy on OPEB Liability shall include annual tracking of

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funding level in the Towns Pension and schedule a shift in funding from the Pension Fund to the OPEB Liability when the Pension Fund reaches a level of 100% funded. The Town will make the same level of commitment to fund OPEB liability as demonstrated to fund the Town Pension Fund until OPEB Liability is reduced to Zero.

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Use of Reserves: To the maximum extent possible, the Town shall only appropriate reserves such as Unreserved or Unassigned Fund Balance (Free Cash), Stabilization Fund and Overlay Surplus for one-time, non-recurring expenses such as capital projects and equipment. It is understood that at times, reserves may have to be used to support the operating budget due to state aid reductions or other unexpected revenue and/or expenditure challenges. If such use of reserves is necessary in a fiscal year to maintain an adequate level of essential services, the Town

should strategically plan on reducing and then eliminating the use of reserves in the coming fiscal years and restoring the balance in its reserve accounts.

## **FINANCIAL PLANNING AND MONITORING GUIDELINES**

Long-term financial forecasting and constant monitoring of current revenue and expenditure trends are vitally important to maintain quality service levels and fiscal discipline. As a result, it is the policy of the Town to undertake the following:

- A. **Multi-Year Financial Forecasting** – Establish and maintain an on-going financial planning model that projects revenues and expenses over the next five (5) years by using five (5) years of historical data and other fiscal trend analysis.

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- B. **Monitor and Track Current Year Financial Activities** – Constantly monitor revenue and expenditure activities and publish periodic reports for policy-makers, administrators and department heads. To meet this objective, the Town should implement improved financial management systems and software to create the required revenue and expenditure reports, reduce duplication of effort, and maximize productivity of finance department staff.

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- ANNUAL BUDGET PRESENTATION AND PERIODIC REPORTING
- The Annual Budget for each Fiscal Year shall be presented along with a summary document that includes a statement that the budget complies with this Financial Policy or, otherwise, explains where it deviates from the Policy, for what reason and shall include a plan for returning to the Financial Policy before the next Fiscal Year Budget is proposed.
- The Town Administrator or Finance Director will provide the Select Board with monthly updates on the Town's expenditures relative to appropriations and revenue collections relative to estimates. This will ensure that the Board remains generally informed on the financial state of the Town and is made aware of any budget issues that may require action or their considerations. This report should be in the form of a line item report for each expenditure item as it appears before town meeting, showing the amount of the total appropriation, and the remaining available for expenditure and % of budget that has been spent. A separate section should show revenue items in the form and amounts used to balance the budget for submission to DLS in the tax recapitulation process, with total amount estimated, amount collected as of the end of the month, percentage collected of the total, and the amount uncollected.
- On a quarterly basis, the Town Administrator will add the report as an item on the Select Board agenda and make a brief presentation on where the town stands on expenditures and revenues as
- of the end of the quarter.
- The Town Administrator shall provide for the completion of year-end financial reports as required by the Commonwealth of Massachusetts and for a year-end

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financial audit.

- C. Analysis and reporting of key results should be used to identify the Town's status with regard to the Select Board's adopted financial policies, as well as provide additional context and support for the Town's 5-year projections.

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- D. The Town Administrator shall provide for the completion of year-end financial reports as required by the Commonwealth of Massachusetts and for a year-end financial audit.

- E. Analysis and reporting of key results should be used to identify the Town's status with regard to the Select Board's adopted financial policies, as well as provide additional context and support for the Town's 5-year projections.

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#### **CAPITAL PLANNING & DEBT SERVICE MANAGEMENT GUIDELINE**

The Town's willingness and ability to address its capital needs (infrastructure, facilities, equipment, etc.) is very important to the community's quality of life and fiscal stability. At the same time, the Town must maintain a sound debt structure and debt ratio to ensure that all debt obligations will be satisfied without sacrificing the quality of on-going operations and/or burdening future generations with large debt obligations. To that end, it is the policy of the Town to undertake the following:

- A. **Capital Improvement Plan** – The Town shall establish and maintain a five (5) year capital improvements plan, updated annually, to develop capital financing strategies consistent with these policies, and to integrate any new operating costs associated with capital projects into the annual operating budget. The Town should capitalize expenditures of at least \$20,000 and having a useful life of more than five years.
- B. **Debt Service Guidelines** – The Town will strive to budget at least three percent (3%) of the general fund annual operating budget (excluding debt service) on debt service for capital maintenance and equipment costs. This amount does not include the debt for Community Preservation, Enterprise funds, debt exclusions and self-supported debt.
- C. **Debt Maturity Guidelines** – The Town will strive to limit the average maturity of its debt to five (5) to ten (10) years with a maximum of twenty (20) years. By adopting a conservative maturity schedule, the Town will not only reduce interest costs on its bonds but also recognize that capital needs will continue to be identified and recommended.

- D. **Alternative Financing Strategies** – The Town will continually pursue opportunities to acquire capital by means other than conventional borrowing, such as grants and low and no-interest loan programs such as MWPAT, Rural Development and other state and federal programs.
- E. **Cash Flow** – The Town will prepare and update cash flow statements for each bonded project to borrow only those funds necessary, and to schedule debt payments over the course of the fiscal year.
- F. **Reconciliation & Record Keeping** – The Town will periodically reconcile debt-related records of the Finance Director/Town Treasurer, and will annually determine if any unissued bond authorizations needed to be rescinded at Annual Town Meeting.
- G. **Internal Borrowing** – The Town will utilize the option of internal borrowing when fiscally prudent to do so.
- H. **Debt Issuance** – The Town will work closely with its Financial Advisor and Bond Counsel to ensure that all legal requirements are met and that the lowest possible interest rate can be obtained. To that end, the Town Administrator, Finance Director/Town Treasurer will prepare and present a financial presentation to rating agencies in advance of a permanent bond issue, and every effort will be made to secure as high a bond rating as possible.

#### **REVENUE ENHANCEMENT GUIDELINES**

To continue to maintain a reasonable level of services to its citizens and meet all future financial obligations, the Town will proactively seek new revenue sources in the following manners:

- A. **Property Valuations** – In addition to the mandated three (3) year property revaluation, the Town will perform interim valuation upgrades to keep pace with the real estate market and avoid wide swings in assessed values. In addition, the Town will regularly inspect properties to ensure up-to-date property data and identify additional sources of “new growth” revenue.
- B. **Receivables** – The Town will rapidly move all unpaid taxes into Tax Title when authorized by law, and will increase collection rates by increasing the use of a deputy collector and by attaching Town payments to vendors who also owe taxes to the Town.
- C. **Foreclosure Properties** – The Town will aggressively auction off foreclosed properties that are not reserved for Town use, conservation or affordable housing purposes.
- D. **Non-Tax Revenue** – The Town will annually review and analyze fees and charges to determine if they are appropriate and comparable. Each department will be required to review and submit recommendations to the Town Administrator by January 1<sup>st</sup> of the year.

The Town will strive to maintain a diversified and stable revenue system, as permitted by law, to  
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shelter it from short-run fluctuaiontions in any one revenue source. The revenue mix should combine elastic and inelastic revenue sources to minimize the effect of economic downturns.

The State and Local estimated receipts used for budgeting purposes shall be conservative, and in any event should not axceed 100% of the prior years actual collections without additional analysis supporting conclusions. The following guidelines will be used.

- General local receipt target should be 80-85% of prior year's actual receipts (excluding any earmarks) in normal budgetary cycles in order to preserve flexibility and liquidity during tighter economic cycles.
- Local receipts utilization of between 86-90% of prior year actual receipts (excluding any earmarks) is permitted but should be supported with rational for the increased use of local receipts.
- Local receipt utilization over 90% of prior year actual receipts (excluding any earmarks) is permitted but would indicate a tightening budget or economic contraction that should be highlighted to and discussed with the Finance Committee and Select Board during the budgetary process.
- State and local estimated receipts shall be estimated using an objective, analytical process using established best practices.
- Departmental fees and user charges shall be established at a level not to exceed the cost of providing the service, including direct and indirect costs of the activity.
- Enterprise and business-type activities user charges and fees shall be set to recover all direct and indirect cost associated with these activities.
- Departmental fees and user charges shall be evaluated periodically and adjusted (by the appropriate Town Board or official) as deemed necessary to respond to changes in costs of providing the service, while considering affordability.
- When appropriate, existing fees and charges will be re-examined and potential new sources of revenue will be explored to ensure the Town is maximizing its revenue potential.
- Non-recurring revenue will be separately identified and not used to fund recurring expenses.
- Revenues shall only be as prescribed by law, contract or otherwise provided or restricted.

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### **BOARD OF SELECTMEN POLICY ON ONE-TIME REVENUES**

To stabilize the budget, the Board of Selectmen recommends the following policies:

- A. One-time revenues should only be applied to: capital improvements, property acquisitions, contributions to the stabilization fund and single-year appropriations.
- B. Budgets established in the Annual Town Meeting should be considered to be "fully funded". As a general rule, there should be no supplemental appropriations to departmental operating budgets in the Fall Town Meeting. (Exception negotiated or non-Union wage adjustments).
- C. Departmental turn-backs available in the Fall Town Meeting should be deposited in the stabilization fund or applied to single year payments of capital improvements or use as part of next year's surplus revenue. These purchases should not take on debt schedules that require future appropriations beyond what can be funded from the recurring revenue stream.
- D. Encumbrances not expended within 90 days of the close of a fiscal year will become part of the next year's Surplus Revenue.

It is in nobody's best interest to grow budgets at an unsustainable rate. Failure to maintain this financial discipline will quickly lead to painful decisions. Even by adhering to these recommendations, the rate of increase in some expense categories will place strains on future budgets. By following this policy, the Town of Fairhaven will be in a better position to meet financial challenges if it maintains a disciplined approach to the budget process.

### **CAPITALIZATION POLICY**

Consistent with GASB 34 and the guidelines and recommendations of the Massachusetts Department of Revenue, Division of Local Services, Bureau of Accounts the Town has established the following thresholds and depreciation:

<u>Asset Type</u>	<u>Estimated Useful Life</u>	<u>Capitalization Threshold</u>
Machinery, Equipment and Vehicles	3 to 15 years	\$25,000
Buildings and Facilities	30 years	\$100,000
Building Improvements	30 years	\$50,000
Land	30 years	\$25,000
Land Improvements	20 years	\$25,000
Infrastructures	5 to 40 years	\$150,000

Construction in progress will be capitalized only if total cost is anticipated to exceed capitalization threshold.

### **PROCUREMENT POLICY**

Chapter 30B of the Massachusetts General Laws establishes different procedures for the purchase of supplies based on the values of the purchase. The "thresholds" are:

- Purchases for less than \$10,000
- Purchases for \$10,000 or more but less than \$25,000 (Goods and Services)
- Purchases for \$50,000 or more
- Sole Source Procurements

1. *Purchases under \$10,000*

For the purchase of goods or services less than \$10,000, Chapter 30B requires that you use "sound business practices". This means you should make a reasonable effort to make sure you are getting your money's worth.

2. *Purchases \$10,000 or over, but under \$50,000*

For purchases of **Goods and Services** \$10,000 or more, but less than \$50,000, you must solicit at least three oral or written quotes and award the **CONTRACT** to the responsible, responsive vendor who gives you the lowest quote that meets your purchase description.

3. *Contracts \$50,000 or more*

For purchases of \$50,000 or more, the Procurement Officer must solicit formal advertised bids or proposals and award a contract to the responsible, responsive bidder offering the lowest price.

4. *Sole Source Procurements*

The Department heads shall submit in writing justification for sole source procurement to the Town Administrator and obtain approval for such goods and services prior to the signing of any contract. A purchase form is then drafted and submitted to the Town Accountant to secure availability of funds and then to the Town Administrator for final approval.

## **INVESTMENT POLICY**

**Policy Statement** – It is the intent of this policy statement for the Town of Fairhaven to invest funds in a manner which will provide for the maximum investment return while securing principal, mitigating investment risk (credit and interest rate), maintaining liquidity for the daily cash flow demands of the Town and conforming to all statutes governing the investment of the Town funds.

**Scope** – The investment policy applies to all financial assets associated with the General Fund, Special Revenue, Capital Projects Funds, Trust Funds and the Enterprise Funds, including all proceeds associated with bond issues and short-term financing.

**Objective** – The primary objectives, in priority order, of the investment activities shall be:



1. Safety: Safety of principal is the foremost objective of this investment policy statement. Investments of the Town of Fairhaven shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. To attain this objective, the Town of Fairhaven will mitigate credit and interest rate risk as well as diversify where prudently possible.

Credit Risk: Credit Risk is the risk of loss due to the failure of the security issuer or backer. Credit risk may be mitigated by limiting investments to the safest types of securities; pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business; and diversifying the investment portfolio so that potential losses on individual securities will be minimized.

Interest Rate Risk: Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities.

2. Liquidity: The investments portfolio will remain sufficiently liquid to enable the Town of Fairhaven to meet all operating requirements which might be reasonably anticipated using cash forecasting techniques.
3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

#### Standards of Care –

1. Prudence: The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

2. **Ethics and Conflicts of Interest:** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair the ability to make impartial decisions. Officers and employees shall refrain from undertaking personal investment transaction with the same individual with whom business is conducted on behalf of the Town of Fairhaven.
3. **Delegation Authority:** Authority to manage the investment program is granted by State Law to the Town Treasurer. The Treasurer shall carry out procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Town's Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

#### **Safekeeping and Custody –**

1. **Authorized Financial Institution:** The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of Massachusetts. No public deposit shall be made except in a qualified public depository as established by state laws.
2. **Internal Controls:** The Treasurer is responsible for establishing controls and procedures in writing to ensure adequate control of the assets of the Town of Fairhaven. The internal controls should protect the Town from loss, theft or misuse. An annual independent audit shall be performed by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following:
  - Control of Collusion: The separation of duties performed by staff who account and record the assets of the Town
  - Ensure written confirmations of all investment and wire transactions
  - Ensure wire transfer agreements are in place with financial institutions

**Authorized Investments –** The authorized investments allowable for the Town of Fairhaven within statutory limits are those in the list of legal investments pursuant to Massachusetts General Laws Chapter 167, Section 15A.

The Town's investments shall be diversified with maturities not to exceed cash flow requirements.

**Financial Reporting –** On a quarterly basis, the Treasurer shall provide a financial report detailing all holdings to the Board of Selectmen.



Performance Standards – The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The performance should be compared to appropriate benchmarks on a regular basis.

### **CASH MANAGEMENT POLICY**

Consistent with Massachusetts General Laws, all money belonging to the Town is turned over to the Treasurer who receives and takes charge of all money. Departments turn over all money collected to the Treasurer daily. Mindful of the principals of security, liquidity and yield described in the Town's Investment Policy, the Treasurer shall keep safe that amount of cash necessary for routine transactions and deposit all other money in an appropriate financial institution daily. All departments shall submit a copy of the receipt of all turnovers made to the Treasurer to the Accountant.

### **DEBT POLICY**

Under Massachusetts statutes, the General Debt Limit of the Town consists of a Normal Debt Limit and a Double Debt Limit. The Normal Debt Limit of the Town is two-and-a-half (2.5) percent of the valuation of taxable property. The Town can authorize debt up to twice this amount (Double Debt Limit) with the approval of the State Emergency Finance Board.

There are many categories of general obligation debt which are exempt from and do not count against the General Debt Limit. Among others, these exempt categories include revenue anticipation notes and grant anticipation notes, emergency loans, loans exempted by special laws, certain school bonds, sewer project bonds and solid waste disposal facility bonds (as approved by the Emergency Finance Board), and, subject to special debt limits, bonds for water, housing, urban renewal and economic (subject to various debt limits) and electric and gas (subject to a separate limit to the General Debt Limit inducing the same doubling provision). Industrial revenue bonds, electric revenue bonds, and water pollution abatement revenue bonds are not subject to these debt limits. The General Debt Limit and the special debt limit for water bonds apply at the time the debt is authorized. The other special debt limits generally apply at the time the debt is incurred.

The Town has six basic ways to finance capital projects: pay-as-you-go financing, debt financing, public private ventures, grants, private donations and intergovernmental financing (such as MWPAT interest free loan/grant programs). Over-reliance on any one of these options can be risky to a local government's financial health. It can also restrict the Town's ability to respond to changes in economic and fiscal conditions. The Town's policy makers must be careful to choose the right combination of financing techniques. The Town has regularly taken advantage of the MWPAT interest free/low interest programs to finance sewer capital projects. The Town has also succeeded in financing many capital projects with the pay-as-you-go technique, reducing the debt burden.



**Authorization of General Obligation Debt** – Under the General Laws, bonds and notes of a Town are generally authorized at Town Meeting requiring a two-thirds affirmative vote. The Town may borrow in excess of the limits of the proposition 2 ½ by a two-thirds affirmative vote of Town Meeting and a majority vote of the voters of the Town. Borrowing for certain purposes also requires administrative approval from the Commonwealth.

Temporary loans in anticipation of current revenues, grants and other purposes can be made without local legislative approval.

**Types of Obligations** – Under the statutes of the Commonwealth, the Town is authorized to issue general obligation indebtedness of the following types:

**Serial Bonds and Notes:** These are generally required to be payable in equal or diminishing annual principle amounts beginning no later than the end of the next fiscal year commencing after the date of issue and ending within the terms permitted by law. Level debt service is permitted for bonds or notes issued for certain purposes, and for those projects for which debt has been exempted from property tax limitations. The maximum terms vary from one year to 40 years, depending on the purpose of the issue. Most of the purposes are capital projects. They may be callable and redeemed prior to their maturity and a redemption premium may be paid. Refunding bonds or notes may be issued subject to the maximum terms measured from the date of the original bonds or notes. Serial bonds may be issued as “qualified bonds” with the approval of the State Emergency Finance Board, subject to such conditions and limitations, (including restriction on future indebtedness) as may be required by the Board.

**Bond Anticipation Notes:** These generally must mature within two years of their original dates of issuance, but may be refunded from time to time for a period not to exceed five years from their original dates of issuance, provided that (except for notes issued for certain school projects that have been approved for state school construction aid) for each year that the notes are refunded beyond the second year, they must be paid in part from revenue funds in an amount at least equal to the minimum annual payment that would have been required if the bonds had been issued at the end of the second year. The maximum term of bonds issued to refund bond anticipation notes is measured from the date of the original issue of the notes, except for notes issued for such State-aided school construction projects.

**Revenue Anticipation Notes:** Revenue Anticipation Notes are issued to meet current expenses in anticipation of taxes and other revenues. They must mature within one year but, if payable in less than one year, may be refunded from time to time up to one year from the original date of issue.

**Grant Anticipation Notes:** Grant Anticipation Notes are issued for temporary financing in anticipation of federal grants and state and county reimbursements. They must generally mature within two years, but may be refunded from time to time as long as the municipality remains entitled to the grant or reimbursement.

**Revenue Bonds:** The Town may issue revenue bonds for solid waste disposal facilities and for project financed under the Commonwealth’s water pollution abatement revolving-loan program.

**Bond Ratings** – The Town's bond rating is as follows: Moody's Aa2.

## **FRAUD POLICY**

**Introduction** – The Town of Fairhaven is committed to its duty to ensure effective stewardship of public money and other assets and resources for which we are responsible. It is the policy of the Town of Fairhaven to prevent and deter all forms of fraud that could threaten the security of our assets or our reputation. The Town is committed to the prevention, detection, investigation and corrective action relative to fraud.

**What is Fraud?** – Fraud is a violation of trust that is defined as a deception deliberately practiced to secure unfair or unlawful gain. The term includes but is not limited to such acts as deception, bribery, forgery, extortion, theft, embezzlement, misappropriation of money or assets, false representation, the concealment of material facts relating to any of the above and collusion or conspiracy to commit any or all of the above.

**What to Do if You Suspect Fraudulent Activity** – The Town recognizes there may only be a suspicion of fraud – thus, any concerns should be reported to the Town Accountant. If the concern involves the Accountant, any concerns should be reported to the Town Administrator. The Town Accountant has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Town Accountant will alert the Town Administrator of any suspected fraudulent activities.

**Actions** – All cases of suspected fraud will be investigated and appropriate action will be taken.

**Applicability** – This Policy applies to all employees of the Town of Fairhaven.

## **FRAUD**

Fraud can cover many activities; however this Policy is directed primarily at financial matters. It may include, but is not limited to:

### **Misappropriation of Assets**

1. Forgery, alteration or misappropriation of checks, drafts, promissory notes or securities
2. Unauthorized use, or disposition of funds or property (for example, misuse of Town-owned computer hardware, software, data and other records; use of Town-owned equipment, vehicles or work time for non-Town purposes)
3. Embezzlement
4. Theft
5. Falsifying time sheets or payroll records
6. Falsifying travel or entertainment expenses and/or utilizing Town funds to pay for personal expenses or for personal benefit
7. Fictitious reporting of receipt of funds

### **Fraudulent Financial Reporting**



1. Improper revenue recognition
2. Improper expense/expenditure recognition
3. Overstatement of assets
4. Understatement of liabilities

**Expenditures and Liabilities for Improper Purposes**

1. Payments in money or other property, including but not limited to such things as jobs for families and friends, use of vacation properties, discounted or free services in exchange for benefits and other things of value, bribes and kickbacks

**General Policy and Responsibilities** – The Town will investigate any suspected acts of fraud, or misappropriation of property. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship with the Town of any person, group or organization reasonably believed to have committed fraud. Each Department head is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

The Town Accountant has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. The Town Accountant will immediately notify the Town Administrator of any fraud investigation. The Town Accountant will involve the Finance Director, Town Counsel, and the Personnel Director. The Finance Committee and others within Human Resources, Legal, or management as deemed appropriate will be notified. The Town Administrator will notify the Board of Selectmen.

All department heads or individuals, upon discovery of any violation of this policy, must notify the Town Accountant of the violation. If it is determined by the Town Accountant that corrective action may be provided internally within the department, the department head or individual will notify the Town Accountant as to the steps taken to correct the violation.

Upon conclusion of the investigation, the results will be reported to the Town Administrator. All significant findings will be reported to the Board of Selectmen. Where there are reasonable grounds to believe that a fraud may have occurred, the Town Accountant may report the incident to the appropriate authorities, which shall include the Board of Selectmen, in order to pursue appropriate legal remedies. The Town Accountant will pursue every reasonable effort to obtain recovery of the assets.

**Procedures for Reporting** – Any employee who has knowledge of an occurrence of fraudulent conduct, or has reason to suspect that a fraud has occurred, shall immediately notify the Town Accountant. In cases where the employee has reason to believe the Town Accountant may be involved, the employee shall immediately notify the Town Administrator unless the Town Administrator is also believed to be involved, and then the Chairman of the Board of Selectmen.

**Investigation** – Upon notification or discovery of a suspected fraud, the Town Accountant shall immediately investigate the fraud. The Town Accountant will make every reasonable effort to keep the investigation confidential.

When deemed necessary, the Town Accountant shall coordinate the investigation with the Finance Director, outside auditors and/or the appropriate law enforcement officials. Legal counsel will be involved in the process, as deemed appropriate.

It should be noted that there may be certain instances of fraud that will be handled in the normal course of operation that will not result in a separate "investigation" by the Town Accountant. For these cases, periodic communications will be made to the Town Accountant updating the Director of the cases noted and actions taken.

**Security of Evidence** – Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. Such actions may include, but are not limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records shall be adequately secured until the investigation is complete.

**Confidentiality** – All participants and all persons questioned in a fraud investigation shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

**Personnel Actions** – If a fraudulent act or acts in violation of this policy or other applicable law is substantiated by the investigation, disciplinary action, up to and including dismissal and appropriate legal action, shall be taken by the Town Administrator.

**Whistle-Blower Protection** – No employee of the Town, or person acting on behalf of the Town in attempting to comply with this policy shall:

- Be dismissed, or threatened with dismissal;
- Be disciplined, suspended, or threatened with discipline or suspension;
- Be penalized or any other retribution imposed, or;
- Be intimidated or coerced for the reporting or cooperating in the investigation of fraudulent activities which are, or may be, in violation of this policy or other applicable law

Violation of this section of the Policy may result in disciplinary action, up to and including dismissal.

If an allegation is made in good faith, but it is not confirmed by the investigation no action will be taken against the originator. If, however, the allegations were made in bad faith or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the allegations.



## **RECEIPT POLICY**

**Purposes** – To establish policies and procedures for efficient handling and timely turnover of Town monies collected by department, boards and commissions.

**Organizations Affected** – All departments, boards and commissions of the Town involved in the collection of money.

### **Definitions**

- *Petty Cash* – An amount of money assigned to a department or division, to be used for small purchases or as a cash drawer for making change for customers. The amount remains constant and may include cash, checks, coin or receipts for purchases.
- *Treasurer's Receipt* – The receipt issued by the Town Treasurer to departments, boards and commissions upon receipt of turnovers.

**Petty Cash Policy** – The policy for Petty Cash and the deposit of monies collected by departments is as follows:

Petty Cash is for the official business only, specifically the making of change to a customer or reimbursement of small amounts for items purchased by employees. Such reimbursements will be approved only upon presentation of the appropriate paid receipts. No employee shall use Petty Cash for personal business, even if the intent is to reimburse Petty Cash.

When a department has collections in cash, coin or checks or other negotiable instruments that total \$500.00 or more, a turnover should be made to the Town Treasurer. If a department has on hand collections less than \$500.00, the monies are to be turned over to the Treasurer, at a minimum, once a week.

Departmental collections not turned over daily are to be held in a location that is secure from potential fire and theft.

**Collection of Monies** – Departments shall issue all customers a pre-numbers receipt at the time of collection of monies.

Departments shall properly identify all receipts for accounting purposes.

**Cash Out** – All departments, on a daily basis at a minimum, shall make an accounting of their cash drawer to assess if a turnover is required.

The employee who is responsible for the Petty Cash shall fill out a reconciliation sheet proving the Petty Cash amount.

**Departmental Turnovers to the Treasurer** – When it is determined that a turnover is required, the appropriate "Schedule of Departmental Payment to the Treasurer" should be completed (available on diskette). This schedule should identify the source of the receipts and the revenue

accounts to be credited. The schedule along with all cash, coin, checks and other negotiable instruments that have been collected shall be turned over to the Town Treasurer. There should not be any stapling of cash or checks.

Departments shall identify the amount of each payment, from whom, source of payment and total turnover. When payments are made, the funds are the property of the Town of Fairhaven. In the event a payment is made in error, there shall be no refunds made unless done so through the warrant process. All checks should be immediately stamped "FOR DEPOSIT ONLY", stamps are available in the Treasurer's Office.

The Town Treasurer, upon receipt of a department turnover, shall issue a Treasurer's Receipt for the department. The departments shall forward a copy of the "Schedule of Departmental Payments to Treasurer" to the Town Accountant for verification.

#### **POLICY ENDORSEMENTS**

Approved:

Chairman, ~~Select Board~~ Board of Selectmen  
Stasia Powers Charles K. Murphy, Sr.

\_\_\_\_\_  
Date

Vice Chairman, ~~Board of Selectmen~~ Select Board  
Robert Espindola Leon Correy

\_\_\_\_\_  
Date

Clerk, ~~Board of Selectmen~~ Select Board  
Daniel Freitas Robert Espindola

\_\_\_\_\_  
Date





**Town of Fairhaven**  
**Department of Planning & Economic Development**

Town Hall • 40 Center Street • Fairhaven, MA 02719

Telephone (508) 979-4023 x 8126

[cdbg@fairhaven-ma.gov](mailto:cdbg@fairhaven-ma.gov)

2023 MAR -8 A 10:58

BOARD OF SELECTMEN  
FAIRHAVEN MA

**Town of Fairhaven**  
**Notice of Public Hearing**  
**FY 21 Community Development Block Grant**  
**Monday, March 27, 2023 at 6:00 pm**  
**BPW Building, 5 Arsene Street**  
**Fairhaven, MA**

Public Hearing in person in the Conference Room  
or via Zoom

**Join Zoom Meeting**

<https://us06web.zoom.us/j/85163021236?pwd=YURTV3JCQWtGbknSL3o4QXByN1JhZz09>

or CALL

1-309 205 3325

Meeting ID: 851 6302 1236

Passcode: 723513

Town of Fairhaven will hold a Public Hearing at 6:00 pm on March 27, 2023, BPW Building Conference Room, 5 Arsene Street, Fairhaven, MA. The purpose of the hearing is to receive public comment on the performance and outcomes of the Town's FY2021 Community Development Block Grant project, Hedge Street Improvements Phase 3, from Main Street to approximately #70 Hedge Street.

Any person or organization who wishes to be heard on this matter will be afforded the opportunity to speak. Previous years' CDBG projects may be discussed. The meeting room is handicapped accessible and the Town will make reasonable accommodation with seven days prior written notice to the [BPW@fairhaven-ma.gov](mailto:BPW@fairhaven-ma.gov). In addition, comments in writing to Paul Foley, Director of Planning & Economic Development, Town Hall, 40 Center Street, Fairhaven, MA 02719, by email to [pfoley@fairhaven-ma.gov](mailto:pfoley@fairhaven-ma.gov), will be accepted prior to the hearing.

Fairhaven Select Board

## Committee Liaison Report – Bob Espindola – March 20<sup>th</sup>, 2023

### Broadband Study Committee.

The Broadband Study Committee has not met since our last meeting but Committee Chair Sean Powers and I had a virtual meeting where Entry Point introduced us to a company that deals in Public Private Partnerships. Under this type of model, a financing party would invest capital in a Broadband infrastructure in lieu of the Town taking out a bond to fund the project. This model would reduce risk for the Town and would allow the Town to buy out the infrastructure cost after a certain number of years, if the Town deems there to be good value in doing so.

The goal was to do an initial screening to see if it made sense for the Broadband Study Committee to discuss in more detail. One thing we learned is that the investors who would fund this type of project would not work with the Town of Fairhaven alone because there would not be enough economies of scale to do so. They described a minimum threshold being a community with about 30,000 populations. They said that if the Town were to partner with other municipalities in the area who were interested, to serve anywhere between 30,000 and an upper limit of about 500,000 then there would be economies of scale that would make such a PPP feasible.

Broadband Coalition. The Broadband Coalition is making strides in establishing a website, thanks to the efforts of Chris McClure, Director of IT for the Town of Watertown, who volunteered to set it up. It will be called the Massachusetts Broadband Coalition. While under construction, it will be available only to those who have joined the mailing list for comments and feedback. As soon as the group is comfortable with the format and content, it will go live and I will let the Board know that has taken place.

The Coalition will be meeting again on March 22<sup>nd</sup> and through this networking opportunity, I will be able to find out what other communities near us are interested in studying the PPP model at the same time as Fairhaven. Local communities active in the coalition include New Bedford, Dartmouth and Westport.

Mass Broadband Institute (MBI), has committed to sending several representatives to the March 22<sup>nd</sup> Coalition meeting where they will address the attendees and answer questions about programs, MBI initiatives and the relationship between Federal, State and local Governments when it comes to Digital Equity planning, understanding the Grant Funding landscape, etc.

SMMPO - is scheduled to meet next Tuesday, March 21<sup>st</sup>

SRPEDD Commission meets next on Wednesday, March 22<sup>nd</sup> at 6:30.



Fairhaven Bikeway Committee will not be meeting again until April.

Meeting with Tree Warden Don Collasius and Mr. Wayne Hayward. After our last Select Board meeting, I reached out to Tree Warden Don Collasius and Mr. Hayward to ask if I could speak with them about the Shade Tree Policy. I felt a sense of responsibility, since I was the one who asked for the item on our agenda and we were not able to effectively address it at our last meeting and I was looking to learn more about the concerns.

We had a very positive meeting and both men acknowledged the value of what each other's efforts with a common goal in mind - protecting trees. We discussed a couple areas that both men agreed could represent improvements over the existing Tree Policy. Although that meeting was very positive, I wanted to take this opportunity to apologize publicly to Ms. Ellison and the rest of the Board as it was relayed to me that there was some concern over me taking the initiative to speak to these other two elected officials.

My recollection of the last meeting was that our Chair had asked Mr. Collasius to convene a meeting with Mr. Hayward. Given the past history that Ms. Ellison pointed out, I felt that it might help for me to offer to help facilitate a meeting and I felt I could learn what the issues were first hand. Both men agreed to meet with me and we had a very positive, productive meeting. It has since been pointed out to me that, during our last Board meeting, after Mr. Collasius was asked to convene the meeting, Ms. Ellison was then asked to facilitate. I did not recall that aspect of the conversation during our meeting but have since gone back to watch the recording and did see that's the way it unfolded. Although I was attempting to do something positive - and I believe the outcome was just that, I do wish to apologize for the misunderstanding on my part.

PRESS RELEASE PRESS RELEASE PRESS RELEASE

Date of Release: June 8, 2018

Contact: Shelly Harrison

(508) 971-3417

[Shell69.sh@gmail.com](mailto:Shell69.sh@gmail.com)

June 14, 2018 Declared Grandparent Alienation Awareness Day by Governor Baker

Boston Massachusetts: Governor Charlie Baker has declared June 14, 2018 Grandparent Alienation Awareness Day in the state of Massachusetts, Idaho, Louisiana, Illinois and Kansas have also recognized June 14<sup>th</sup> in this way.

Strong family relationships constitute the foundation of our community and the act of alienating a child from their grandparent, or any extended family member, exploits a child's innocence, suggestibility and dependence and interferes in a relationship that often provides much needed love and support, as well as, a family context. Glenn Ross Caddy Ph.D., A.B.P.P., F.A.P.A explains, "The children who suffer this alienation have no context of cohesiveness or normalcy of extended family life. They do not learn or know normalcy and they suffer profound emotional consequences. I have treated people in their 30's and 40's who came to realize in the context of the therapy that they were the victims of parental [and grandparent] alienation and their suffering has ranged between confusion and unimaginable psychic pain and psychopathology."

The pain caused by grandparent alienation contributes to dysfunctional family dynamics resulting in a form of psychological child abuse. Joshua Coleman, Ph.D, a recognized authority on Grandparent Alienation states, "...the decision to end an attachment to an otherwise loving and involved grandparent is something that should be considered in a far broader context than the rights of the parent. If



parental neglect can and should be considered a form of child abuse, certainly a parent's decision to end a loving and attached relationship between a grandchild and grandparent should also be considered a form of abuse."

The proclamation, requested by the Massachusetts Delegation of GRAND USA, is intended to raise awareness and increase the knowledge and understanding of this problem to help families, institutions, and the legal and mental health community better identify and combat such abusive behavior to children.

Grandparents Rights Advocates National Delegation (GRAND USA)

<http://www.GRAND-USA.org>



March 4, 2020  
10:42 AM

Edit

Welcome to the GRAND USA family. You have joined the state charter GRAND Massachusetts. We are excited to have you join the grassroots effort to create and amend legislation for grandchildren and grandparents to help them remain connected. Please visit the files section of this page and you will find printable fliers that you can post in your community! Please visit [www.grand-usa.org](http://www.grand-usa.org) and "LIKE" our national Facebook page at <https://www.facebook.com/grand.usa?ref=bookmarks>



GRAND-USA.ORG

Home

Grandparent Rights Advocates National  
Delegation of the United States of A...



Dear Administrator,

I hope this finds you having a wonderful day! I'm writing because Parental Alienation is at an all-time HIGH, this has been an ongoing health crisis of the children (our future) for too long now. Parental Alienation is a form of severe child and elder abuse. It involves the manipulation of children via a set of behaviors that have may result in destroying a loving and warm relationship. These harmful and damaging actions by the responsible parent, who is alienating the other parent, is considered a form of child abuse because the alienating tactic(s) used on the children are disturbing, degrading, confusing, often frightening and rob children of their sense of security and safety. Parental alienation is now listed under diagnostic code V995.51 "child psychological abuse" in the current Diagnostic and Statistical Manual (DSM-5) of the American Psychiatric Association (APA). As of 2018. The World Health Organizations (WHO) International Classification of Diseases (ICD-11) recognizes Parental Alienation under "Caregiver Child Relation Problem"

Most People don't recognize Parental Alienation until they experienced it. We need your help to protect the innocent... the children. We need to educate and make the public aware of the effects of Parental Alienation. Our Aim of Awareness Day is to make Judges, Police Officers, Psychiatrists, Lawyers, Schools, Any Children Workers of state programs, friends and family of the parent abusing their children, aware of this growing problem and form of psychological abuse. With awareness comes education and understanding and the power to stop the abuse of innocent children caught in the crossfire of the people they love.

April 25<sup>th</sup>, 2023 is the annual international Parental Alienation Awareness Day and Bubbles of LOVE Day. This day is celebrated around the globe to spread the simple message that children need to and should be allowed to give and receive the LOVE of both their parents and extended families. On April 25<sup>th</sup> at 12:00 noon, people all around the globe will blow bubbles for 10 minutes to spread this simple yet important message that "Love is the answer" for all children. It is a fun and positive way that all ages can enjoy and participate in sharing this message. Mayors all over the country are proclaiming April 25, 2023 as "Parental Alienation Awareness Day." Bubbles of LOVE Day is great for communities and receives positive attention as mayors, city council members, educators, and business leaders usually participate in the event by blowing bubbles! The fun and simplicity of the event is what makes it wonderful for people of all ages and every community around the globe! I hope you will please sign a proclamation declaring April 25<sup>th</sup> "Parental Alienation Awareness and Bubbles of LOVE Day" in your Town I sincerely hope you will say YES! I look forward to hearing from you. I have attached a proclamation and a flyer for your review. Many administrators like to read and present the proclamation in a town council meeting which is fantastic for the community. Some Administrators ask that I pick up the proclamation at their office. Whatever you prefer is much appreciated but I do hope to thank you in person and to take a photo if possible. Please don't hesitate to contact me. I can be reached at 508-971-3417 or via email. I would be glad to speak with you or meet with you anytime if you would like.

\_ Most Sincerely, Shelly Harrison

Massachusetts Bristol County Parental Alienation Support &  
Solutions



# PROCLAMATION

Strong family relationships constitute the foundation of our community. Alienating behaviors are frequently seen in high-conflict divorces, separation and asymmetrical custody arrangements but can occur in intact marriages;

Parental Alienation is a term used to describe any number of behaviors and Attitudes on the part of one parent, both parents or third party designed to Interfere, damage or destroy the relationship a child has with their other Parent. It's a form of abuse that causes emotional trauma to children; and

Parental Alienation deprives children of their right to love and be loved by their whole family and it is very damaging to the children; and

The recently published Diagnostic and Statistical Manual of Mental Disorders (DSM-5) made several references to the dysfunctional family dynamic of alienation to be a form of psychological child abuse; and

April is National Child Abuse Prevention Month and Parental Alienation is a form of child psychological abuse; and

Parental Alienation Prevention Week is intended to increase the knowledge and understanding of this problem to help institutions, the legal and mental health community and leaders to better identify and combat this abusive behavior to children: and

In honor of the annual Parental Alienation Prevention Week and the caring citizens of our community will gather together and join others around the world to blow **Bubbles of Love** to symbolize that **"As bubbles flow freely, so should the natural love that a child has for both parents and both sides of their family."**

NOW, THEREFORE, I, \_\_\_\_\_, Mayor/Town Administrator of ( \_\_\_\_\_ ) do hereby proclaim April 22 through April 28, 2023 and April 25, 2023 as PARENTAL ALIENATION PREVENTION WEEK and PARENTAL ALIENATION AWARENESS; **"Bubbles of Love"** DAY and encourage all citizens to help bring awareness to this issue and commit to ensuring our children have a better and brighter future.