



FAIRHAVEN SELECT BOARD-**AMENDED**

Agenda
May 1, 2023
6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

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. 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.

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

Join Zoom Meeting

<https://us06web.zoom.us/j/89485993911?pwd=OFd5MzJvVnBxQklxLzdQcFRlYVM0QT09>

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130

EXECUTIVE SESSION:

Pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements”: Public Records Law, G.L. c. 4, s. 7(26) and Open Meeting Law, G.L. c. 30A, §§ 22(f), (g) (*Conservation Commission legal opinion*)

RETURN TO OPEN SESSION 7:00PM

A. MINUTES

1. Approve the minutes of March 20, 2023 – Open Session
2. Approve the minutes of March 20, 2023 – Executive Session
3. Approve the minutes of March 23, 2023 – Open Session
4. Approve the minutes of March 28, 2023 – Open Session
5. Approve the minutes of April 3, 2023 – Open Session
6. Approve the minutes of April 11, 2023 – Open Session
7. Approve the minutes of April 11, 2023 – Executive Session

B. PUBLIC HEARING

1. Shirley Street: discontinuance south of Jason Terrance and north of 4 Shirley Street
2. Eversource: petition for FO pole installation and conduit under public road; Causeway Rd. and Alder St.
3. 99 Restaurants of Boston, LLC: Change of Manager and Change of Officers/Directors

C. TOWN ADMINISTRATOR

1. Staffing Updates
2. Budget Consultant Summary Report
3. Department of Revenue Report, August 2022
4. Town Meeting Review
5. Municipal Aggregate
6. Regional School Committee, Greater New Bedford Regional Vocational Technical High School
7. Conservation Commission reports: Town Counsel/Labor Counsel
8. Other

D. ACTION ITEM

1. Conservation Commission Candidates, one vacancy:
 - a. Caroline Hawthorne
 - b. Chelsea Isherwood
2. Use of Town Hall for Concerts under the Stars, Thursdays from July 13-August 10, 2023
3. Discuss SMMPO Election Process
4. Shed registration

E. CORRESPONDENCE

1. Eversource: tree and vegetation maintenance notice

F. COMMITTEE LIAISON REPORTS

G. PUBLIC COMMENT

H. BOARD MEMBER ITEMS

I. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled meeting of the Select Board is **Monday, May 15, 2023** at 6:30 p.m. in the Town Hall Banquet Room

ADJOURNMENT

Subject matter listed in the agenda consists of those items that are reasonably 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.



Public Hearing

Continued from April 18, 2023

Street Discontinuance

**Shirley Street-south of Jason Terrace
and north of 2 Shirley Street**

Eversource

**Install 2 new FO poles on Causeway Road,
1 new FO pole on Alder Street
and approximately 80' of conduit under
public road on Alder Street
to increase reliability to West Island**

Fairhaven Select Board Public Hearing Notice

**Banquet Room, Town Hall
40 Center Street
Fairhaven, MA**

**Notice is hereby given that the Fairhaven Select Board will conduct a
Public Hearing in the Town Hall 40 Center Street, Fairhaven, MA**

**The purpose of the hearing will be to receive information and public
comment on the discontinuance of an accepted street, Shirley Street.
The location is Shirley Street (formerly Old Alden Road) south of Jason
Terrance and north of 2 Shirley Street (Map 26 Lot 13M)**

Application submitted by:

**Sarkis Enterprises, Inc.
196 Huttleston Ave.
Fairhaven, MA 02719**

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

Fire Dept.
attn: Fire Chief

MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

RECEIVED
2023 JAN 11 P 2:06
BOARD OF SELECTMAN
FAIRHAVEN MASS

January 11, 2023

Town of Fairhaven
Select Board
40 Center Street
Fairhaven, MA 02719

Attn: Madam Chair Stasia Powers

Re: *Petition for Street Discontinuance*

Applicant: Sarkis Enterprises, Inc.
Site Address: 196 Huttleston Ave.

Dear Madam Chair and Members of the Board,

Please find attached the following information for your review:

- Petition for Street Discontinuance
- Legal Description
- Street Discontinuance Plan (10 copies)

On behalf of the Petitioners, we hereby request that the Select Board forward the attached information to all applicable town agencies as outlined in the attached flow chart for the purposes of discontinuing the southerly portion of Shirley Street.

Our clients most recently purchased the former convenience store/gas station for their used car business and during the permitting process with the Planning Board were urged by said Board to request the subject discontinuance.

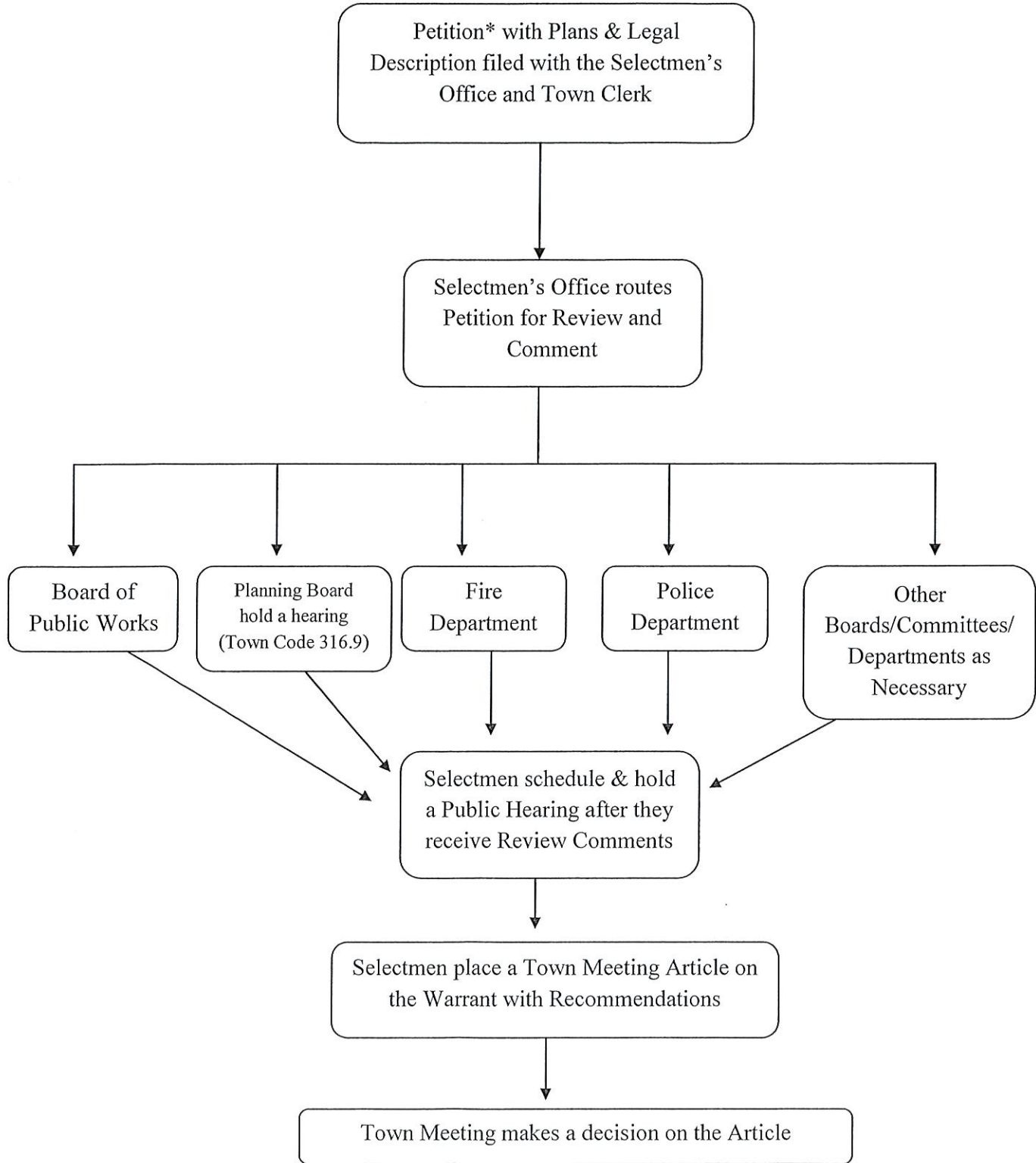
Please feel free to contact this office if you have any questions.

Sincerely,
Schneider, Davignon & Leone, Inc

David M. Davignon, P.E.

cc: File 2609
Sarkis Enterprise, Inc.
Attorney Patricia McCardle

Street Discontinuance of an Accepted Street



M.G.L Chapter 82 Section 32A

* M.G.L. Chapter 39 Section 10: 10 Signatures of Registered voters for Annual Town Meeting & 100 Signatures of Registered voters for Special Town Meeting

Town Code: Chapter 316.9



Copy

Town of Fairhaven

Petitioner

Name: Sarkis Enterprises Inc.
Address: 196 Huttleston Avenue
Phone: (774) 263-2208
Email: Rouba.sarkis@icloud.com

PETITION FOR STREET DISCONTINUANCE

gave Town Clerk to Artie 1-18-23
RECEIVED
2023 JAN 11 P 2:06
BOARD OF SELECTMAN
FAIRHAVEN MASS

To the Honorable Select Board:

Gentlemen:

We the undersigned registered voters of the Town of Fairhaven, hereby petition your Board to insert in the warrant of the next Annual or Special Town Meeting an article for the discontinuance of Shirley Street from Jason Terrace to its terminus A distance of approximately 106 feet, more or less.

NAME ADDRESS PRECINCT

- 1. Rouba Sarkis 17 Highland Ave # 4
2. Iskandar Sarkis 17 Highland Ave # 4
3. Peter Joseph 6 Page St # 3
4. Ben Amy 10 Roy St # 4
5. Louis Roy 375 HUTTLESTON AVE # 4
6. Jimmie 32 HAVEN ST # 6
7. Michael Souza 12 MILL ROAD # 6
8. Demos Korcoslos 20 ELIZABETH ST # 6
9. Eva Korcoslos 20 ELIZABETH ST # 6
10. Victor Gouache 770 Scoutwood Rd # 4

Articles for an annual town meeting require the signatures of at least ten (10) registered voters.

Articles for a special town meeting require the signature of at least one hundred (100) registered voters.

DEED

The **Town of Fairhaven**, a Massachusetts municipal corporation, by, through and under the authority of the Board of Selectmen, with an office located at 40 Center Street, Fairhaven, Massachusetts 02719

In Consideration of One Dollar and Zero Cents (\$1.00) receipt of which is hereby acknowledged

Grant to Route 6 Properties, LLC, a Massachusetts limited liability company, with an office located at 196 Huttleston Avenue, Fairhaven, Massachusetts 02719

With Quitclaim Covenants

A lot of land located in Fairhaven, Bristol County, Massachusetts bounded and described as follows:

Discontinued Area shown as **Parcel A** on a plan entitled: "*Street Discontinuance Plan of a Portion of Shirley Street (Formerly Alden Road) Fairhaven, MA*" prepared for Route 6 Properties, LLC. & The 200 Huttleston Avenue Realty Trust, dated: November 10, 2022, scale 1"= 20', prepared by Schneider, Davignon & Leone, Inc., recorded with the Bristol County (SD) Registry of Deeds herewith.

Containing 3,995 square feet more or less, and being a portion of the roadway "Alden Street" as depicted on plan entitled: *Selectmens' Layout of Alden Road Fairhaven, Mass. 60 ft Wide from Washington St. to Coggeshall St.* (sheet 1 of 6) Dated: March 1962, scale 1" = 40', prepared by Samuel H. Corse, and recorded at the Bristol County Registry of Deeds Southern District at Plan Book 64, Page 11.

For Grantor's title, see the Order of Taking filed with the Town of Fairhaven Clerk's Office and recorded in the Bristol County (SD) Registry of Deeds in Book _____ Page _____
Also see the Discontinuance approved by the Fairhaven Planning Board recorded herewith.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]



TOWN OF FAIRHAVEN

MASSACHUSETTS

FIRE DEPARTMENT / EMERGENCY MEDICAL SERVICE

146 Washington Street, Fairhaven, MA 02719

Phone: 508 994-1428 Fax: 508 994-1515

Emergency # 911



OFFICE OF THE FIRE CHIEF

January 19, 2023

To: Select Board

From: Chief Todd Correia

Re: Street Discontinuance – Shirley Street

The Fire Department has reviewed the street discontinuance proposed and we have no issues to report. The discontinuance will have no effect on our operations.

If you have any questions or concerns, please reach out to Deputy Chief Nichols or me.

Respectfully



Todd Correia
Fire Chief



Amy Hart <ahart@fairhaven-ma.gov>

Shirley Street BPW Discontinuance Comments

1 message

Rebecca Vento <rvento@fairhaven-ma.gov>
To: Amy Hart <aalmeida@fairhaven-ma.gov>
Cc: Loreen Pina <lpina@fairhaven-ma.gov>

Thu, Mar 2, 2023 at 2:44 PM

Hi Amy,

The only comment that the BPW has for this project is they would like a utility easement for water, sewer, and drainage.

Thanks,

Becky

Rebecca L. Vento
BPW Office Manager
5 Arsene Street, Fairhaven, MA 02719
rvento@fairhaven-ma.gov
Phone: 508-979-4030 x112
Fax: 508-979-4086



Fairhaven Planning Board

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4023 • Extension 8122

Memorandum

Date: April 14, 2023

To: Select Board

From: Paul H. Foley, AICP
Planning and Economic Development Director

RE: Shirley Street Accepted Street Discontinuance

The Planning Board discussed the proposed discontinuance of Shirley Street (formerly Old Alden Road), an accepted street, for the section south of Jason Terrace and north of 4 Shirley Street (Map 26 Lot 13M) and Route 6. The idea came from the Planner and Planning Board during the 2022 Special Permit review of 200 Huttleston Avenue. Overall it seems reasonable to make the two properties a contiguous whole but the Town needs to ensure that the proper easements for drainage and utilities are included as there are several public catch basins in the street.

The Planning Board notes the ink is barely dry on the Special Permit and the applicants, owners of both 196 and 200 Huttleston, are operating at both properties but not yet in compliance with the conditions of the Special Permit. The building is not repaired or operational yet, the lighting has not been fixed, the shed is not removed and the borders need to be cleaned up.

Presumably the applicant has submitted an engineered plan and legal description of the proposed street discontinuance. If approved, the applicant will need to perform a Form A (ANR) to assign the future ownership of the revised lot lines.

Fairhaven Select Board Public Hearing Notice

**Notice is hereby given that the Fairhaven Select Board will conduct a
Public Hearing in the Town Hall 40 Center Street, Fairhaven, MA**

The purpose of the hearing will be to install 2 new FO poles on Causeway Rd, 1 new FO pole on Alder St, approximately 80' of conduit under public Road on Alder St, Fairhaven. The overall purpose is to increase reliability to West Island, Fairhaven

For:

**Eversource
NSTAR Electric
d/b/a Eversource Energy**

April 4, 2023
RE: 4412416

Select Board
Town of Fairhaven
Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Select Board Members:

Enclosed is a petition to install 2 new FO poles on Causeway Road, 1 new FO pole on Alder St, approximately 3207 feet of conduit under the public road and 10 new manholes on Goulart Memorial Drive, and approximately 80' of conduit under public road on Alder Street, Fairhaven.

This proposed location is to increase reliability to West Island in Fairhaven. This petition will require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval?

If you have any questions, please email Jessica.elder@eversource.com.

Warm Regards,

Jessica Elder

Jessica Elder
Right of Way Agent
NSTAR Electric
d/b/a EVERSOURCE ENERGY

PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#4412416

March 1, 2023

Bristol County, Massachusetts
To the Select Board for the Town of Fairhaven, Massachusetts.

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate underground cables, conduits, and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Goulart Memorial Drive, Fairhaven

To install approximately 3207' (feet) of underground conduit and cable in town road and 10 new manholes to be labeled 8000/1584, 8000/1585, 8000/1586, 8000/1587, 8000/1588, 8000/1589, 8000/1590, 8000/1591, 8000/1592, and 8000/1593.

Alder Street, Fairhaven

To install approximately 80' (feet) of underground conduit and cable in town road.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 4412416 Dated February 23, 2023.

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By *Jessica Elder*
Right of Way Agent
Jessica S. Elder

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#4412416**

TO THE SELECT BOARD FOR THE TOWN OF FAIRHAVEN, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the
NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

be and it is hereby granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as said Company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said Company dated the 1st day of March 2023.

All construction under this order shall be in accordance with the following conditions:

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No.4412416 Dated February 23, 2023 filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Goulart Memorial Drive, Fairhaven

To install approximately 3207' (feet) of underground conduit and cable in town road and 10 new manholes to be labeled 8000/1584, 8000/1585, 8000/1586, 8000/1587, 8000/1588, 8000/1589, 8000/1590, 8000/1591, 8000/1592, and 8000/1593.

Alder Street, Fairhaven

To install approximately 80' (feet) of underground conduit and cable in town road.

This work is necessary to increase reliability to West Island in Fairhaven.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Fairhaven, Massachusetts held on the _____ day of _____ 2023.

Clerk of Select Board.

_____, Massachusetts _____ 2023.

Received and entered in the records of location orders of the Town of Fairhaven

Book _____ Page _____.

Attest:

Town Clerk

We hereby certify that on _____ 2023, at _____ o'clock,
_____ M. at _____ a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

**Select Board of the Town of
Fairhaven, Massachusetts**

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Fairhaven, Massachusetts, on the _____ day of _____ 2023, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.

Eversource Provide/Install/Own/Maintain (Unless Otherwise Indicated)		Customer Provide/Install Eversource Own/Maintain (Unless Otherwise Indicated)		Status	Description
Existing	New	Existing	New		
				n/a	Pole
				n/a	Riser pole, non-electric portion In compliance with Note 1
				n/a	Ducts, concrete encased Quantity/Size as indicated In compliance with Note 7
				n/a	Transformer Foundation Type as indicated 3-phase: In compliance with Notes 4 – 6 Pad #1 (transformers up to 300 kVA) (Cat ID #579134) Pad #2 (transformers 500 to 2500 kVA) (Cat ID #579135) 1-phase: 43"x37"x32", Cat ID #581386 In compliance with Note 3 & 6
				n/a	Manhole, 6' x 10' x 6' (ht) Eversource Std #m1203 (Item #580232) In compliance with Note 2
				n/a	Secondary handhole, 30"x17"x18" In compliance with Note 3 Fiberglass: Cat ID #574317 Composite: Cat ID #521914
				n/a	Switching Station (turtle) Box Pad In compliance with Note 3 & 6 Cat ID #574926
				n/a	Padmounted Recloser Foundation In compliance with Note 2, 6, & 8 Cat ID #586691
				n/a	Padmounted Switch Box Pad Type as indicated In compliance with Note 3 & 6 PME-9: Cat ID #579185 PME-5: Cat ID #579614
				n/a	Primary Meter Foundation In compliance with Note 3, 6, & 9. Cat ID #585731
				n/a	Anchor with guy wire
				n/a	Push Brace
				n/a	Protective Vehicle Posts In compliance with Note 6

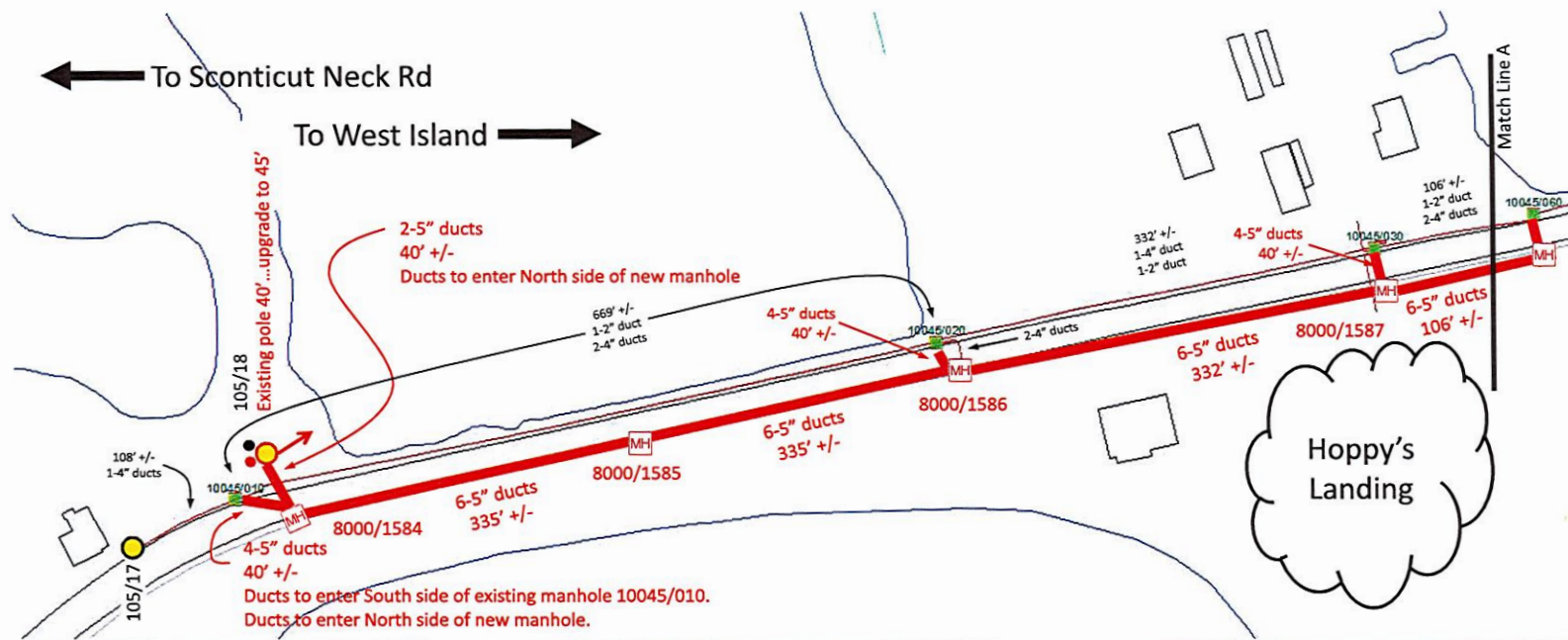
- X Item(s) to be removed by Eversource.
- X Item(s) to be removed by Customer.

Non-Electric Key

Eversource Provide/Install/Own/Maintain (Unless Otherwise Indicated)		Customer Provide/Install/Own/Maintain (Unless Otherwise Indicated)		Status	Description
Existing	New	Existing	New		

Notes

- The following Eversource standards are available online, unless otherwise stated, at <https://www.eversource.com/content/ct-c/about/about-us/doing-business-with-us/builders-contractors/eastern-massachusetts/important-documents>
- General: Reference Eversource Std. #d3820 "Construction, Material, and Work Specifications for New 15/25 kV Primary Underground Distribution Systems Up To 200 Amps".
- 1) Eversource Std. #c2021 "Primary URD Riser Construction".
 - 2) Eversource Std. #c3813 "Installation of Precast Concrete Manholes".
 - 3) Eversource Std. #c3814 "Installation of Handholes & Box Pads".
 - 4) Eversource Std. #m3801 "Precast Concrete Transformer Foundations – Up to 2500 kVA".
 - 5) Eversource Std. #c3801 "Installation of Precast Pad Foundation for 4kV, 15kV, & 25kV Padmounted, Three-Phase Distribution Transformers".
 - 6) Eversource Std. #c3802 "Recommended Minimum Clearances from Three-Phase Distribution Transformer Foundation to Buildings, Building Openings, Landscaping or Traveled Way". Please note the information provided within this specification is also applicable to single phase distribution transformer foundations **EVEN THOUGH** it is not specified. Also reference "Information & Requirements for Electric Service (Revised 2009)", page 119, Sketch 10.
 - 7) Eversource Std. #c1100 "Distribution Ductbank Construction and Materials".
 - 8) Eversource Std. #c4250 "Cooper Padmounted Recloser Installation". Standard available upon request.
 - 9) Eversource Std. #c4600 "Primary Metering Construction Standard". Standard available upon request.



Non-Electric Sketch

WO(s): 4412416

AWC: New Bedford

Town(s): Fairhaven

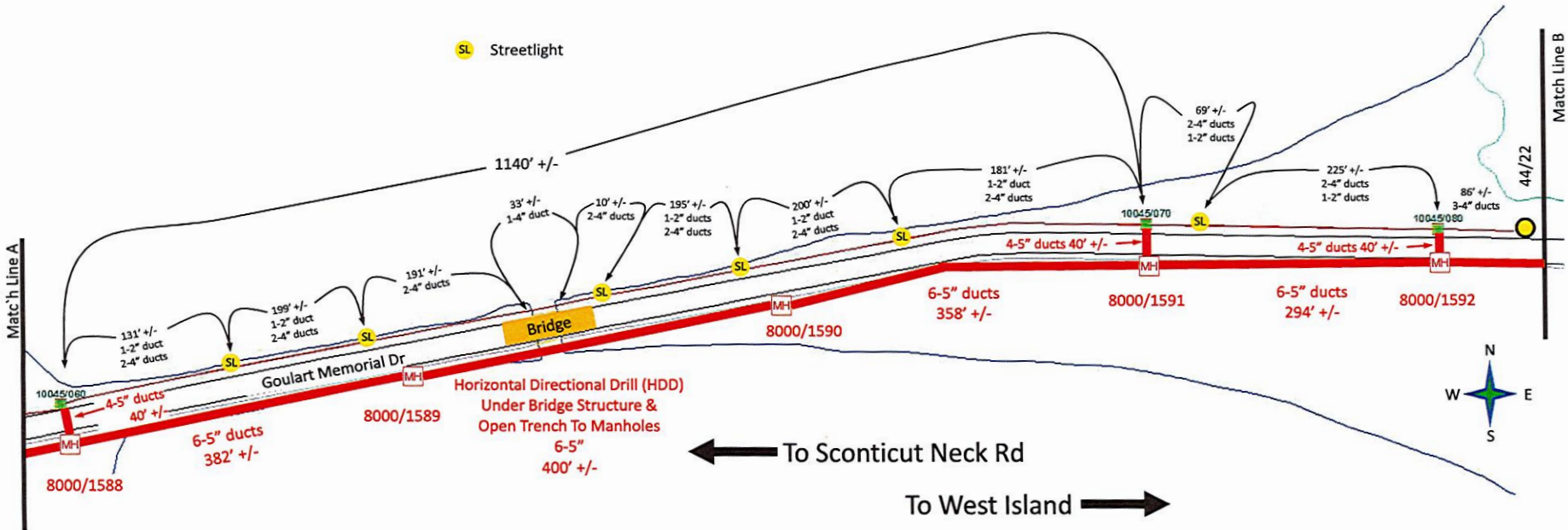
Circuit(s): 2-220-206

Voltage (kV): 13.2

Engineering: Billy Sobieraj

Rev. # - Date: Eng: 2/23/2023

Sheet #: 1 of 2



EVERSOURCE

Project Name: West Island Reliability Improvement

Non-Electric Sketch

WO(s): 4412416

AWC: New Bedford

Town(s): Fairhaven

Circuit(s): 2-220-206

Voltage (kV): 13.2

Engineering: Billy Sobieraj

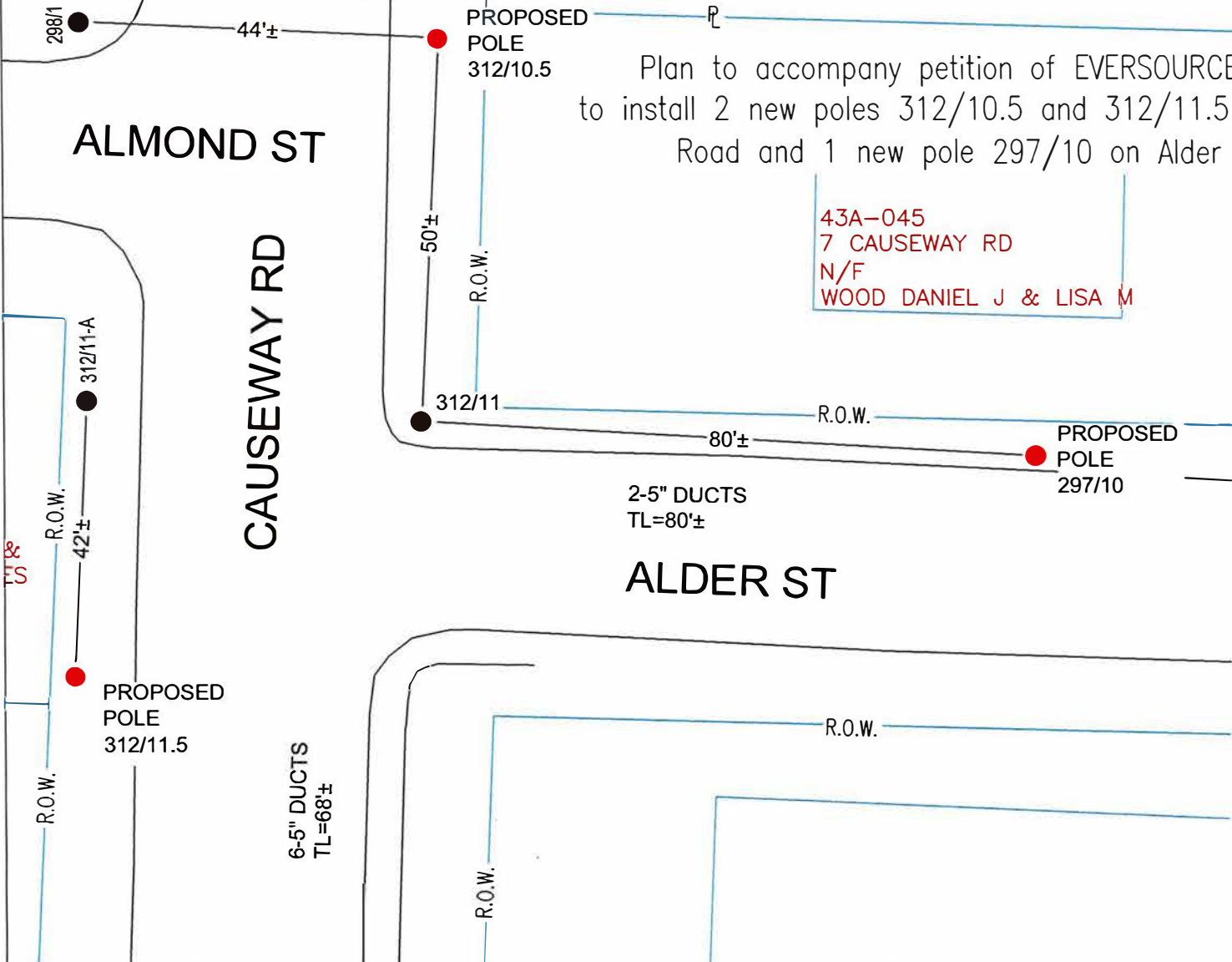
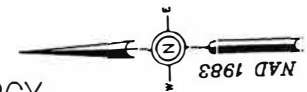
Rev. # - Date: Eng: 2/23/2023

Sheet #: 2 of 2



Grounding Details:

1. Manhole grounding shall be in compliance with Eversource DTR. 76.654 unless otherwise noted.
2. A counterpoise consisting of two (2) 4/0 Cu ground wires shall be installed in the trench base prior to duct/spacer/concrete installation or "pulled in" with the HDD ducts.
3. Each ground wire composing the counterpoise shall be continuous between manholes.
4. At each manhole, each ground wire composing the counterpoise shall be connected to the 4/0 Cu ground ring in two (2) places.
5. All connections associated with the counterpoise ground wire shall utilize an exothermal (Cadweld) connection or Hy Ground connection system.
6. Triangular manholes, if applicable, shall have three (3) ground rods installed equidistant around the manhole and shall be connected to the 4/0 Cu ground ring.

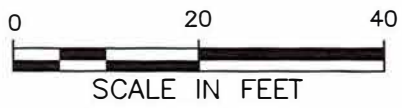


Plan to accompany petition of EVERSOURCE ENERGY to install 2 new poles 312/10.5 and 312/11.5 on Causeway Road and 1 new pole 297/10 on Alder Street.

43A-045
7 CAUSEWAY RD
N/F
WOOD DANIEL J & LISA M

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- ⊠ Proposed Manhole
- ⊠ Existing Manhole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

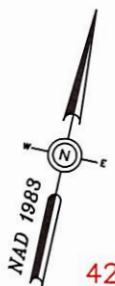
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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

P# 4412416	EVERSOURCE 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Ward #		
Work Order # 4412416	Plan of ALDER ST, FAIRHAVEN	
Surveyed by: N/A	FAIRHAVEN	
Research by: N/A	Showing PROPOSED POLE LOCATION	
Plotted by: TL	Proposed Structures: TL	
Approved: T THIBAUT	Scale 1"=20'	Date FEBRUARY 23, 2023
P#	SHEET 1 of 1	

Plan to accompany petition of EVERSOURCE ENERGY to install 3287'± of conduits, 10 Manholes and 3 Poles on town owned road.



42-019A
50 GOULART MEMORIAL DR
N/F
DAVID CHRISTINE

42-019B
GOULART MEMORIAL DR
N/F
RICARD LEO
C/O RICARD PETER

SHEET 1
SHEET 2

APPROX. 1340'
TO ALCOBIA DR

R.O.W.

10045/010-01

10045/010

105/18

2-5" DUCTS
TL=40'±

4-5" DUCTS
TL=40'±

GOULART-MEMORIAL DR

PROPOSED
MANHOLE
8000/1584

6-5" DUCTS
TL=68'±

42-079
47 GOULART MEMORIAL DR
N/F
RICARD PETER

R.O.W.

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- ⊠ Proposed Manhole
- ⊠ Existing Manhole



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MASS. LAW

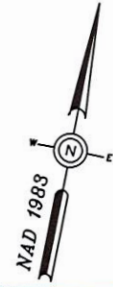
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P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

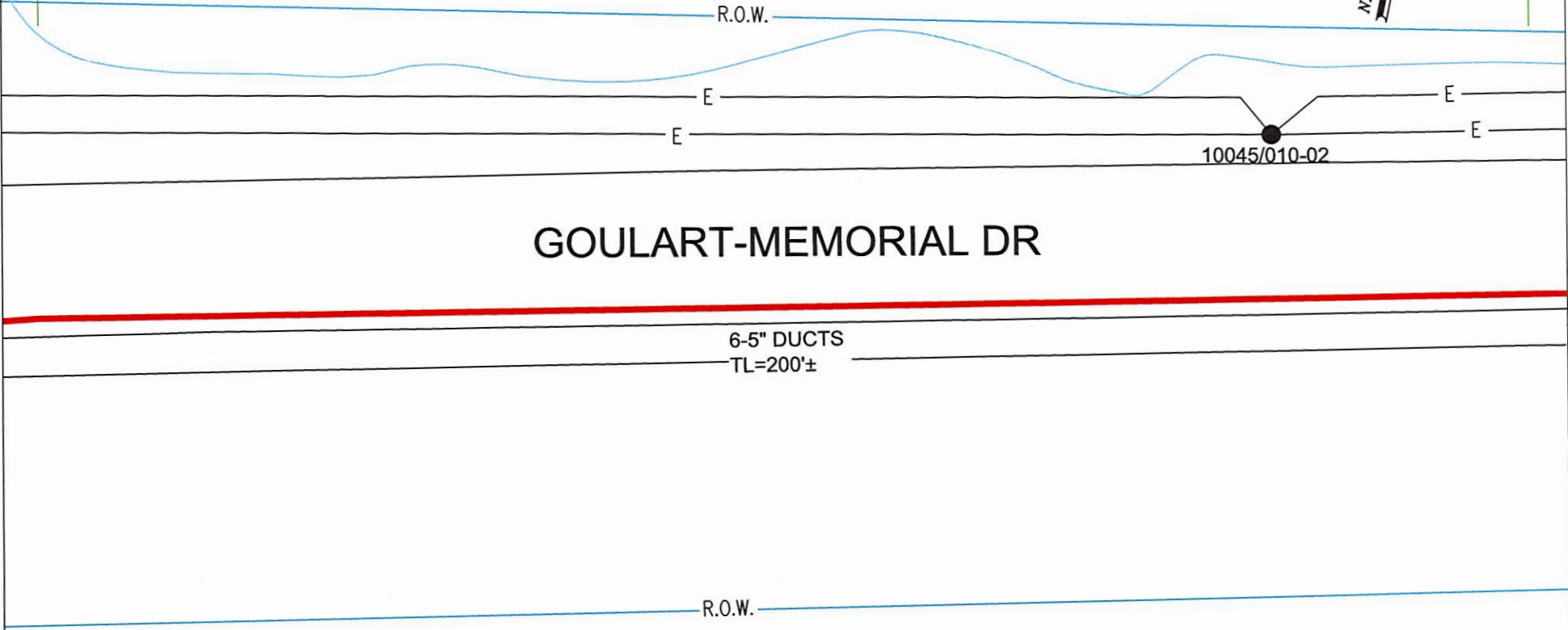
NSTAR EVERSOURCE ELECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Plan of GOULART MEMORIAL DR FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale	1"=20'
Date	FEBRUARY 23, 2023
SHEET	1 of 16

SHEET 1
SHEET 2

42-023
54 GOULART MEMORIAL DR
N/F
RISTUCCIA DONNA



SHEET 2
SHEET 3



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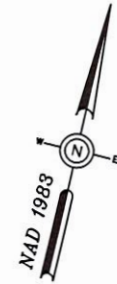
MASS. LAW

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P# 4412416	<p>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</p>	
Ward #		
Work Order # 4412416	Plan of GOULART MEMORIAL DR	
Surveyed by: N/A	FAIRHAVEN	
Research by: N/A	Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Plotted by: TL		
Proposed Structures: TL		
Approved: T THIBAUT	Scale 1"=20'	Date FEBRUARY 23, 2023
P#	SHEET	2 of 16

SHEET 2
SHEET 3

42-023
54 GOULART MEMORIAL DR
N/F
RISTUCCIA DONNA



SHEET 3
SHEET 4

R.O.W.

E

E

GOULART-MEMORIAL DR

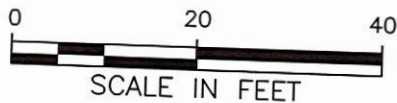


6-5" DUCTS
TL=67'±

PROPOSED
MANHOLE
8000/1585

6-5" DUCTS
TL=168'±

R.O.W.



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MASS. LAW

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P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

NSTAR EVERSOURCE <small>ELECTRIC d/b/a</small>	
<small>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Plan of GOULART MEMORIAL DR FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale	1"=20'
Date	FEBRUARY 23, 2023
SHEET	3 of 16

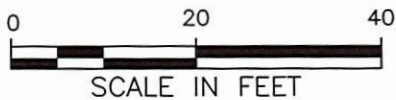
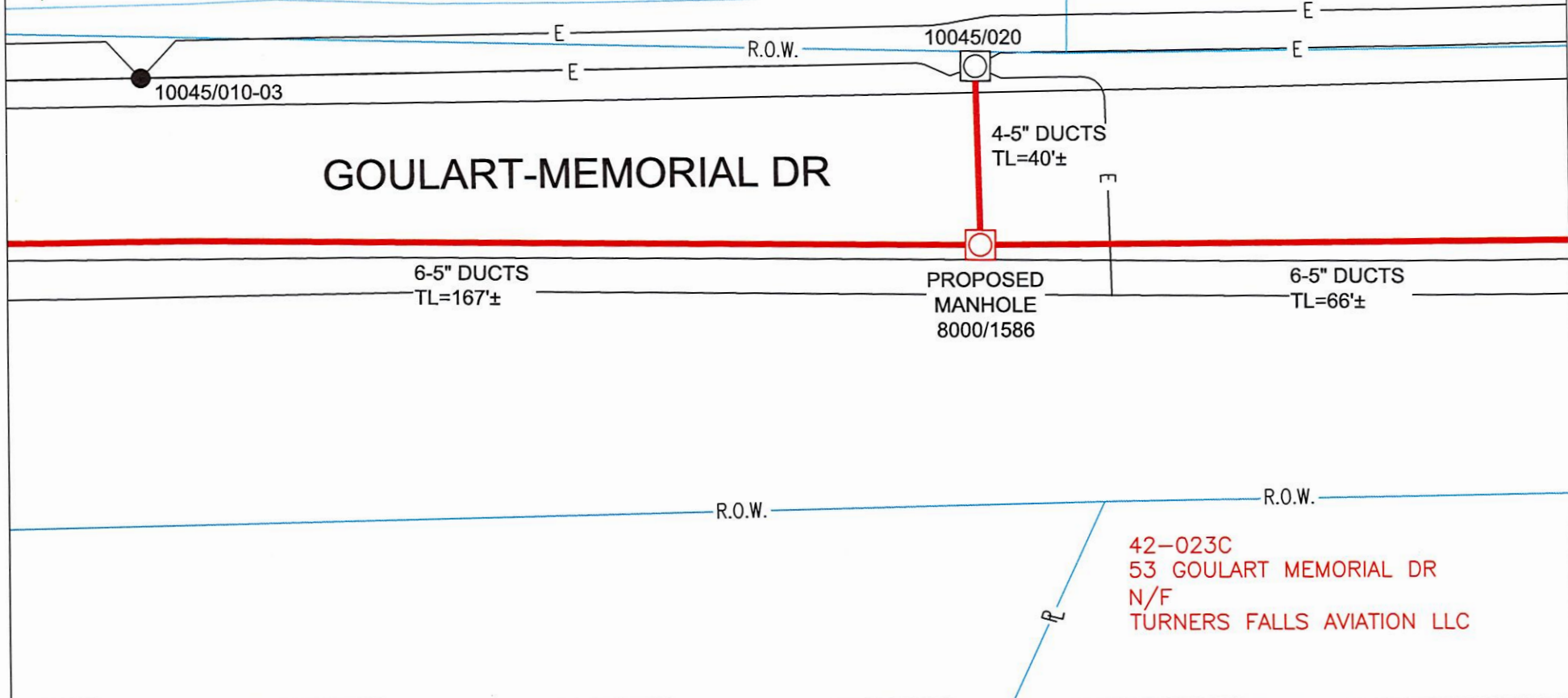
SHEET 3
SHEET 4

42-023
54 GOULART MEMORIAL DR
N/F
RISTUCCIA DONNA

42-023
54 GOULART MEMORIAL DR
N/F
RISTUCCIA DONNA



SHEET 4
SHEET 5



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P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

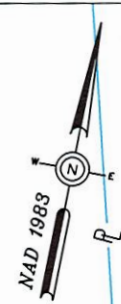
Plan of GOULART MEMORIAL DR
FAIRHAVEN

Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS

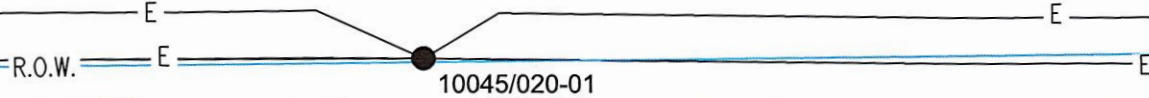
Scale 1"=20' Date FEBRUARY 23, 2023
SHEET 4 of 16

SHEET 4
SHEET 5

42-023
54 GOULART MEMORIAL DR
N/F
RISTUCCIA DONNA



SHEET 5
SHEET 6



GOULART-MEMORIAL DR

6-5" DUCTS
TL=200'±



42-023C
53 GOULART MEMORIAL DR
N/F
TURNERS FALLS AVIATION LLC



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Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

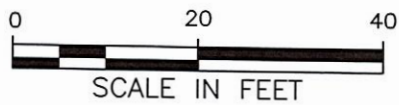
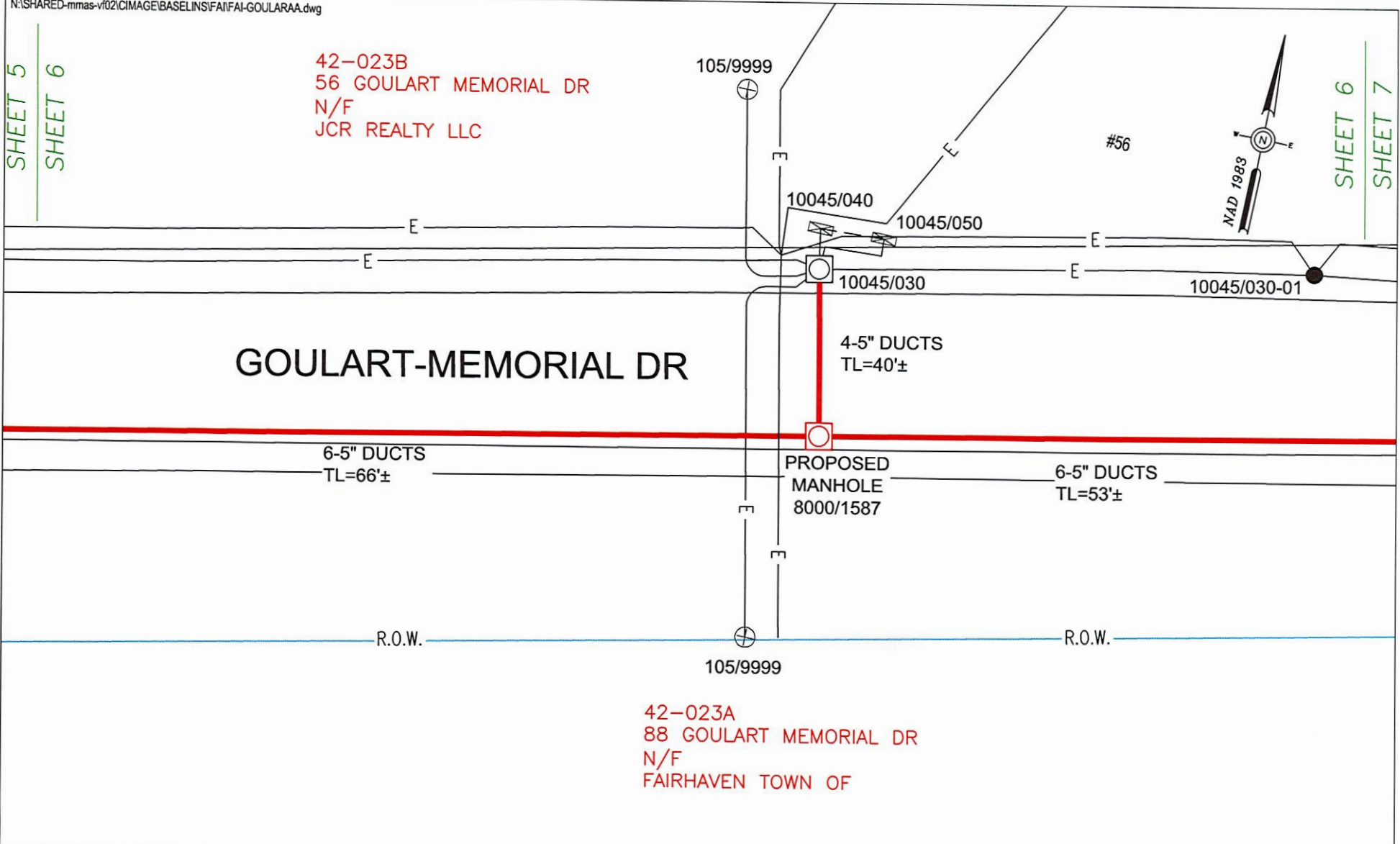
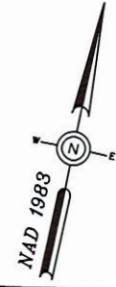


Plan of GOULART MEMORIAL DR	
FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale	1"=20'
Date	FEBRUARY 23, 2023
SHEET	5 of 16

SHEET 5
SHEET 6

42-023B
56 GOULART MEMORIAL DR
N/F
JCR REALTY LLC

SHEET 6
SHEET 7



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MASS. LAW

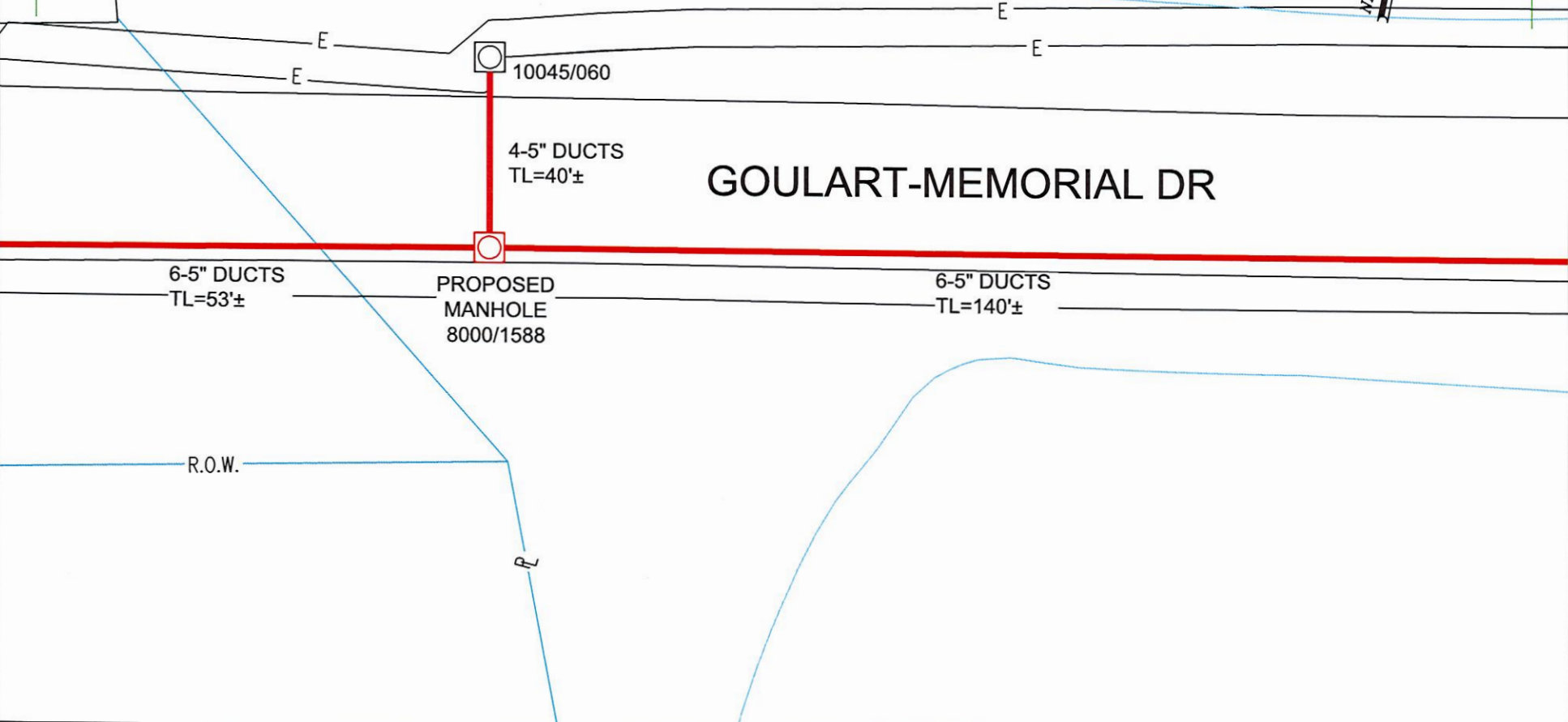
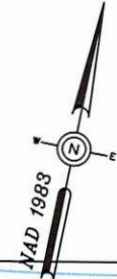
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P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

 EVERSOURCE d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Plan of GOULART MEMORIAL DR FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale	1"=20'
Date	FEBRUARY 23, 2023
SHEET	6 of 16

SHEET 6
SHEET 7

SHEET 7
SHEET 8



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MASS. LAW

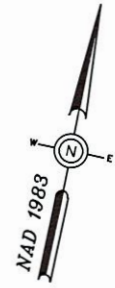
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Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
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NSTAR EVERSOURCE <small>ELECTRIC d/b/a</small>	
<small>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Plan of GOULART MEMORIAL DR FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale	1"=20'
Date	FEBRUARY 23, 2023
SHEET	7 of 16

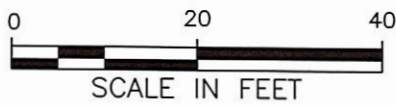
SHEET 7
SHEET 8

SHEET 8
SHEET 9



GOULART-MEMORIAL DR

6-5" DUCTS
TL=200'±



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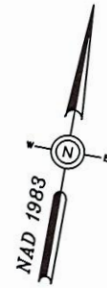
P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#



Plan of GOULART MEMORIAL DR	
FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale	1"=20'
Date	FEBRUARY 23, 2023
SHEET	8 of 16

SHEET 8
SHEET 9

SHEET 9
SHEET 10



GOULART-MEMORIAL DR

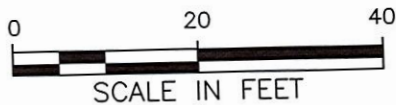
6-5" DUCTS
TL=42'±

PROPOSED
MANHOLE
8000/1589

6-5" DUCTS
TL=187'±

8000/9999

8000/9999



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P# 4412416

Ward #

Work Order # 4412416

Surveyed by: N/A

Research by: N/A

Plotted by: TL

Proposed Structures: TL

Approved: T THIBAUT

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1155 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of GOULART MEMORIAL DR
FAIRHAVEN

Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS

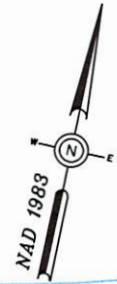
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Date FEBRUARY 23, 2023

SHEET 9 of 16

SHEET 9
SHEET 10

SHEET 10
SHEET 11



10045/070-03

10045/070-04

GOULART-MEMORIAL DR

6-5
TL-

6-5" DUCTS
TL=200'±



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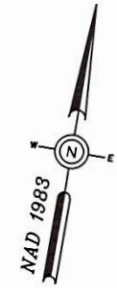
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P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

<p>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</p>	
Plan of GOULART MEMORIAL DR FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale 1"=20'	Date FEBRUARY 23, 2023
SHEET	10 of 16

SHEET 10
SHEET 11



SHEET 11
SHEET 12

10045/070-05

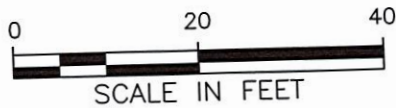
6-5" DUCTS
TL=13'±

GOULART-MEMORIAL DR

PROPOSED
MANHOLE
8000/1590

6-5" DUCTS
TL=179'±

R.O.W.



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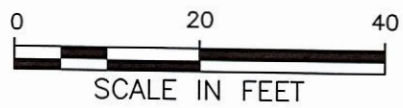
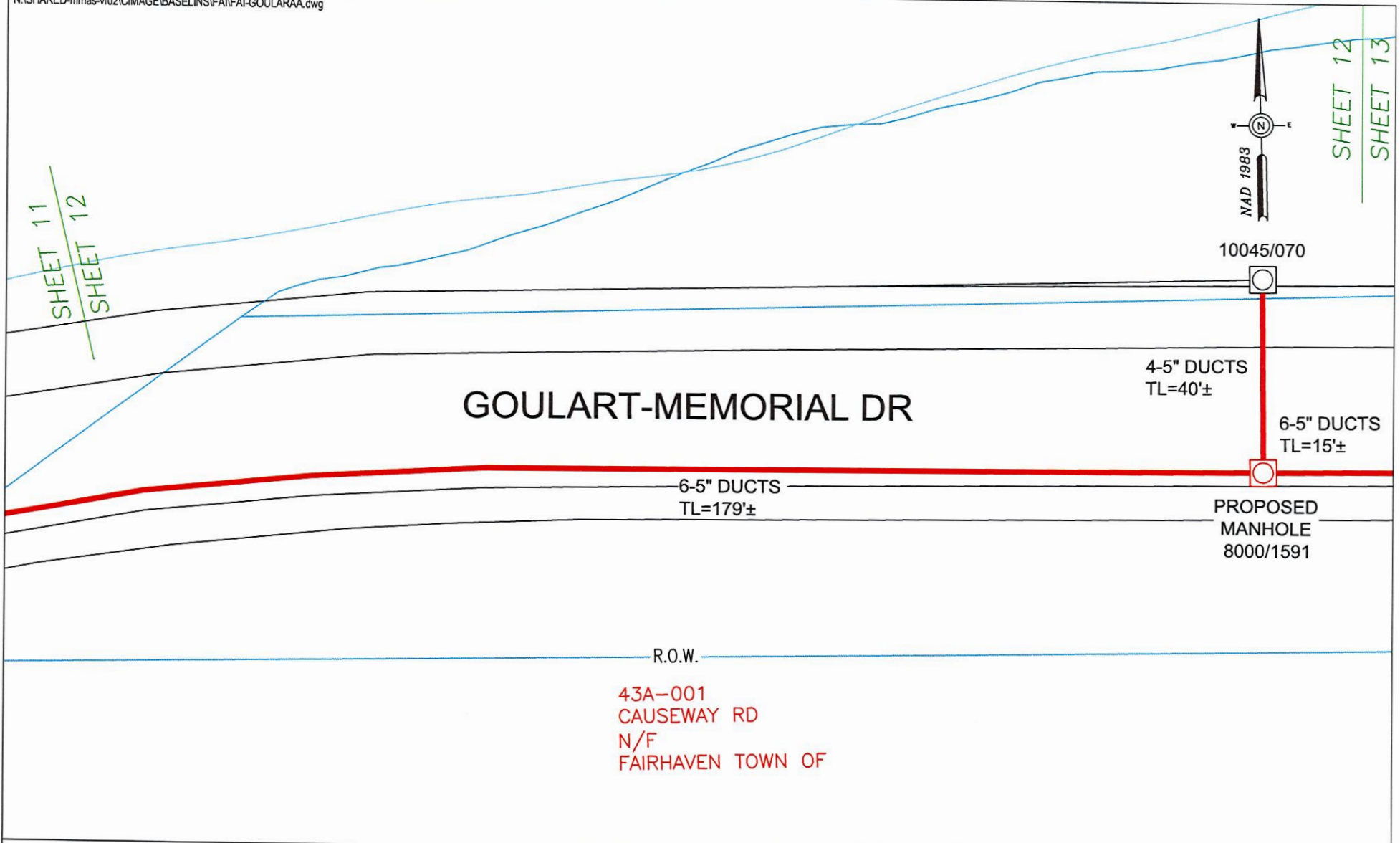
P# 4412416
Ward #
Work Order # 4412416
Surveyed by: N/A
Research by: N/A
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

NSTAR EVERSOURCE

ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of GOULART MEMORIAL DR FAIRHAVEN	Scale 1"=20'	Date FEBRUARY 23, 2023
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	SHEET 11 of 16	



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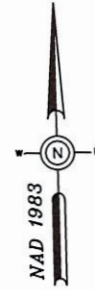
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P# 4412416	 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #	
Work Order # 4412416	Plan of GOULART MEMORIAL DR
Surveyed by: N/A	FAIRHAVEN
Research by: N/A	Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS
Plotted by: TL	
Proposed Structures: TL	
Approved: T THIBAUT	Scale 1"=20' Date FEBRUARY 23, 2023
P#	SHEET 12 of 16

SHEET 12
SHEET 13

SHEET 13
SHEET 14



10045/070-01

GOULART-MEMORIAL DR

DUCTS
5'±

6-5" DUCTS
TL=200'±

R.O.W.

43A-001
CAUSEWAY RD
N/F
FAIRHAVEN TOWN OF



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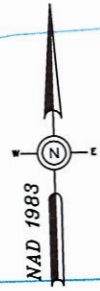
MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

P# 4412416	 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #	
Work Order # 4412416	
Surveyed by: N/A	Plan of GOULART MEMORIAL DR
Research by: N/A	FAIRHAVEN
Plotted by: TL	Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS
Proposed Structures: TL	
Approved: T THIBAUT	Scale 1"=20' Date FEBRUARY 23, 2023
P#	SHEET 13 of 16

SHEET 13
SHEET 14

SHEET 14
SHEET 15



10045/080 R.O.W.

44/22

4-5" DUCTS
TL=40'±

GOULART-MEMORIAL DR

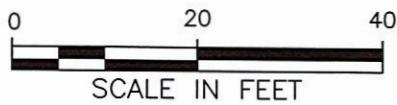
6-5" DUCTS
TL=79'±

PROPOSED
MANHOLE
8000/1592

6-5" DUCTS
TL=117'±

R.O.W.

43A-001
CAUSEWAY RD
N/F
FAIRHAVEN TOWN OF



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Ward #	
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Surveyed by: N/A	Plan of GOULART MEMORIAL DR
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Plotted by: TL	Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS
Proposed Structures: TL	
Approved: T THIBAUT	Scale 1"=20' Date FEBRUARY 23, 2023
P#	SHEET 14 of 16

SHEET 14
SHEET 15

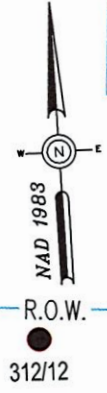
SHEET 15
SHEET 16

43B-001
2 CAUSEWAY RD
N/F
FAIRHAVEN TOWN OF

43A-002
4 CAUSEWAY RD
N/F
GALLOWAY ARNOLD P
& GAIL L

R.O.W. R.O.W. R.O.W. R.O.W.

44/23



GOULART-MEMORIAL DR

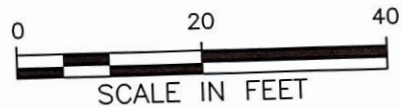
6-5" DUCTS
TL=200'±

R.O.W. R.O.W. R.O.W. R.O.W.

43A-001
CAUSEWAY RD
N/F
FAIRHAVEN TOWN OF

43A-002
1 CAUSEWAY RD
N/F
PILAT MARK & MUI
PAULA TRUSTEES
OF THE PILAT
SIBLINGS REALTY TRUST

43A-003
5 CAUSEWAY RD
N/F
MARTINHO ANTONIO J &
IDALINHO G



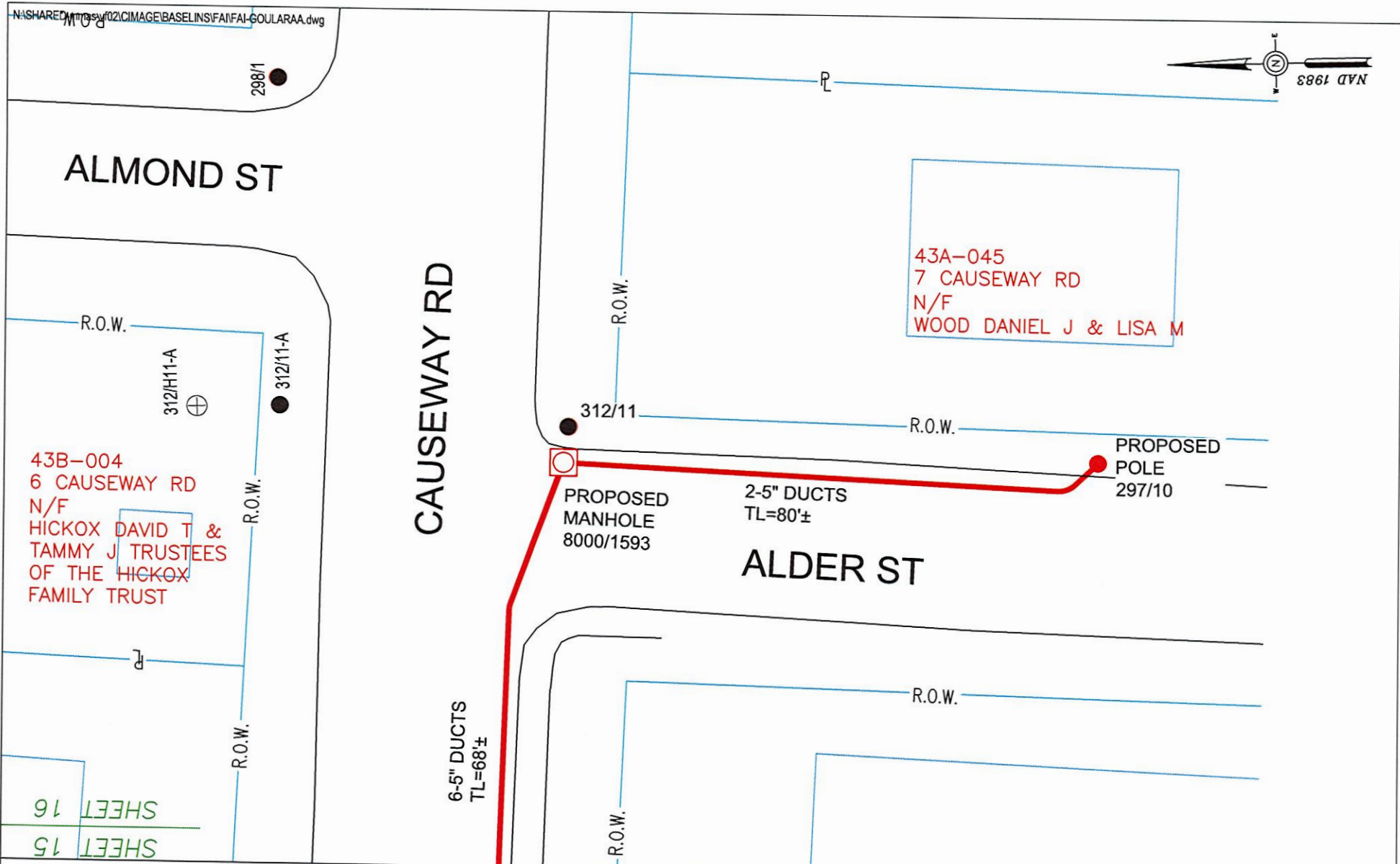
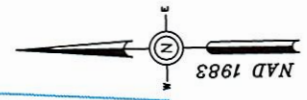
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P# 4412416
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Surveyed by: N/A
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P#

NSTAR EVERSOURCE ELECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Plan of GOULART MEMORIAL DR FAIRHAVEN	
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS	
Scale 1"=20'	Date FEBRUARY 23, 2023
SHEET 15 of 16	



SHEET 16
SHEET 15



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Scale	1"=20'
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SHEET	16 of 16

**Fairhaven Select Board Public
Hearing Notice
Monday May 1, 2023**

**Notice is hereby given that the Fairhaven Select Board will conduct a
Public Hearing on Monday May 1, 2023 in the Town Hall
40 Center Street, Fairhaven, MA**

The purpose of the hearing will be for
a change of manager and change of officer/director

For:

**99 Restaurants of Boston LLC
32-34 Sconticut Neck Road
Fairhaven, MA**

Proposed new manager:

Linda M. Belliveau

Proposed new Officers/Directors:

**Clinton Lautenschlegar;
Marjorie Nemzura;
Phillip Purcell;
Mark Spurgin;
Kara Jacobs**



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
99 Restaurants of Boston, LLC	Fairhaven	038400024

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Linda M. Belliveau	General Managing Partner	30064@99Restaurants.com	508-992-9951

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Linda M. Belliveau	Date of Birth	3-23-1977	SSN	
Residential Address	31 Chestnut Hill Drive				
Email	30064@99Restaurants.com	Phone	508-992-9951		
Please indicate how many hours per week you intend to be on the licensed premises	50	Last-Approved License Manager	Amy Sherburne		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be U.S. citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
4/4/2005	Present	General Managing Partner	99 Restaurants	Michelle Deane
4/2000	4/2005	Manager	Great American Pub	David Meninno

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Linda M. Belliveau Date 2/6/2023

CORPORATE VOTE

The Board of Directors or LLC Managers of

99 Restaurants of Boston, LLC
Entity Name

duly voted to apply to the Licensing Authority of

Fairhaven
City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

1-23-23
Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other _____

"VOTED: To authorize

Phillip Purcell
Name of Person

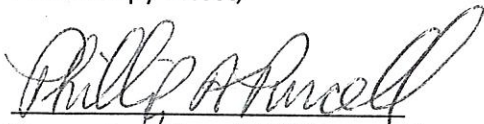
to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Linda Belliveau
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

Phillip Purcell

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
95 Fourth Street
Chelsea, Massachusetts 02150*

March 29, 2023

LOCAL Boards

Andover, Auburn, Billerica, Braintree, Bridgewater, Barnstable, Boston, Chicoppe, Dartmouth, Easton, Fairhaven, Falmouthj, Framingham, Franklin, Greenfield, Haverhill, Hingham, Holyoke, Lowell, Lynnfield, Marlborough, No. Andover, Pembroke, Pittsfield, Plymouth, Quincy, Rockland, Somerville, Springfield, Stoneham, Tewksbury, Westfield, Westford, W. Springfield, Wilmington, Woburn, Worcester

The Alcoholic Beverages control Commission ("Commission") has received a request from 99 Restaurants of Boston, LLC for a change of Officers / Directors in the above noted cities and towns.

Due to the magnitude of these transactions, the Commission has received the information and documents provided by the licensee. The review was to determine whether the contemplated transaction is consistent with the provisions of M.G.L. c. 138. Based upon our review, we are satisfied that the transaction is consistent with the purposes of the law and would not result in the individual corporate licenses being deemed to be out of compliance with the applicable statute. Accordingly, this letter sets forth our recommended procedure for the processing of these applications.

Arrangements have been made for the Corporation to pay all of the \$200 application fees directly to the Commission. Therefore, no fee needs to be collected by the Local Licensing Authority.

The Commission has reviewed and accepted copies of the following documents and instruments:

1. Application for amendment
2. DOR Certificate of Good Standing
3. DUA Certificate of Good Standing
4. CORI Authorization
5. Vote authorizing the license amendment
6. List of exhibit's
7. Secretary of The Commonwealth Corporate Articles.

The applicant will contact you directly for processing the application. We will be processing this group filing differently than we have in the past due to the fact that these applications will be scanned into the e-licencing system.

The local Licensing Authority should send in the whole packet of the application and not just the local licensing review record that was done in the past. Should you or your town/city solicitor have any questions or require information or assistance , please contact Special Investigator Brad Doyle at (617) 908-8575.

Sincerely,



Ralph Sacramone
Executive Director

Cc: Fredrick Mahony, Chief Investigator
Ryan Melville, Licensing Coordinator
Joe Devlin, Esq.

Upton Connell & Devlin, LLP

Contact for Joseph H. Devlin, Esq.

171 High Street
Newburyport, MA 01950
617-514-2837
617-514-2825

Main Office:

112 Water Street, Suite 201
Boston, Massachusetts 02109
617-227-3277 (Tel)
617-227-3222 (Fax)

Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

Re: Change of Officer for the 99 Restaurant & Pub – Two Entities: 99 Restaurants of Boston, LLC (39 locations) and 99 West, LLC (22 locations)

Dear License Administrator:

I am writing on behalf of the 99 Restaurants of Boston, LLC or 99 West, LLC, d/b/a The Ninety-Nine Restaurant (collectively the "Licensee"), one or both of which are licensed entities in your community owned by the same corporate structure.

Per the letter you received from the Massachusetts Alcoholic Beverage Control Commission (the "ABCC"), a copy of which is also enclosed, the "Licensee" has been granted preliminary approval for a Change of Officer relative to all 61 of their Massachusetts locations using the "inverted approval process".

The Officer Change involves the appointment of Clinton Lautenschlegar, Marjorie Nemzura, Phillip Purcell, Mark Spurgin, and Kara Jacobs as LLC Managers, and the removal of Wendy Harkness as LLC Manager and Secretary, removal of Charles Noyes as LLC Manager and President, and removal of Kurt Schnaubelt as LLC Manager and CFO.

Due to the size of the transactions, the ABCC has reviewed and investigated the applications and found that the transaction is in compliance with M.G.L. Chapter 138. In addition to the LLA Form, please send the Application package and all other relative forms and documents back to the ABCC. **If you have any questions, you can call Investigator Brad Doyle at 617-727-3065, ext. 713.**

Enclosed please find the following documents relative to the transaction for your records:

- ✓ 1. Letter from Ralph Sacramone, Executive Director of the Alcohol Beverage Control Commission (the "ABCC").
- ✓ 2. DOR and DUA Certificates.
- ✓ 3. Monetary Transmittal Form.

- ✓ 3. Monetary Transmittal Form.
- ✓ 4. Retail alcoholic beverages application – change of officers.
- ✓ 5. CORI Request Forms for the new officers.
- ✓ 6. Proof of US Citizenship for the new officers.
- ✓ 7. Exhibits.
- ✓ 8. Certificate of Authorization.
- ✓ 9. Certificate of Organization.

We would appreciate you putting this on your next available meeting schedule. We will call shortly hereafter to follow up to confirm you've received our application and see if you need us to attend the meeting, though we are anticipating from past experiences that many communities will not require it.

We look forward to speaking and working with you again. If you should have any questions with regard to this Application, please feel free to call my associate, Elizabeth Pisano, at (860) 712-2799, or email her at episano@ucdlaw.com.

Very truly yours,

Joseph H. Devlin

Joseph H. Devlin

TOWN OF FAIRHAVEN

FINANCIAL MANAGEMENT REVIEW UPDATE

AUGUST 2022



DLS

DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

PREPARED BY:

DLS | Financial Management Resource Bureau

100 Cambridge Street, Boston, MA 02114

www.mass.gov/dls

Zack Blake, Bureau Chief

Theo Kalivas, Project Manager



DLS

DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

August 18, 2022

Select Board
Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Board Members:

I am pleased to present the enclosed Financial Management Review Update for the Town of Fairhaven. It is my hope that our guidance provides direction and serves as a resource for local officials as we work together to build better government for our citizens.

If you have any questions regarding the report, please contact Zack Blake, Technical Assistance Bureau Chief, at (617) 626-2358 or blakez@dor.state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean R. Cronin".

Sean R. Cronin
Senior Deputy Commissioner

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INTRODUCTION

At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Fairhaven's implementation of recommendations from our 2012 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the select board, finance committee, town administrator, finance director/treasurer/collector, accountant, assessor, and information technology director. We reviewed various documents, including the town bylaws, special acts, outside audits, credit rating reports, and other financial records. Throughout this project, we also consulted with the Division of Local Services' Bureau of Accounts (BOA), Bureau of Local Assessment (BLA), and Bureau of Municipal Finance Law (BMFL).

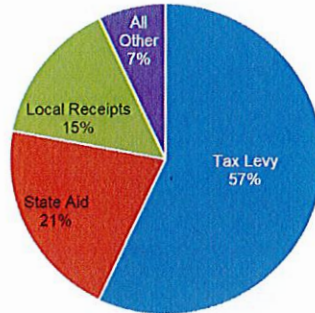
Fairhaven is located on the southern coast of Massachusetts, bordered by New Bedford on the west and Mattapoisett on the east. The town has a long maritime history and was a center of the shipbuilding and whaling industries in the 18th and 19th centuries. Modern-day Fairhaven ranges from dense business and residential areas to rural and agricultural locales along with vibrant seaside attractions. In addition, Fairhaven is the site of the corporate headquarters of the Acushnet Company (parent company of golf equipment brands Titleist, FootJoy, and Pinnacle), a major regional employment center.

The town's economic conditions have not changed dramatically since our original report in 2012. The city's unemployment rate was about 6% in 2020, an improvement from the 8.4% rate in 2012. However, that rate was likely the result of the economic downturn associated with the start of the Covid-19 pandemic in 2020. In 2019, the town had a record low unemployment rate of 3.3%, the lowest in the past 20 years. Despite lower unemployment, the 2023 per capita income of \$32,597 lags the state average of \$48,696 by \$16,099, more than double the gap from 2012 (\$23,399 versus the state average of \$31,265). Similarly, while Fairhaven's Equalized Valuation (EQV) per capita has increased to \$155,891 from \$127,934 in 2012, there is still a sizeable gap of \$86,240 compared to the state average of \$242,131, which is slightly wider than the 2012 gap of \$83,481. Essentially, while unemployment may have seen some improvement in 10 years, per capita income and property valuation continue to lag the rest of the state.

Fairhaven's FY2022 total revenue was about \$65 million, including \$55.2 million in general fund revenue, \$9 million in enterprise fund receipts, and about \$835k in community preservation act surcharges. General fund revenue is made up primarily of the tax levy (57%), state aid (21%), and

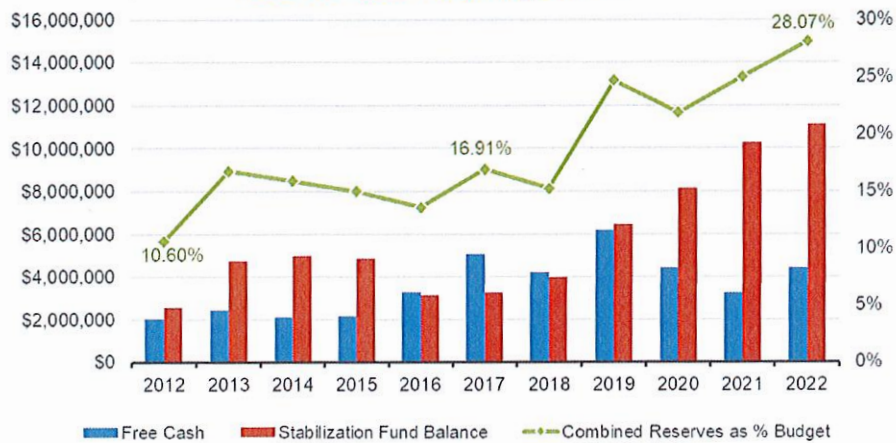
local receipts (15%). Other sources of revenue and available funds account for about 7% of total general fund revenue.

FY2022 General Fund Revenue



Over the past decade, Fairhaven has built up substantial financial reserves, maintaining consistently high levels of free cash and increasing its stabilization fund balance significantly. Healthy reserves are a key indicator for ratings agencies, which in turn can reduce the cost of borrowing for the town. In part because of its ample reserves (as well as for good financial management), Fairhaven received a bond rating of Aa+ from Standard and Poor’s when it refinanced debt from a prior borrowing in September 2021. Maintaining ample reserves and a good rating will be helpful in the future as well, especially since the town is currently evaluating options for constructing a combined fire/police public safety facility that it will need to fund with debt.

Reserves as a Percentage of Budget



Fiscal Year	Budget	Free Cash	Free Cash as % Budget	Stabilization Fund Balance	Stabilization Fund as % Budget	Combined Reserves	Combined Reserves as % Budget
2012	\$ 43,242,276	\$ 2,013,301	4.66%	\$ 2,570,795	5.95%	\$ 4,584,096	10.60%
2013	\$ 42,971,915	\$ 2,448,733	5.70%	\$ 4,750,620	11.06%	\$ 7,199,353	16.75%
2014	\$ 44,549,614	\$ 2,115,828	4.75%	\$ 4,953,577	11.12%	\$ 7,069,405	15.87%
2015	\$ 46,889,884	\$ 2,162,682	4.61%	\$ 4,862,029	10.37%	\$ 7,024,711	14.98%
2016	\$ 47,219,300	\$ 3,286,979	6.96%	\$ 3,130,563	6.63%	\$ 6,417,542	13.59%
2017	\$ 49,216,313	\$ 5,068,586	10.30%	\$ 3,254,710	6.61%	\$ 8,323,296	16.91%
2018	\$ 53,408,692	\$ 4,194,238	7.85%	\$ 3,953,770	7.40%	\$ 8,148,008	15.26%
2019	\$ 51,189,530	\$ 6,187,488	12.09%	\$ 6,431,728	12.56%	\$ 12,619,216	24.65%
2020	\$ 57,202,702	\$ 4,393,392	7.68%	\$ 8,114,944	14.19%	\$ 12,508,336	21.87%
2021	\$ 53,993,124	\$ 3,222,371	5.97%	\$ 10,273,403	19.03%	\$ 13,495,774	25.00%
2022	\$ 55,232,999	\$ 4,411,068	7.99%	\$ 11,094,632	20.09%	\$ 15,505,700	28.07%

Fairhaven's government structure is made up of an executive comprised of a five-member select board and town administrator and a legislative branch in the form of a representative town meeting. The town administrator is responsible for budget preparation as well as for the day-to-day operations of all town departments except the department of public works, which is governed by an elected, five-member Board of Public Works. A thirteen-member finance committee serves as the town's fiscal watchdog and provides budget insight and recommendations for town meeting members. The town's finance committee selection method is not typical, sometimes making the committee unwieldy and creating difficulty finding members with financial expertise. According to town bylaws, there must be two finance committee members from each town meeting precinct, as well as an at large member. A similar method is often used for electing members to a city council, a role that differs considerably in scope and authority from the advisory nature of a finance committee.

Fairhaven's executive structure is the result of implementing most of our recommended structural changes, including the creation of a town administrator position. The town petitioned the Legislature for a special act to create a town administrator, which was passed in November 2014 and adopted at a special town meeting the following December. While ultimately successful, the transition did encounter a few obstacles. In 2015, a seasoned veteran came out of retirement to take on the position as Fairhaven's first town administrator for a period of five years. After his departure the finance director/treasurer/collector was appointed acting town administrator in January 2021 and the board formed a search committee. During this period one of the three members of the select board was recalled, disrupting the interview process so the board could not effectively vote on a town administrator candidate.

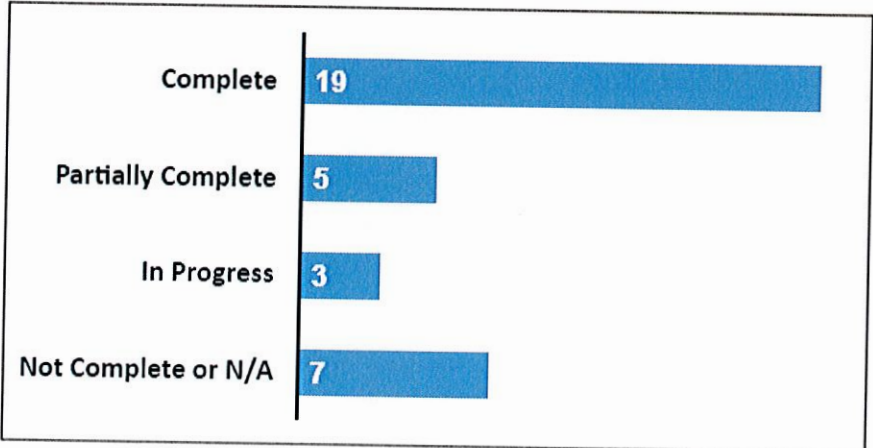
At the time of our visit, the acting town administrator/finance director had been fulfilling the town administrator role for over a year, making it difficult to establish permanent practices and procedures while juggling the considerable workload of managing both the town administrator's office and finance departments, successfully developing the FY2023 operating and capital budgets, as well as administering the town's compliance with Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan Act (ARPA) fund usage. Once the recall process was complete the board was able to repost the town administrator position and restart the search, eventually voting to approve the current town administrator (who started May 4, 2022). With the hiring of the town administrator the finance director has returned to her normal duties and can focus on her primary role as department head and town CFO.

Another significant change in Fairhaven's executive structure is the shift from a three- to five-member select board via a November 2021 special act. One of the two new members has never held local office before, while the other has been a longtime member of the school committee. Both candidates

came into office with a mandate to reexamine business as usual in Fairhaven. Together with a new town administrator, Fairhaven is well-positioned to benefit from the momentum of previous reform to continue improving operations and implementing best practices.

Fairhaven has already made great strides in implementing the FMR, with 27 of the 34 recommendations either complete, partially complete, or in progress. We commend the town for their substantial progress and look forward to the new leadership coming together as a team to tackle the remaining challenges. Please see the table below for a general summary of implementation status. The following pages include a detailed discussion of each recommendation, the town's status in implementing it, and recommendations for next steps or enhancements (if applicable). Following the discussion of prior recommendations, we have several new recommendations intended to improve upon certain aspects of town operations.

Recommendation Status Summary



PRIOR RECOMMENDATIONS

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
1	Establish Position of Town Administrator	Complete	<p>At the time of the FMR, the town operated under a Select Board with an Executive Secretary. At DLS' recommendation, the town began the process of moving to a town administrator form of government via a special act. Fairhaven's Town Administrator Act was approved by the Legislature in November 2014 and adopted via town meeting vote in December 2014. It was subsequently amended in 2020 to clarify and refine certain sections. The act created a department for the Town Administrator comprised of an Administrative Assistant, Clerk, and Marine Resources Administrator (all full time positions).</p> <p>The special act designates the Town Administrator as the chief administrative officer of the town and the agent of the select board, giving the position supervisory authority over all town departments overseen by the select board. Other powers include:</p> <ul style="list-style-type: none"> • Appointing authority over town departments and the ability to reorganize departmental structure. • Assuming the human resources functionality of the personnel board while eliminating that body. • Serving as chief procurement officer. • Negotiating collective bargaining agreements, except for the school department. • Establishing employee compensation packages. • Developing the annual operating and capital budgets and setting a budget calendar. • Developing a Capital Improvement Program. • Monitoring operating and capital budgets. 	Consider expanding staff support for town administrator's duties around human resources and procurement, in line with town bylaws. See New Recommendations.
2	Combine Treasurer and Collector Positions	Partially Complete	The treasurer and collector offices were unofficially combined in 2015, after the incumbent collector's retirement. The finance offices had been organized under a finance director/treasurer at that point, and the finance director simply took on direct supervision of the collector's office and activities. The two offices remain in separate locations in town hall.	<ul style="list-style-type: none"> • Pursue formal integration of the collector/treasurer offices through special act, codifying the desired organizational structure for the future. • As much as feasible, combine treasurer and collector office spaces into one unified department where duties could be spread more efficiently and provide greater opportunity for cross-training.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
3	Modify Finance Committee	Not Complete	The makeup of the finance committee is set by town bylaw at 13 members, two from each voting precinct and one at large. This number is above-average for a town of Fairhaven's size and officials have noted that it sometimes results in a lack of desired financial expertise on the committee, as well as making engagement and member selection difficult.	<ul style="list-style-type: none"> Consider revising the member selection method in the finance committee bylaw to appointment by the town moderator. The town may wish to convene a government study committee to evaluate the best method of modifying the makeup and selection method of the finance committee.
4	Eliminate Board of Public Works and Personnel Board	Partially Complete	The select board attempted to eliminate the public works and personnel boards the same year of the town administrator act (2014). Ultimately, the vote to eliminate the public works board failed, but the personnel board was disbanded through language in the special act shifting its responsibilities to the town administrator.	<ul style="list-style-type: none"> With the select board's expansion to five members, we recommend revisiting the matter of the public works board. While the DPW seems to function well, having a town department report to a separate board takes it out of the main line of communication and chain of command of town operations. Integrating the DPW into the town administration under the town administrator would allow for closer coordination with the select board's overall goals and allow better communication and cooperation with town departments. For instance, DPW has a GIS program that could be made available to the assessing department, rather than assessing searching for its own vendor.
5	Update Job Descriptions	Complete	In 2018 the town commissioned a pay and classification study with a human resources consultant and is now making plans to have it updated.	N/A
6	Measure Department and Employee Performance	Complete	For all non-union employees there are annual performance reviews tied to their step increases. The performance review takes the form of a one-on-one meeting with the employee's supervisor. At the review, the employee's performance is rated 1 to 5 on the basis of 10 categories drawn from the stated duties in their job description. Other employees are evaluated according to their collective bargaining agreement.	N/A

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
7	Revise New Hire Process	Complete	The town administrator is given primary appointing authority for town department heads (with approval of the select board) in the special act establishing that position, and department heads are given appointing authority over their own staff. The interview practice described in the FMR (where every candidate must first meet with a committee comprised of a select board member, the finance director, and department manager) is no longer in place.	N/A
8	Develop Board of Selectmen Policy Manual	Complete	The board adopted a set of financial policies in September 2016. The policies include a series of fiscal reserves guidelines, financial planning and monitoring guidelines, capital guidelines, use of revenues, capital planning, investment, cash, debt, and other matters of financial administration.	We recommend that the board compare their adopted policies to FMRB's examples and augment their manual where applicable.
9	Adopt Formal Budget Process	Complete	A formal budget process is laid out in the town administrator act as part of that position's core duties under Section 2. This section calls for the town administrator to develop and submit a written budget along with a five-year revenue and expenditure forecast and an accounting of revenues and expenditures for the ensuing fiscal year's budget. The act further calls for each department head to submit a written budget request according to a standard form developed by the town administrator and for the administrator to establish deadlines within a budget calendar. It also directs the town administrator to develop a capital improvement plan.	N/A
10	Establish a Capital Improvement Program	Complete	Fairhaven's capital improvement program is established in a town bylaw. To separate them from the operating budget, the bylaw defines capital projects as "land projects, construction and renovation of buildings, major equipment and machinery purchases, road and drainage reconstruction, and the construction of special facilities such as local school projects, sewer and water mains, and water treatment and sewage disposal facilities." It also sets a cost threshold of \$20k and 5 years of useful life for something to be considered a capital purchase. To evaluate capital projects, the bylaw also establishes the capital planning committee.	N/A
11	Adopt Stabilization and Free Cash Guidelines	Complete	The policy manual adopted in 2016 sets a target balance of 3-5% of the operating budget for free cash and 7% for the stabilization fund, reserving not more than 2% for capital expenditures.	See FMRB's Financial Reserves policy (attached) for comparison and consideration when next reviewing the town's financial policies.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
12	Devise OPEB Liability Strategy	Complete	The town voted to accept the provisions of MGL Chapter 32B at annual town meeting in May 2011, establishing an Other Post Employment Benefits (OPEB) Liability trust fund through the transfer of \$50,000 from the overlay surplus account. As of a May 2019 special town meeting, the town has reaccepted MGL Chapter 32B as amended by Section 15 of Chapter 218 of the Acts of 2016. The town's plan for funding the liability has been to increase the contribution amount by \$50k annually, starting from the original \$50k contribution. In FY2022 the town appropriated \$350,000 into the OPEB trust.	While Fairhaven has completed the basic steps necessary to begin tackling its OPEB liability (establishing a trust fund and funding it annually) we would encourage the town to also develop a comprehensive OPEB Liability policy, spelling out the nature of the town's financial commitment to annual appropriation into the OPEB trust and identifying sources of revenue for that appropriation. This policy should be part of a broader set of financial policies.
13	Establish a Formal Procedure for Calculating Indirect Costs	Partially Complete	The town accountant maintains a detailed spreadsheet to calculate enterprise fund indirect costs, the bulk of which are related to the water and sewer departments. Since these departments are under the jurisdiction of the board of public works, the select and public works boards must hold discussions and agree to the specifics, which are then calculated by the town accountant.	While the spreadsheet maintained by the accountant consists of line-item details and is thorough and comprehensive, we recommend that the two elected boards (select board and public works) work toward a formal agreement identifying the specific expense categories and the basis for how costs are calculated from them. This would serve to codify calculations that have been reviewed and agreed upon and preserve them for the future. The town may wish to look to FMRB's Indirect Costs Policy as an example (attached).
14	Consider Revenue Sharing Agreement with Schools	Not Complete	As of this writing, the town administration and school department do not have a formal revenue sharing agreement. However, town officials believe that the town and schools work well together and that a formal agreement is not necessary, a position also held by the incoming town administrator. The select board and town administrator have instead focused on developing a working relationship with the school committee and superintendent based on regular communication and trust.	Revenue sharing agreements vary between communities that adopt them, with some more restrictive than others. While a highly prescriptive approach to revenues may not be called for at this time, we would encourage the select board and town administrator to consider establishing certain "ground rules" for how revenues are treated (for instance rules around new and one-time revenues) to provide guidance and avoid potential conflict. These rules can be part of an agreement between the select board and school committee.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
15	Initiate Department Level Entry of Accounts Payable and Payroll	Partially Complete	<ul style="list-style-type: none"> <li data-bbox="625 203 1325 654">• The town contracts with Harpers for payroll services, which has a remote-entry function that the finance director uses to upload the compiled weekly payroll. Departmental employees can also “punch in” via an online timesheet client called “Web-Time,” which interfaces directly with Harpers. After employees submit their timesheet, it is routed to their department head for review and approval and ultimately approved by the finance director, who transmits the information to Harpers. The payroll administrator in the treasurer’s office reconciles hard copies of timesheet data to Web-Time to correct any errors. Once verified, payroll is finalized by Harpers and sent back to town as a file, which the payroll clerk uploads to VADAR as a payroll warrant. The accountant then reviews the payroll warrant and posts it to the general ledger. We believe that this fulfills the recommendation for remote payroll entry. <li data-bbox="625 659 1325 1110">• Remote-entry of accounts payable into VADAR has been implemented for the town’s larger departments—Water, Sewer, Highway, Park, Sanitation, Police, Fire, Veterans Administration. After departmental submittal through VADAR, accounting reviews invoices and other supporting documentation, then issues checks to complete the AP warrant. The school department has its own software for processing accounts payable. School staff send a file to accounting that is imported into VADAR via a bridge program, after which the process is the same as town AP. For smaller departments, departmental staff send (via interoffice mail) a packet containing a “bills payable” summary sheet along with all invoices and supporting documentation to accounting. Accounting staff then review the packet and data-enter each bill into VADAR. 	The town administration should develop a timeline for all departments to transition to remote entry of payroll and accounts payable. The efficiency gains from moving at least the larger departments to remote entry are significant, but further gains can be made from moving all departments to the same workflow process.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
16	Implement Purchase Order (PO) System	Not Complete	Procurement in Fairhaven remains decentralized. While the school department has its own separate PO system, the town does not. Departmental purchasing is tracked via invoices, with departments remote-entering purchases into VADAR and attaching the invoice number. However, this is only true for large departments like public works and police and fire. The RFP and bid process is held at the departmental level, with no review or oversight from central management, but the incoming town administrator is MCPPO certified and must approve all major requisitions.	We encourage the town administrator to again consider a PO system that would apply universally to all departments and to the school department, providing another consistent layer of control and better ensuring adherence to procurement laws. We know that VADAR provides a PO module for its accounting software, which would allow much of the PO process to be completed through an electronic workflow. The town should reach out to their vendor and consider whether it would be appropriate to submit an item in a subsequent budget to purchase the software upgrade. For some flexibility, the town may consider establishing a dollar threshold for when a PO is needed (for example, \$5,000), ensuring that small purchases do not become unduly burdensome to process.
17	Hold Department Head and Finance Team Meetings	Complete	The acting town administrator had been holding regular department head meetings during her tenure, and we expect the incoming town administrator will do the same. The finance department also holds regular meetings during budget season to coordinate tasks, ensure deadlines are being met, and discuss challenges and how to resolve them.	N/A
18	Solicit Audit Services	Complete	The town has contracted with the accounting firm Melanson for an annual audit since 2012 and has arranged for the firm to periodically rotate its assigned auditor to maintain a fresh perspective.	Switching auditors every 8 – 10 years is generally best practice, bringing long-standing issues to light more effectively. Fairhaven has been with Melanon for 10 years, so the town may want to consider a new audit firm.
19	Revise Finance Reserve Request Procedures	Complete	Fairhaven now has a standardized, form-based process in place for requests from the finance committee's reserve fund. Departments must fill out the form and submit it to the finance director, who compiles and summarizes all requests and submits them to the town administrator for approval. The town administrator may approve, modify, or deny requests, and then forwards approved requests to the finance committee for a vote.	N/A
20	Transfer Custody of all Municipal Bank Accounts to Treasurer	Complete	When DLS made this recommendation in 2012 the treasurer and collector positions were separate. The recommendation referred specifically to four separate deposit accounts maintained by the collector independently of the treasurer, but the de facto combination of the collector into the finance director/treasurer/collector position in 2015 effectively brought these accounts under the treasurer's control. Money is turned over from these accounts via a bank transfer performed by the finance director/treasurer/collector.	N/A

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
21	Review Payment Plans and Develop Plan to Resolve Tax Title Backlog	Complete	The finance director/treasurer/collector makes it a point to set aside time to work on the tax title backlog and actively works out payment plans with delinquent taxpayers. In October 2021, the town held a foreclosure auction for multiple properties that led to a return of \$1.5 million for the town. The finance director is planning to hold another auction within the year for the properties that did not sell in the October auction.	N/A
22	Review Payroll Procedures	In Progress	<p>Fairhaven still has much to do in following our recommendations on payroll, but we acknowledge that this depends on outcomes of the collective bargaining process, and we encourage the town to continue pushing for changes in that context. The recommendation called for (a) adopting a biweekly payroll, (b) enabling remote departmental entry of timesheets, (c) halting the practice of paying withholdings through a vendor warrant, (d) having the police department calculate its off-duty detail payments, and (e) no longer sending lists of employee withholdings to departments.</p> <p>a) The town has not yet transitioned to biweekly payroll, and a handful of employees receive physical checks rather than direct deposit.</p> <p>b) As described in the review of recommendation 15, the town has remote-entry enabled for departmental timesheets through Harpers and Web-Time.</p> <p>c) Payroll withholdings are still paid through a vendor warrant, but federal and MA tax and Medicare deductions are automatically withdrawn.</p> <p>d) The police department now calculates off-duty detail payments and submits this information with the weekly payroll, in line with our recommendation. Off-duty outstanding balances are submitted to accounting quarterly for reconciliation.</p> <p>e) Accounting no longer sends withholding information to individual departments.</p>	<ul style="list-style-type: none"> • Where not governed by a collective bargaining agreement, implement mandatory direct deposit. • Continue to pursue mandatory direct deposit and biweekly payroll during collective bargaining negotiations.
23	Integrate and Expand Geographic Information Systems (GIS)	In Progress	The assessing department website provides a link to the MassGIS website where users can navigate to Fairhaven and look up parcel data. However, the assessing department does not have its own GIS provider and still relies largely on paper maps. Assessing is currently in discussions with the planning department to find a way to integrate its GIS software with assessing. As noted above, the DPW also has its own GIS vendor.	<ul style="list-style-type: none"> • Evaluate the GIS needs of planning, assessing, and public works. • Find a GIS vendor that can meet the needs of all three departments and consolidate the town's GIS capability under one vendor. • Include the IT director in the process and manage the software implementation through the IT Department.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
24	Format Bill Envelopes	In Progress	At present, residential tax bills are still addressed to the old owner "care of" the new owner, resulting in potential returned mail and unpaid tax bills when old owners have mail forwarded to their new address. However, the finance director and the assessor are in the process of reaching out to VADAR and to the town's bill printer to review options for reformatting the bills to only show the new owner's name through the bill envelope, preventing the issue with returned mail.	N/A
25	Abandon Practice of Updating Hard Copy of Property Record Cards	Not Complete	The assessing department continues to update physical property record cards after inspections. When going into the field to do an inspection, the assessor prints the parcel's entry in Patriot and brings it with him to the inspection to note changes. When returning to the office, the changes on the printout are entered into Patriot, but the marked-up printout is then filed away physically. As long as proper back-up procedures are in the place for the CAMA system, the annotated printout is duplicative to the parcel entry in Patriot and leads to an unnecessary use of filing space and diversion of staff time.	We continue to recommend that the assessing office halt the practice of filing away what are essentially the assessor's inspection notes. Instead, the department should rely solely on the Patriot CAMA system and print hard copies as necessary. During our discussions with the assessor, he mentioned future plans to find a vendor that would allow for equipping staff with tablets that could allow for the remote entry of permit inspection data in the field, bypassing the need to create a hard copy entirely. We encourage the town to consider pursuing this under the guidelines of Chapter 30b and eventually propose an enhancement to the appropriate line item to allow for the purchase of such a service.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
26	Execute Service Contract (IT)	Complete	<p>In 2012, Fairhaven's IT needs were met by a consultant. At the time, we recommended signing a service contract with the consultant establishing each party's rights, obligations, methods of dispute resolution, and scope of services. With the formation of an in-house Information Technology Department, we consider the recommendation implemented.</p> <p>The IT department is a joint town-school department, with the director reporting to both the town administrator and the school superintendent and funded within the town's operating budget but operationally situated within the school department. The department is made up of the director, a network administrator, and two full-time techs, and until recently included a social-media position. The techs fulfill a help-desk type role for department personnel and manage requests through a web-based ticketing system called Spiceworks. Within the department is a \$30k budget item to replace town and school hardware and software, and the department also manages the town's photocopier service contracts. The IT director also serves as the system administrator for VADAR and is responsible for adding new users and setting up permissions.</p>	N/A
27	Store Backups Offsite (IT)	Complete	The IT department has implemented a backup routine for town data, with regular backups stored at the LeRoy Wood School. Incremental backups occur daily, and full backups weekly. In addition, there are weekly offsite backups to servers in the high school.	N/A
28	Adopt Four-Year Replacement Schedule for Computer Equipment (IT)	Complete	The IT director maintains an inventory of hardware assets and replaces them according to a 5-year refresh cycle. Recently, the department has focused on updating employee workstations. Purchases are made from a line item in the department's operating budget.	N/A
29	Maintain Log of Maintenance Requests (IT)	Complete	The IT department's cloud-based help desk application (Spiceworks) manages incoming ticket requests and allows IT techs to sort, categorize, and respond to them in order of priority, as well as to keep track of repeat issues.	N/A

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
30	Outline Disaster Recovery Plan (IT)	In Progress	There is no disaster recovery plan currently in place, but the IT director is evaluating grant opportunities to fund the development of one.	The Select Board should consider applying for a Community Compact IT Grant to secure funding for a consultant to develop a disaster recovery plan and for any other eligible IT purposes. Please see mass.gov/how-to/apply-for-a-community-compact-it-grant for more information, including how to apply and deadlines for application.
31	Complete Five-Year Financial Forecast (DPW)	N/A	While the department of public works is governed by a separate board the select board cannot directly enforce any management practices on the department. We recommend continuing to work toward bringing the DPW under the management of the select board and town administrator.	N/A
32	Implement Rate Adjustments at the Start of the Fiscal Year (DPW)	N/A	See Rec 31.	N/A
33	Issue Utility Bills on a Monthly Cycle (DPW)	N/A	See Rec 31.	N/A
34	Pursue Outstanding Amounts Due (Natural Resources Dept)	Complete	The original report called on the harbormaster to pursue past due amounts for fishing vessels at Union Wharf, citing lax collection practices. Since then, responsibility for these receipts has been transferred to the treasurer/collector's office, who have implemented standard delinquent account procedures in line with all other collections.	N/A

NEW RECOMMENDATIONS

Plan for Succession in Accounting Department

We recommend Fairhaven plan for the eventual succession of its town accountant. Under the direction of the town administrator, the accountant should review how personnel complete core tasks and how well these align with their job descriptions. With this information, the department can take the following key steps:

- Develop procedure manuals with step-by-step instructions, prioritizing the most critical tasks. The town should reach out to vendors for training and support materials if use of proprietary software (such as SoftRight or Patriot) is key to fulfilling an employee's job duties.
- Confer with peer communities regarding departmental operating structure and their experience hiring and retaining qualified candidates.
- Research the viability of regional agreements or outsourcing for certain services, as appropriate.

Cross Train the Accounting Clerks - Fairhaven's accounting personnel consists of the town accountant and two part-time accounts payable clerks, one working 19 hours per week and the other 11 hours. The clerks are not cross trained in each other's or the accountant's primary duties and focus their time on processing accounts payable warrants.

We recommend that the accountant evaluate which of her duties may be appropriate to cross train one or both clerks in for the sake of continuation of service in the case of an unexpected absence. In addition, relevant professional development opportunities should be made available to both clerks. If appropriate, the accountant should consider preparing one of the clerks for elevation to assistant town accountant. Otherwise, any future vacancies in the office should be filled with an assistant town accountant position in mind.

Consider an Assistant Town Accountant - We recommend establishing a position of assistant town accountant. Accounting is a key financial office responsible for maintaining a community's general ledger, processing financial transactions, and producing the reports necessary to develop the annual budgets, among other tasks. Even a relatively short vacancy in the office can set the town back significantly for vital tasks such as closing out the year or submitting the balance sheet to DLS, which

can lead to delays in certifying free cash. The specific duties and responsibilities of such a position should be left to discussions between the town accountant and town administrator, but the position should provide for sharing many of the day-to-day responsibilities of the office and prepare the incumbent to fill the town accountant role in the accountant's absence. With an assistant town accountant taking on some routine tasks, the accountant would be better able to look ahead to long-term departmental goals and to providing support during the budget process (such as with revenue and expenditure projections or other research as needed).

Establish a Joint Grants Management/Procurement Position in Town Administrator's Office

We recommend the town consider hiring a full-time position jointly responsible for grants management and procurement support in the town administrator's office. As a grants manager, the position would be responsible for researching grant opportunities, writing and preparing materials for grant submissions, communicating with grantors, and ensuring that grant funds are distributed appropriately. As procurement support, the incumbent could conduct initial review of requisitions before the town administrator, be a liaison with departments, and provide the town administrator with general administrative support regarding procurement. Since the town administrator is MCPPO certified and is the town's chief procurement officer (CPO) she can exercise final review over all procurement issues. We recommend that the town hire an MCPPO certified individual or, upon hire, provide the employee with the opportunity to attain MCPPO status.

Include the IT Director in Budget Meetings

We recommend including the IT director in any regular budget-related meetings held by the finance director and finance department heads. Information technology has taken on an outsized importance in the administration of municipal budgeting, with accounting, treasury, collections, and assessing relying on a suite of inter-connected applications and databases to fulfill their intended functions. When these systems are in conflict or not working as intended, it can be extremely disruptive to the normal processes of financial management, including errors in tax billing or delays in the budget process. The presence of the IT director will make the finance team more efficient at identifying issues before they occur or solving unforeseen problems. In addition, enhancements to service in these departments (as well as many others) often have an IT component, and the IT director's expertise will be advantageous in evaluating their worth to the town.

Provide Monthly Year-to-Date Revenue and Expenditure Reports to the Select Board

We recommend that the town administrator or finance director 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. These updates could 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, the amount expended as of the end of the month, the percentage expended of the total appropriation, and the remaining available for expenditure. 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 administrator may consider adding the report as an item on the select board's meeting agenda and making a brief presentation on where the town stands on expenditures and revenues as of the end of that quarter.

Engage a Consultant to Assist with ARPA Compliance

We recommend the town engage the services of a suitable consultant (while adhering to all procurement laws covered in MGL Chapter 30) to help with processing the necessary paperwork for the receipt and use of federal funds in accordance with the American Rescue Plan Act (ARPA) of 2021. Like many small and medium-sized towns in the commonwealth, Fairhaven's financial departments run lean and there is little room for additional tasks beyond daily operations and budget development. Keeping current with ARPA compliance has been a significant burden on town staff and hiring an outside manager would relieve pressure on the town's ability to maintain normal operations. We understand that the town has been evaluating a few options for hiring an ARPA consultant, and we would encourage the board to make it a priority.

Consider Hiring a Human Resources Generalist or Human Resources Director

We recommend the town consider creating a position of human resources generalist in the town administrator's office. With the town administrator's assumption of all duties previously relegated to the personnel board, additional staff support would help ensure that she does not become unduly burdened by administrative tasks related to human resources and can focus on broader policy-level issues. We should note that Chapter 61 of Fairhaven's bylaws calls for the town administrator to "appoint a Human Resources Director who by experience and education is qualified to administer this chapter and any plans, policies, rules or regulations promulgated pursuant to this chapter." The

bylaw goes on to require the establishment of a personnel system for the administration of personnel records, recruitment methods, maintaining classification and compensation plans, and personnel policies. Hiring an additional full-time position to meet this need is justified considering the administrative burden in developing and maintaining such a system. In addition, with personnel costs generally in excess of 70% of a municipal budget, a human resources manager is critical to mitigating the risks associated with labor-related legal issues and effectively managing related costs. A human resources generalist could be later developed into a human resources director, depending on the select board's interpretation of the Personnel bylaw.

ACKNOWLEDGEMENTS

In preparing this Review, DLS spoke with the following individuals:

<u>Name</u>	<u>Position</u>
Stasia Powers	Select Board Chair
Leon E. Corry III	Select Board Vice Chair
Robert J. Espindola	Select Board Member
Padraic Elliott	Finance Committee Chair
Angie Lopes-Ellison	Town Administrator
Wendy Graves	Finance Director/Treasurer/Collector
Anne Carreiro	Town Accountant
Delfino Garcia	Principal Assessor
Chris Camara	IT Director

SAMPLE POLICIES

FINANCIAL RESERVES

PURPOSE

To help the Town stabilize finances and maintain operations during difficult economic periods, this policy establishes prudent practices for appropriating to and expending reserve funds. With well-planned sustainability, the Town can use its reserves to finance emergencies and other unforeseen needs, to hold money for specific future purposes, or in limited instances, to serve as revenue sources for the annual budget. Reserve balances and policies can also positively impact the Town's credit rating and consequently its long-term borrowing costs.

APPLICABILITY AND SCOPE

Applies to:	<ul style="list-style-type: none">▪ Select Board, Finance Committee, Town Administrator, and Capital Planning Committee in their budget decision-making roles▪ Finance Director and Board of Assessors job duties
Scope:	<ul style="list-style-type: none">▪ Goals for and appropriate use of general reserves, including free cash, stabilization funds, and overlay surplus

POLICY

The Town is committed to building and maintaining its reserves to have budgetary flexibility for unexpected events and significant disruptions in revenue-expenditure patterns and to provide a source of available funds for future capital expenditures. Adherence to this policy will help the Town withstand periods of decreased revenues and control spending during periods of increased revenues. The Town will strive to maintain overall general fund reserves (i.e., free cash and stabilization funds combined) in the level of 10 to 15 percent of the annual operating budget.

A. Free Cash

The Division of Local Services (DLS) defines free cash as "the remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the prior year." DLS must certify free cash before the Town can appropriate it.

The Town will strive to realize year-to-year free cash certifications equal to three to five percent of the annual general fund budget. To achieve this, the Finance Director with assistance from the Town Administrator will propose budgets with conservative revenue projections, and department heads will carefully manage their appropriations to produce excess income and budget turn backs. As much as practicable, the Town will limit its use of free cash to building reserves, funding nonrecurring costs (i.e., one-time expenditures, such as capital projects and emergencies), and offsetting the Town's unfunded liabilities. Furthermore, the Town will strive to keep its year-end unappropriated free cash balance at a minimum of 33 percent of the annual certification.

B. Stabilization Funds

A stabilization fund is a reserve account allowed by state law to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose. The Town has established four stabilization funds, as detailed below.

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

Special Purpose Stabilization Funds:

- **Capital Stabilization:** This fund's minimum target level shall be one to two 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.
- **Assessor Stabilization:** Established to offset annual interim-year valuation adjustments and the costs associated with the five-year revaluation process. This stabilization is funded through an appropriation of free cash every five years.
- **Water Emergency & Capital Stabilization:** Established to offset future costs to the water enterprise fund infrastructure.

C. Retained Earnings

The finances of the Water, Sewer, and Trash Departments are managed under individual enterprise funds, separately from the general fund, which allows the Town to effectively identify each operation's true costs—direct, indirect, and capital—and set user fees at levels sufficient to recover them. Under this accounting, the Town may reserve each enterprise fund's generated surplus (referred to as retained earnings) rather than closing the surplus to the general fund at year-end.

For each enterprise fund, the Town will maintain a minimum reserve amount of 25 percent of the operation's total budget, which represents three months' worth of expenditures. These reserves shall be used to provide rate stabilization and to fund major, future capital projects. Whenever any major infrastructure improvement is being planned for any enterprise operation, it may be necessary to revise its minimum target upward. To maintain the target reserve levels for the enterprise funds, the Water/Sewer Commissioners must annually review, and when necessary, adjust user rates.

D. Overlay Surplus

The purpose of the overlay reserve is to offset unrealized revenue resulting from abatements and exemptions. It can be used for other purposes only after it is determined to have a surplus. Therefore, unlike the other types of general fund reserves, this policy does not set a funding target for the

overlay. Rather, each year as part of the budget process, the Board of Assessors will vote to raise an overlay amount on the annual tax recapitulation sheet based on the following:

- Current balance in the overlay account
- Five-year average of granted abatements and exemptions
- Potential abatement liability of cases pending before, or on appeal from, the Appellate Tax Board
- Timing of the next DLS certification review (scheduled every five years)

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 for any other one-time expense.

REFERENCES

[M.G.L. c. 40 § 5B](#)

[M.G.L. c. 59 § 25](#)

[M.G.L. c. 44 § 53F½](#)

Monson's policies on Capital Planning and Forecasting

DLS Best Practices: [Free Cash](#), [Reserve Policies](#), and [Special Purpose Stabilization Funds](#)

DLS Informational Guideline Releases 08-101: [Enterprise Funds](#), 17-20: [Stabilization Funds](#), and 17-23: [Overlay and Overlay Surplus](#)

Government Finance Officers Association Best Practices: [Fund Balance Guidelines for the General Fund](#) and [Working Capital Targets for Enterprise Funds](#)

EFFECTIVE DATE

This policy was adopted on [date].

INDIRECT COST ALLOCATION

PURPOSE

To reimburse the general fund for all expenditures incurred on behalf of the water, sewer, and trash enterprise funds, this policy provides guidelines for equitably calculating and allocating those indirect costs.

APPLICABILITY AND SCOPE

Applies to:	<ul style="list-style-type: none">▪ Town Administrator, Finance Director, and Water/Sewer Superintendent job duties▪ Finance Director, Treasurer/Collector in their related administrative functions▪ Select Board, Finance Committee, and Town Administrator in their budget analysis and decision-making responsibilities
Scope:	<ul style="list-style-type: none">▪ Encompasses the analysis, calculation, and accounting of the water, sewer, and trash enterprise fund indirect costs

Background

Under authority established in [M.G.L. c. 44 § 53F½](#) the accounting transactions for the water, sewer, and trash enterprise funds are recorded and managed separately from the general fund. Revenues and expenses are not commingled with those of any other governmental activity, and consequently there are separate financial statements for each. Consolidating each enterprise funds direct and indirect costs, debt service, and capital expenditures into its own distinct, segregated fund allows the Town to demonstrate to the public the true, total cost of providing the service.

POLICY

As part of the annual budget process, the Finance Director will calculate the indirect costs to the general fund of the water, sewer, and trash enterprises and review them with the Town Administrator and Water/Sewer Superintendent. The Town Administrator, Finance Director, and Water/Sewer Superintendent will annually agree in writing to the indirect cost allocation methods and amounts prior to finalizing the budget. Indirect cost expenses will be determined using the most up-to-date cost information available to the Finance Director at that time. Based on the results, the Finance Director will record transfers between the relevant funds annually by June 15 of each fiscal year. The Finance Director will maintain written procedures detailing the costs and their calculation methodologies.

A. Cost Categories

The indirect cost calculation will account for the following enterprise-related expenditures budgeted in the general fund:

- Water, sewer, and trash department **personnel costs** for active and retired employees, including pensions, insurances, Medicare taxes, unemployment, and workers' compensation
- **Administrative services** performed on behalf of the enterprise's department by other departments, such as:

- Accounts payable, payroll, and general ledger services provided by the Accounting Department
- Collections, banking, investment, tax title, benefits, and payroll services provided by the Treasurer/Collector Department's
- Personnel administration services provided by the Treasurer's Department
- The following **expenses**:
 - Information technology costs
 - Vehicle and property insurances
 - Legal services
 - Independent audit services
 - Actuarial services related to other postemployment benefits (OPEB)
 - Other costs that may be agreed to and documented

The Finance Director will calculate indirect costs based on the most recent fiscal year's appropriations and using either the actual, proportional, estimated support, or transactional methodology (described in Section B below) as appropriate for the particular cost category.

B. Explanation of Calculation Methodologies

1. **Actual cost**, involves identifying the specific costs attributable to the enterprise based on documented schedules or bills payable, including debt service and insurance premiums.
2. The **proportional** method is a straightforward calculation of the utility's net-of-debt budget as a percentage of the total combined net-of-debt budget of the utility and the general fund. The resulting percentage is then applied against the total budget (including employee benefits) of each Town department that provides support to the utility or against the total cost of the specific type of expenditure.
3. A department or official may be able to provide a reasonable **estimate of support** (i.e., an estimate of the work hours spent supporting the utility). For example, the Finance Director estimates an average of two hours weekly, or five percent of her time, on water, sewer, and trash-related activities (e.g., creating warrants, bookkeeping). This percentage would then be applied against the Finance Director's salary and benefits, including health and life insurance, Medicare, retirement, and any workers' compensation.

$$\frac{\text{Hours worked on enterprise activities per year by individual(s)}}{\text{Total hours worked per year by individual(s)}} \times \text{Salary and benefits of individual(s) working on enterprise activities} = \text{Indirect Departmental Salaries}$$

4. The **transaction-based** method is calculated based on the number of transactions attributed to a service as a percentage of the whole. An example would be the total sewer bill collections processed by the Treasurer/Collector's Office as a percentage of the total number of collections of all types processed by that office. This percentage is applied against the Treasurer/Collector's total budget,

including health and life insurance, Medicare, retirement, and any workers' compensation attributable to the department.

$$\frac{\text{Number of enterprise-related transactions}}{\text{Total number of all like transactions processed by the non-enterprise department}} \times \text{Total budget plus benefits of the department processing the enterprise transactions} = \text{Indirect Departmental Salaries}$$

C. Calculations by Cost Category

The text in this section provides sample calculations for discussion purposes. Before adopting this policy, Section C should be reviewed and updated as necessary, and it should be expanded for any other costs that may be agreed to, such as information technology, legal services, etc.

1. **Health and Life Insurances**

Costs for health and life insurances will be calculated using the actual method by adding up the actual amounts paid by the Town for the participating enterprise employees during the current fiscal year.

2. **Medicare**

The Town's Medicare cost represents the employer match of the Medicare tax charged to employees hired after April 1, 1986. Using the actual cost method and based on employee W-2s, the costs will be calculated as 1.45 percent of the total gross wages paid by the Town on behalf of eligible enterprise fund employees during the preceding calendar (not fiscal) year.

3. **Retirement**

Indirect pension costs will be calculated using the proportional method. The Town's total annual contributory retirement assessment is multiplied by the respective proportion of each of the total enterprise fund department employee's compensation to the total employee compensation as reported to the Public Employee Retirement Administration Commission.

4. **Audit**

External audit costs will be based on the proportional method. The water, sewer, and trash enterprise fund departments shall pay the proportion of the cost of the Town's annual independent audit based on effort of the Town's independent auditor.

5. **Administrative Services**

The indirect costs for enterprise-related administrative services performed by the Accounting, Treasurer/Collector, and Town Administrator Departments will be calculated using the estimate of support method. It will be based on each department's annual estimate of the time required to perform the services for each enterprise fund.

REFERENCES

[M.G.L. c. 44 § 53F½](#)

Division of Local Services Informational Guideline Release 08-101: [Enterprise Funds](#)

Government Finance Officers Association Best Practices: [Indirect Cost Allocation](#) and [Evaluating Service Delivery Alternatives](#)

EFFECTIVE DATE

This policy was adopted on [date].

OTHER POSTEMPLOYMENT BENEFITS LIABILITY

PURPOSE

To ensure fiscal sustainability, this policy sets guidelines for a responsible plan to meet the Town's obligation to provide other postemployment benefits (OPEB) for eligible current and future retirees. It is designed to achieve generational equity among those called upon to fund this liability and thereby avoid transferring costs into the future.

APPLICABILITY AND SCOPE

Applies to:	<ul style="list-style-type: none">▪ Select Board, Finance Committee, and Town Administrator in their budget decision-making duties▪ Bartholomew & Company (Investment Manager)▪ Treasurer/Collector and Finance Director job duties
Scope	<ul style="list-style-type: none">▪ Budget decisions related to the Town's OPEB liability▪ Liability mitigation

BACKGROUND

In addition to salaries, the Town compensates employees with benefits earned during years of service to be received upon retirement. One such benefit is a pension, and another is a set of retirement insurance plans for health, dental, and life, which are collectively referred to as other postemployment benefits, or OPEBs. OPEBs represent a significant liability for the Town that must be properly measured, reported, and planned for financially.

POLICY

The Town is committed to funding the long-term cost of the benefits promised its employees. To do so, the Town will accumulate resources for future benefit payments in a disciplined, methodical manner during the active service life of employees. The Town will also periodically assess strategies to mitigate its OPEB liability. This involves evaluating the structure of offered benefits and their cost drivers.

A. Accounting for and Reporting the OPEB Liability

The Finance Director will obtain actuarial analyses of the Town's OPEB liability every two years and will annually report the Town's OPEB obligations in the financial statements that comply with the current guidelines of the Governmental Accounting Standards Board. The Town Administrator will ensure that the Town's independent audit firm reviews compliance with the accounting and reporting provisions of this policy as part of its annual audit and reports on these to the Select Board.

B. Trust Management and Investment

The Town has established an OPEB Trust Fund and designated as its trustee the Treasurer. As fund custodian, the Treasurer/Collector will manage the OPEB Trust Fund in conformance with the Town's

investment policy and the state's prudent investor laws. On an annual basis, the Town will analyze its option to invest the OPEB trust with the [State Retiree Benefits Trust Fund](#).

The Town has chosen Bartholomew & Company as its investment manager. To make sure Bartholomew & Company follows the OPEB and Investment policies, the Finance Director will do the following:

- Meet with the investment manager at least semiannually to monitor the performance of the fund and the compliance with the Town's policies.
- Monitor the fund's performance by comparing the investment manager's results to a blended benchmark to be determined in conjunction with the investment manager.
- Rebalance the portfolios at least annually or more frequently if appropriate.
- Review the OPEB policy every year to ensure it remains in compliance with governing regulations.

C. Mitigation

On an ongoing basis, the Town will assess healthcare cost containment measures and evaluate strategies to mitigate its OPEB liability. The Finance Director will monitor proposed laws affecting OPEBs and Medicare and analyze their impacts. The Treasurer/Collector will regularly audit the group insurance and retiree rolls and terminate any participants found to be ineligible based on work hours, active Medicare status, or other factors.

D. OPEB Funding Strategies

To address the OPEB liability, decision makers will analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town will derive funding for the OPEB Trust Fund from taxation, free cash, and any other legal form. To ensure that the Town's enterprise operations remain self-supporting, the Water & Sewer Commissioners will factor their OPEB contributions into the setting of user fees.

Achieving full funding of the liability requires the Town to commit to funding its actuarially determined contribution (ADC) each year. Among strategies to consider for funding the ADC:

- Annually appropriate at least \$50,000 from the levy toward the general fund OPEB liability.
- Appropriate annually increasing dollar amounts or percentages of yearly revenues for the general fund and three enterprise fund operations.
- Determine and commit to appropriating an annual portion of free cash.
- Transfer unexpended funds from insurance line items to the OPEB Trust Fund.
- Appropriate amounts equal to the Town's Medicare Part D reimbursements.
- Once the pension system is fully funded, on a subsequent annual basis, appropriate to the OPEB Trust Fund the amount equivalent to the former pension-funding payment or the ADC, whichever is less.

REFERENCES

[M.G.L. c. 32B, § 20](#) and [20A](#)

[M.G.L. c. 44, § 54](#) and [55](#)

[M.G.L. c. 203C](#)

Monson Investment Policy

Division of Local Services Information Guideline Release 19-10 [Other Postemployment Benefits Liability Trust Fund](#)

GASB Statements 75: [Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions](#) and 74: [Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans](#)

Government Finance Officers Association Best Practice: [Ensuring Other Postemployment Benefits \(OPEB\) Sustainability](#)

EFFECTIVE DATE

This policy was adopted on [date].

MEMORANDUM

To: Select Board

From: Caroline Hawthorne

Date: April 21, 2023

Re: Application for The Conservation Commission

How long have you been a Fairhaven resident: 18 years

What Board(s) or Committee(s) are you interested in joining and why?

Conservation Commission. I am interested in joining the Conservation Commission because I believe this commission has a very important role in town. By upholding the Wetlands Protection Act working with the Conservation Agent, we can ensure that the natural resources of Fairhaven are preserved for current residents (and the wildlife that call this home) and future generations.

Have you attended a meeting of this Board or Committee: Yes

Have you (or are you currently) served on any Town of Fairhaven Boards? If so, please indicate what Board and number of years: I have been a non-voting member of the Conservation Committee and a Town Meeting member for 2 years.

Interests and Qualifications:

In my professional life I have been an environmental educator for over 20 years, working with non-profits to engage audiences of every age and background to connect with the natural world. I have been passionate about not only our natural environment, but the intersection of its role in our every day lives - from our physical to mental health we are connected to the water, air, plants and animals of this planet. By working together we can make good choices to ensure humans can thrive while also protecting our natural resources. I am hoping to bring some of my resources and skills around climate and environmental science communication to the Conservation Commission to hopefully work with land owners in Fairhaven to create a relationship where we are all working together towards the same goals.

To the Select Board,

My name is Chelsea Isherwood, I live at 3 Teal Circle and I am interested in taking on the role of a voting member for Conservation Commission. I have been a lifelong resident of Fairhaven, as well as a Town Meeting member, and would love an opportunity to be of service to the town. In the past I have helped out on the sidelines with various town projects and campaigns when asked and provided the opportunity. I have also served as a non-voting member on the Conservation Commission since January 25, 2022.

I am passionate about this town and preserving its historic beauty and natural resources. The Conservation Commission plays an important role in that. I am educated and experienced with the Fairhaven's Wetlands bylaw, the Wetlands Protection Act, the Massachusetts Coastal Wetlands Regulation and Federal Emergency Management Agency (FEMA) regulations. I am excited to continue to learn more through trainings and resources that are made available each year. Since becoming an associate member, I participated into all the Conservation Commission meetings, and provided feedback to the commission. I am interested in furthering my abilities in providing decisions, as well as feedback, to the commission, to the Fairhaven residents to help protect their homes, and to the town of Fairhaven.

I have experience as a Contracting Officer for the Navy, working acquisition for goods and services needed to protect our nation. In my seven years working this position, I have gained a lot of knowledge on working with engineers, and contractors. My career with the Navy, has also provided me training in construction and working acquisition actions for construction, ensuring contractors and the Navy adhere to a different set of regulations and guidelines. I have gained skills in understanding how to read through project plans and contracts, and would be able to offer the commission guidance on completing source selections for peer reviews. My skills can ensure that information listed in the request for quotes from the Conservation Commission has been reflected back in proposals from potential peer reviewers, and certified professionals, certifying the money spent by property owners and the town is spent wisely, without further costs being incurred. I believe these skills would be an asset to the residents of Fairhaven, as well as the commission to help show that the commission is not there to hinder the use of property, but to help protect residential properties and the 29 miles of Fairhaven coastline as storms get worse, and will continue to become more extreme in the future. This will also show that the Commission is not there to cause further financial burdens on the Fairhaven residents, but rather guidance for cost efficient options to complete their projects.

In college I was a volunteer every week for Habitat for Humanity in Bridgeport, CT and participated in spring break Habitat for Humanity trips all four years, helping to build homes in North Carolina, Mississippi and Georgia. I was also the secretary for the Habitat for Humanity campus chapter. I gained skills not only in the different stages of buildings homes, but how to properly communicate with homeowners, as well as contractors. My time and experience with Habitat for Humanity has been carried with me every day, and has provided myself guidance on how to be a better property owner.

Further, I would like to be transparent that I am related to a current member on the Conservation Commission. I would like to make it clear that I am an independent thinker and am capable to review projects using my own knowledge and critical thinking to derive my own thoughts and decisions.

The world is ever changing, and the opportunity to be on the Conservation Commission as a voting member would be an honor to help navigate the delicate path of preserving and supporting Fairhaven's resource areas.

I hope you will please consider me for the role of a voting member. I would be honored to provide further services to the Conservation Commission.

Sincerely,

Chelsea Asherwood

Chelsea Isherwood

MEMORANDUM

To: Select Board

From: Frank Fostin, Music Committee Co-Chair, FIA

Date: April 24, 2023

Re: Concerts under the Stars

The warmer weather is on its way and it's time for The Fairhaven Improvement Associations Music Committee to get prepared for the Concerts under the Stars in front of our Town Hall. We are asking as we have for many years before the use of the front of the Town Hall for the performers, use of the restrooms and use of the auditorium just in case we run into bad weather as well as the electricity. We also request a waiver of any fees.

The performance dates are as follows July 13th, July 20th, July 27th, August 3rd, and August 10th all Thursday nights, music starts at 7PM. At this time the bands have not been finalized, however the names should be released shortly.

Thank you,

Fairhaven Improvement Association
Music Committee Co-Chair

Frank Fostin



- Acushnet
- Attleboro
- Berkley
- Carver
- Dartmouth
- Dighton
- Fairhaven
- Fall River
- Freetown
- Lakeville
- Mansfield
- Marion
- Mattapoissett
- Middleborough
- New Bedford
- N. Attleborough
- Norton
- Plainville
- Raynham
- Rehoboth
- Rochester
- Seekonk
- Somerset
- Swansea
- Taunton
- Wareham
- Westport

May 26, 2023

Leon E. Correy III, Chair
Board of Selectmen
40 Center St.
Fairhaven, MA 02719

ATTN: Ms. Angie Lopes Ellison, Town Administrator

Dear Mr. Correy:

The Southeastern Regional Planning and Economic Development District (SRPEDD) has begun the annual process to elect two selectpersons/town representatives to serve on the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO), the committee responsible for development and review of transportation policies, priorities, and projects for the 27 communities in the SRPEDD region.

The SMMPO is comprised of 13 members including acting Massachusetts Secretary of Transportation Jamey Tesler, MassDOT Highway Division Administrator Jonathan L. Gulliver, the Mayors from the region’s four cities (Attleboro, Fall River, New Bedford, and Taunton), the Chair of the SRPEDD Commission, the administrators from the two regional transit authorities (SRTA and GATRA) and four (4) select persons/town representatives. Each year, two of these selectpersons/town representatives are elected to the SMMPO by a vote of the SRPEDD Commission.

The four selectpersons/town representatives that currently serve on this board include: **Robert Espindola (Fairhaven), Mark Germain (Middleborough), Diana Bren (Mansfield), and Jacob Vaught (Somerset)**. Both Mr. Espindola’s and Mr. Germain’s terms will expire this year (August 1, 2023) and they are eligible to seek re-election for another two-year term, but anyone will be allowed to contest their seats by seeking election. SMMPO election procedures require that at least one, but not more than two of the four selectpersons/town representatives represent towns within Plymouth County and/or Norfolk County. This requirement will continue to be met by Mr. Germain if he seeks re-election and is re-elected. If not, at least one selectperson/town representative from the towns of Middleborough, Lakeville, Carver, Rochester, Wareham, Mattapoissett, Marion, or Plainville must be elected to serve on the SMMPO.

We formally request the distribution of this letter and the enclosed materials to your fellow select board members or any member of a comparable executive branch of town government (Town Council member/Town Manager or Administrator) for consideration to serve on the SMMPO. The enclosed materials include a list of current members, the by-laws governing the SMMPO and an explanation of the purpose and responsibilities of the SMMPO. This is an individual decision and does not require approval of select board members. If elected, a vote on



SRPEDD

Southeastern Regional Planning
& Economic Development District

Acushnet
Attleboro
Berkley
Carver
Dartmouth
Dighton
Fairhaven
Fall River
Freetown
Lakeville
Mansfield
Marion
Mattapoisett
Middleborough
New Bedford
N. Attleborough
Norton
Plainville
Raynham
Rehoboth
Rochester
Seekonk
Somerset
Swansea
Taunton
Wareham
Westport

transportation issues will be based on that elected member's judgment of what is good for their town and for the region as a whole.

If any member of the select board or comparable executive branch of town government is interested in serving on the SMMPO, email (in PDF format) the enclosed **Self Nomination Form** to lestrela@srpedd.org by **Thursday, June 15, 2023**. The election shall take place at the monthly SRPEDD Commission meeting on Wednesday, June 28, 2023, and all nominees are encouraged to attend and speak as to why they would like to serve on the SMMPO.

After reviewing the enclosed material, please feel free to email me at lestrela@srpedd.org if you have any questions regarding the SMMPO or this process.

Respectfully,

Lisa Estrela-Pedro

Lisa Estrela-Pedro
Assistant Director of Transportation Planning

Enclosures:
SMMPO By-laws
SMMPO Info & Election By-laws
Self-nomination form 2023

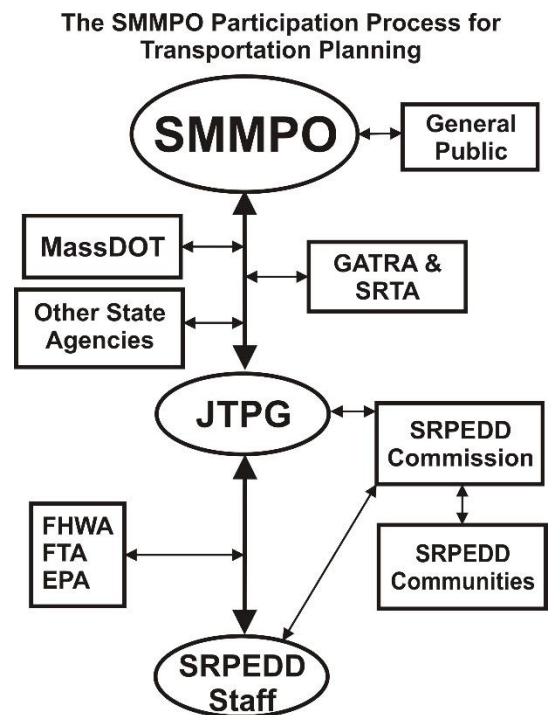
WHAT IS THE MPO?

Metropolitan **P**lanning **O**rganizations are established in urbanized areas across the nation to implement federally mandated transportation planning. The **Southeastern Massachusetts MPO (SMMPO)** was established in 1976 for southeastern Massachusetts and is responsible for programming federally mandated transportation planning and improvements. At that time, the Governor's office authorized and established thirteen (13) MPOs in Massachusetts that follow the boundaries of each of the 13 regional planning agencies. Nationally, there are 385 MPOs throughout the United States. The Southeastern Regional Planning and Economic Development District (SRPEDD) Transportation personnel acts as staff to the SMMPO.

The SMMPO board is responsible for determining how to spend federal funds for roadway and bridge improvement projects as well as for transit services. The SMMPO is comprised of the Secretary and CEO of the Massachusetts Department of Transportation (MassDOT); the Administrator of the MassDOT Highway Division; the Chair of SRPEDD; the Administrator of the Greater Attleboro-Taunton Regional Transit Authority (GATRA); the Administrator of the Southeastern Regional Transit Authority (SRTA); the Mayors of the Cities of Attleboro, Fall River, New Bedford, and Taunton, or their designees; and four Town Representatives (Chosen from the Select Board members or comparable elected executive branch of town government) representing 4 towns in the SRPEDD region. The Secretary of Transportation, Gina Fiandaca, is the Chairman of all of the 13 MPOs in the Commonwealth while Alan Slavin (Chair of the SRPEDD Commission) is the Vice-Chairman of the SMMPO.

The planning process that enables the initiation and implementation of transportation improvements for southeastern Massachusetts can be complicated and sometimes difficult to navigate. To begin, there are three key groups essential to the planning process for transportation improvements in our region; the **SMMPO**, the **Joint Transportation Planning Group (JTPG)**, and the **SRPEDD Commission**. The graphic to the right details the structure and roles of the SMMPO in relation to the other committee and agencies involved in this planning process.

The SRPEDD Transportation Planning Staff provides technical support and coordination services for the SMMPO. This includes organizational support, public outreach, the preparation of required federal certification documents, transportation studies and reports, regional transportation modeling, and transit planning. The SRPEDD Transportation



Planning Staff also works with the JTPG, the forum for public involvement and the advisory board to the SMMPO, to prepare key documents for presentation and review by the SMMPO board for endorsement. These documents include:

- **The Regional Transportation Plan** – This document is an assessment of existing and future needs of transportation and is updated every 4 years as required by federal and state transportation agencies,
- **The Transportation Improvement Program (TIP)** – The annual document that programs five consecutive years of federal and state funds for specific transportation projects (highways, roads, bridges, transit facilities, bike paths, etc.)
- **The Unified Planning Work Program (UPWP)** – the annual work program that outlines a scope of work and potential studies for the SRPEDD staff.

The importance of having local elected officials represented on the SMMPO ensures that transportation funding is distributed in a fair and equitable manner and throughout the entire region. It also provides an opportunity for municipalities to assist in prioritizing transportation needs for the region and develop policies with the development of the Regional Transportation Plan.

The SMMPO typically meets, on average, nine times per year at 1:00 PM on the third Tuesday of the month at the SRPEDD office in Taunton or virtually, but always keeping in accordance with the *Massachusetts, Open Meeting Law*. Additional meetings are possible if transportation issues need to be resolved. Meetings currently scheduled for the SMMPO include:

- **Tuesday, May 16, 2023 at 1:00 PM**
- **Tuesday, June 20, 2023 at 1:00 PM**
- **Tuesday, July 18, 2023 at 1:00 PM**

The following are the SRPEDD Commission by-laws pertaining to the SMMPO process and the election of the local board of selectmen to the SMMPO representative board.

Excerpt from the 2018 SRPEDD AGENCY POLICIES, Section III. BY-LAWS (*with amended language*)

PREAMBLE: These by-laws, adopted under the provisions of Massachusetts General Laws, Chapter 40B, Sections 9 to 19, define the Rules and Procedures for the activities of the Southeastern Regional Planning and Economic Development Commission as the governing body of the Southeastern Regional Planning and Economic Development District.

DEFINITION: The word "Commission" where appearing in these by-laws shall be construed to mean the Southeastern Regional Planning and Economic Development Commission. The word "District" wherever appearing in these by-laws shall mean a public body politic and corporate development known as the Southeastern Regional Planning and Economic Development District.

10. SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION (SMMPO):

A. The Southeastern Massachusetts Metropolitan Planning Organization consists of thirteen (13) members representing the following:

1. Secretary and Chief Executive Officer of Massachusetts Department of Transportation;
2. Highway Administrator of the MassDOT Highway Division;
3. Chairman of Southeastern Regional Planning and Economic Development District Commission;
4. Administrator of the Southeastern Regional Transit Authority (SRTA);
5. Administrator of the Greater Attleboro Taunton Regional Transit Authority (GATRA);
6. Mayors of Attleboro, Fall River, New Bedford, and Taunton; and
7. Members of four (4) Boards of Selectmen in the Southeastern Regional Planning and Economic Development District (*or comparable executive branch of government*) to be elected by the Southeastern Regional Planning and Economic Development District Commission. (*In accordance with the Memorandum of Understanding, at least one, but not more than two of the four SMMPO town representatives shall be from towns within Plymouth County and/or Norfolk County.*)

B. In accordance with the Memorandum of Understanding (MOU) relating to the comprehensive, continuing, and cooperative transportation planning process, the SRPEDD Commission is authorized to elect the four (4) representatives of Boards of Selectmen utilizing the procedure described below:

1. Term of Office: Two (2) representatives will be elected each year for two-year terms. Elections will be held annually in the month of May or June.
2. Solicitation of Nominees: Annually, the SRPEDD Commission will send notices to the Board of Selectmen and SRPEDD Commissioners of each of its member towns. The purpose and role of the SMMPO and a description of the election process will accompany the notice. Each member of every local Board of Selectmen from member communities will be offered an opportunity to nominate themselves as a candidate for election to the SMMPO. Nominations will be returned to SRPEDD offices within four (4) weeks of the date they are distributed. Nomination forms are typically distributed by the second (2nd) week of the month of May.

3. Election of Selectmen Representatives: Nominations will be referred to the SRPEDD Commission for a vote at a regularly scheduled meeting of the Commission in the month of June. All names and towns of the interested selectmen will be printed on a paper ballot. Nominees will be invited to attend and speak at the meeting of the SRPEDD Commission when the vote is taken.
4. Designees: Board of Selectmen members elected to the SMMPO may send a designee to a meeting in their place. The designee may vote only with written and signed authorization from the elected SMMPO member.
5. Vacancies: Should a selectmen's position fall vacant between annual elections, the represented town for that vacancy may nominate, and the SRPEDD Commission may elect, a duly eligible candidate from that town's Board of Selectmen to temporarily fill the vacancy until the following election. In the event that no member of the municipality's Board of Selectmen is able to fill the vacancy, then any member town may nominate, and the SRPEDD Commission may elect, a candidate to fill the vacancy for the remainder of the term. (Amended May 23, 2018)

SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION (SMMPO)
FY2023 SMMPO MEMBERS

- Gina Fiandaca, MassDOT Secretary & CEO, Chair
- Alan Slavin, SRPEDD Commission Chairman, Vice-Chair
- Cathleen DeSimone, Mayor of Attleboro
- Paul Coogan, Mayor of Fall River
- Jonathan Mitchell, Mayor of New Bedford
- Shaunna O'Connell, Mayor of Taunton
- Jonathan L. Gulliver, MassDOT Highway Division Administrator
- Diana Bren, Mansfield (Term Expires 8/1/2024)
- Jacob Vaught, Somerset (Term Expires 8/1/2024)
- Mark Germain, Middleborough (Term Expires 8/1/2023)
- Robert Espindola, Fairhaven (Term Expires 8/1/2023)
- Erik Rousseau, SRTA
- MaryEllen DeFrias, GATRA

Ex-officio, non-voting members:

- Jeff McEwen, FHWA Division Administrator
- Peter Butler, FTA Deputy Regional Administrator
- Stephanie Crampton, Joint Transportation Planning Group Chairman



SRPEDD

Southeastern **Regional Planning**
& **Economic Development** District

**Southeastern Massachusetts
Metropolitan Planning Organization
(SMMPO) By-Laws**

Approved May 17, 2022

SMMPO BY-LAWS

Introduction

The Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) is one of 10 federally designated MPO's and one of 13 Regional Planning Agencies (RPA) in the State of Massachusetts. The Southeastern Regional Planning & Economic Development District (SRPEDD) is the RPA acting as staff to the SMMPO. SRPEDD, founded in 1968, and the SMMPO, established in 1976, covers approximately 800 square miles and serves 27 communities in Southeastern Massachusetts. These communities include the four (4) cities of Attleboro, Fall River, New Bedford, and Taunton and the twenty-three (23) towns of Acushnet, Berkley, Carver, Dartmouth, Dighton, Fairhaven, Freetown, Lakeville, Mansfield, Marion, Mattapoisett, Middleborough, North Attleborough, Norton, Plainville, Raynham, Rehoboth, Rochester, Seekonk, Somerset, Swansea, Wareham, and Westport.

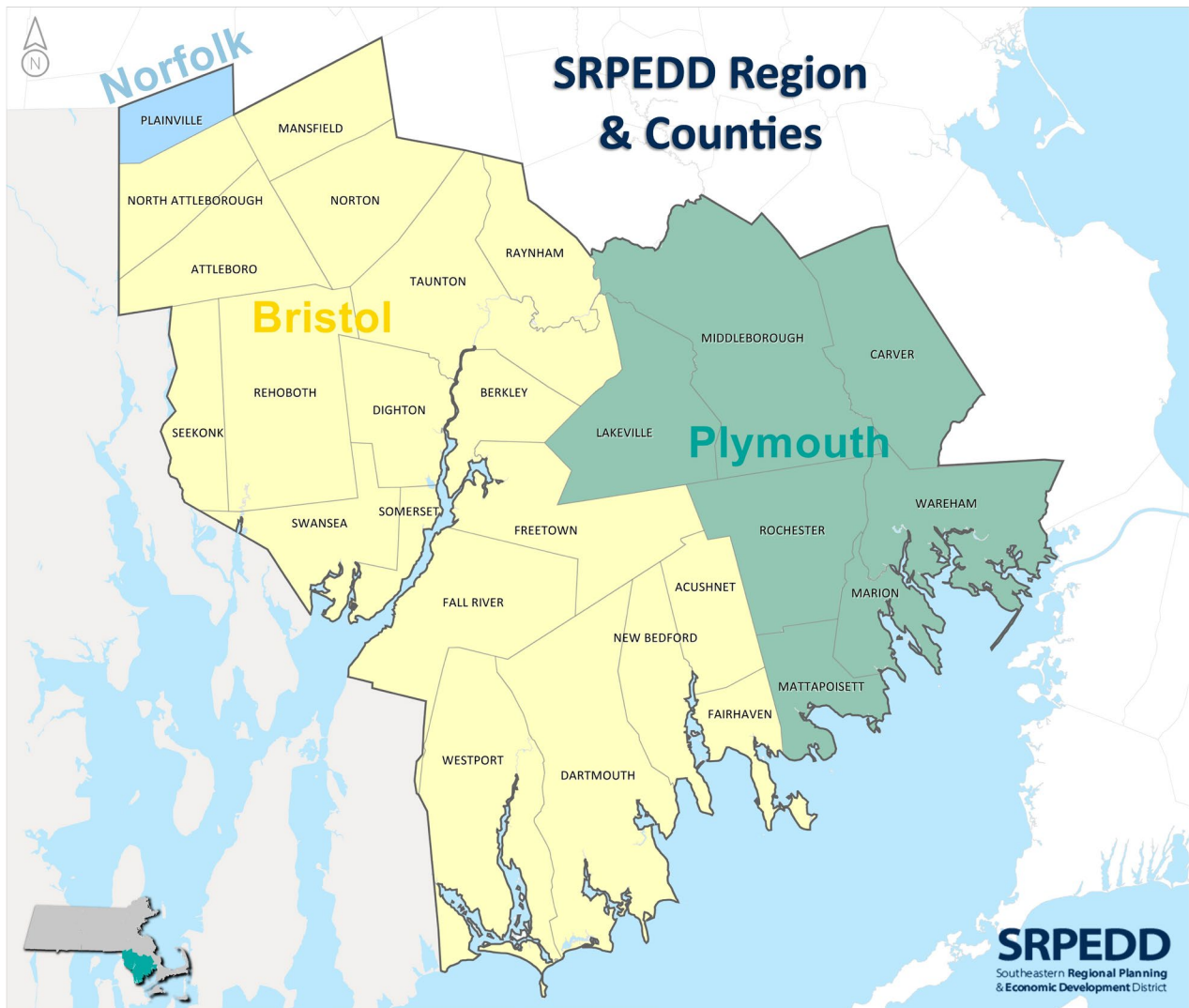
A Memorandum of Understanding (MOU) relating to the transportation planning process for the SMMPO was signed in 1997 by and between MassDOT, SRTA, GATRA, and SRPEDD agreeing to work together in undertaking the comprehensive, continuing, and cooperative transportation planning process (3C Process) required by the United States Department of Transportation under provisions of section 134 of Title 23 of the United States Code, as amended, and those of Chapter 53 of Title 49 of the U.S. Code as amended.

The SMMPO was formally designated as a Transportation Management Area (TMA) following the 2000 Census and is the designated MPO for the New Bedford, MA urbanized area (UZA) and also serves portions of the Boston, MA-NH-RI UZA, the Providence, RI-MA UZA, and the Barnstable Town, MA UZA. MassDOT is the responsible State agency and GATRA and SRTA are the primary public transportation operators.

The following constitutes the by-laws, procedures, and responsibilities which will serve to establish, organize, and guide the proper functioning of the Southeastern Massachusetts Metropolitan Planning Organization to conduct a continuing, comprehensive and cooperative process for transportation planning, programming and decision making, fulfilling the requirements of amended Title 23 United States Code (USC) 134, and 23 Code of Federal Regulations (CFR) Part 450 and all other subsequent laws and regulations, establishing standards for metropolitan transportation planning.

Article I - Identity and/or Name

The name of the organization shall be the Southeastern Massachusetts Metropolitan Planning Organization, hereinafter referred to as the “SMMPO.” The boundaries of the SMMPO and the geographic scope of its planning responsibilities shall coincide with the boundaries of the twenty-seven (27) communities across three (3) counties in the SRPEDD region. This includes nineteen (19) communities in Bristol County, seven (7) communities in Plymouth County and one (1) community in Norfolk County as shown in the map below.



The Communities and Counties of the SMMPO/SRPEDD Region

Article II – Purpose, Functions, & Federal Certification Requirements

The purpose of the SMMPO is to decide how to allocate federal funds for transit, roadway, bicycle, and pedestrian projects in the region it represents. The SMMPO is also responsible for setting the region’s transportation vision, goals, and objectives, and for completing the long- and short-range planning needed to program federal transportation funds.

The SMMPO’s organizational structure is governed by a Memorandum of Understanding (MOU) by and between MassDOT, SRTA, GATRA, and SRPEDD. Transportation planning and programming must be conducted by the SMMPO as an integral part of and consistent with the regional planning and development process, and the process must involve the fullest possible participation by state agencies, local governments, regional authorities, private institutions, other appropriate groups, and the general public, especially underserved populations, as outlined in our Public Participation Plan.

The SMMPO shall perform all functions, including conducting, maintaining, and certifying the transportation planning process as required in federal or state law, as well as providing overall guidance and responsibility for Transportation Planning Program Development. This includes the following:

- The **Unified Planning Work Program (UPWP)**— is a one-year budget and planning document that lists the research projects, technical assistance, and other activities the SMMPO staff will undertake over the next federal fiscal year that runs from October 1 through September 30. Each task in the UPWP includes the approximate cost of each service or study and a schedule for performing them. These projects provide insight and recommendations to our municipal and regional partners, generate new data, and help shape concepts for the region’s transportation future
- The **Regional Transportation Plan (RTP)**—a 20-year financially constrained plan for the transportation system with a comprehensive inventory and assessment of the region's highway and transit resources and needs that fosters mobility and access for people and goods, efficient system performance and preservation and good quality of life;
- The **Transportation Improvement Program (TIP)**—a fiscally constrained 5-year programming document of federal and state highway and transit funding that is prepared annually, in which projects are grouped by expected year of

implementation. The TIP is needed to implement the Regional Transportation Plan and make other investments to achieve the area's goals;

- The ongoing **Public Participation Plan (PPP)** – guidance to involve the general public by offering all interested persons, including affected constituencies, opportunities to participate in all the decision-making functions of the SMMPO regardless of race, color, national origin, age, gender, gender identity or expression, disability, religion, ancestry or ethnicity, sexual orientation or veteran's status. This fluid, adaptable document guides the public participation efforts in creation of the TIP, the RTP, the UPWP and with any issues, projects, studies, programs, and services;
- Conduct **performance-based planning** by establishing goals and focusing on certain objectives and targets; and
- Any related **air quality conformity determinations** as necessary and as required by federal and state laws and regulations.

As previously stated, the metropolitan transportation planning process shall be continuous, cooperative, and comprehensive and the SMMPO shall also encourage continued development and improvement of the planning process guided by the 23 CRF § 450.306 ten (10) planning factors as follows:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation;

8. Emphasize the preservation of the existing transportation system;
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
10. Enhance travel and tourism.

In addition to the planning factors above, the **Bipartisan Infrastructure Law** P.L. No. 117-58 (BIL), signed into law by President Biden on November 15, 2021, also includes Planning Emphasis Areas (PEA) which encourage States and MPOs to focus on climate and clean energy, equity, complete streets, public involvement, Department of Defense coordination, Federal Land Management Agency coordination, planning and environmental linkages, and data sharing in the transportation planning process. These Planning Emphasis Areas will be applied to the transportation planning process all while keeping the 10 factors in place.

Cooperative Decision Making

The SMMPO shall be the forum for cooperative decision making by principal elected officials of general-purpose governments in the region, regional transit authorities, regional commissions, transportation agencies and state transportation officials. The SMMPO, in cooperation with the State and public transportation operators, shall be responsible for the development of financial plans, including long-range transportation plans and transportation improvement programs, and development of the annual listing of obligated projects.

Title VI & EJ

The SMMPO shall operate its programs, services and activities in compliance with Title VI of the Civil Rights Act of 1964, Executive Order 12898, 1994 (Environmental Justice), Executive Order 13166, 2000 (Limited English Proficiency), the Americans with Disabilities Act of 1990, and other related federal nondiscrimination laws as well as any applicable state law, regulation or requirement.

The JTPG

In the resolution of basic regional transportation policy, the SMMPO shall seek and consider the advice of the Joint Transportation Planning Group (JTPG), a forum for public involvement and the advisory committee to the SMMPO, for transportation plans and programs and all transportation related issues. A more detailed description of the JTPG and its function can be found on page 10 of this document.

Additional Committees

The SMMPO shall appoint the committees it determines necessary to accomplish its business. Committees shall consist of SMMPO members, their designees, the JTPG Chairperson or one of the three Vice-Chairs, and Transportation providers as appropriate. The SMMPO shall assign duties to the committees.

Article III – Membership

The composition of the SMMPO shall be made up of the following:

Voting Members

The voting members of the Southeastern Massachusetts Metropolitan Planning Organization shall consist of the following thirteen (13) officials or their designees:

- The Secretary and CEO of the Massachusetts Department of Transportation;
- The Administrator of the Massachusetts Department of Transportation Highway Division;
- The Chair of the Southeastern Regional Planning and Economic Development District;
- The Administrator of the Greater Attleboro-Taunton Regional Transit Authority;
- The Administrator of the Southeastern Regional Transit Authority;
- The Mayor of the City of Attleboro;
- The Mayor of the City of Fall River;
- The Mayor of the City of New Bedford;
- The Mayor of the City of Taunton; and
- Four Town Representatives (Chosen from the Select Board members or comparable elected executive branch of town government) representing 4 towns in the SRPEDD region (2-3 towns representing Bristol and/or Norfolk County and 1-2 towns representing Plymouth County).

With the exception of the four town representative members, should an SMMPO member who is a public official leave or vacate his or her elective or appointive office for any reason, their SMMPO membership would automatically terminate. However, the person duly chosen, appointed, or elected to replace that SMMPO member within their own town government, either permanently or in an acting or interim role, shall be considered an SMMPO member with full voting rights and shall be counted toward a quorum. A vacancy in a town representative member is clarified in the Election of Town Representatives section below.

All SMMPO members who are unable to attend a meeting may send a designee in their place who is directly responsible and accountable to the official SMMPO member and the community or organization they are representing. The designee may vote only with written and signed authorization from the SMMPO member provided before or at the time of the meeting. If the SMMPO member designates the same individual to represent them at the SMMPO meetings, the written and signed authorization must be placed on file with the SRPEDD Transportation Department on an annual basis.

Non-Voting Members

The following shall be ex-officio, non-voting members of the SMMPO:

- The Chairman of the Joint Transportation Planning Group (JTPG);
- Representatives of the Federal Highway Administration (FHWA); and
- Representatives of the Federal Transit Administration (FTA).

Additional Participants

All SMMPO meetings shall be open to the public and to any local elected official or any individual concerned with the transportation planning process who wishes to speak on any issue before the SMMPO body.

Election of Town Representatives

The Board of SRPEDD (the SRPEDD Commission) shall elect the four Town Representatives from the Select Boards or comparable elected executive branch of town government from SRPEDD towns. The nomination and electoral process shall be the sole responsibility of the SRPEDD Commission. The election process shall provide for a geographic balance of the towns represented on the SMMPO within the region with 2-3 towns representing Bristol and/or Norfolk County and 1-2 towns representing Plymouth County for a total of 4 members.

Term of Office

The term of office of town representatives shall be for two (2) years. Two representatives shall be elected each year for two-year terms, and elections shall be held annually, in the month of May or June.

Solicitation of Nominees

The Solicitation of Nominees is held annually, and each member of every local Board of Selectmen or comparable executive branch of town government shall be offered an

opportunity via official notice to nominate themselves as a candidate for election to the SMMPO. The purpose and role of the SMMPO and a description of the election process shall accompany the notice.

Election of Town Representatives

The election of town representatives shall be taken by open ballot at a regularly scheduled meeting of the SRPEDD Commission. This is in accordance with M.G.L.c.30A, §19(a), the Massachusetts Open Meeting Law which states “*No vote taken at an open session shall be by secret ballot.*” Nominees will be invited to attend this meeting and speak on their own behalf before the election.

Town Representatives Vacancy

Vacancies in a town representative’s position due to the member’s leaving his or her elective or appointive office for any reason, any SRPEDD member town may nominate, and the SRPEDD Commission may elect, a candidate to fill the term left by the vacancy until the following election.

SMMPO Voting

Each SMMPO voting member shall have an equal vote and be counted toward a quorum. As mentioned above, any SMMPO designee, when attending a meeting in the place of a regular member, shall have full voting rights and be counted towards a quorum. If the SMMPO member designates the same individual to represent them at the SMMPO meetings, the written and signed authorization must be placed on file with the SRPEDD Transportation Department on an annual basis. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot.

Votes of the SMMPO including those on all certification documents including the Transportation Improvement Program (TIP), the Regional Transportation Plan (RTP), the Unified Planning Work Program (UPWP), Air Quality Conformity Determinations, and the Self-Certification shall be by a simple majority of those members present and voting, provided that one of the state agencies shall be included in the majority vote and at least seven (7) members or designees out of the thirteen (13) members (a quorum) are present. A majority vote or quorum (7) that includes the chair or vice-chair is necessary to vote on any action items, in particular those associated with federal certification document activities.

Article IV – Officers

The officers of the SMMPO shall consist of a Chair and a Vice-Chair. The Chair of the SMMPO shall be the Secretary and CEO of the Massachusetts Department of Transportation. The Vice-Chair shall be elected from among the local members of the SMMPO by a majority vote during a regularly scheduled meeting. The Vice-Chair shall hold the position until leaving his or her elective or appointive office for any reason. The SMMPO may elect other officers as deemed necessary. The Chair is the official representative of the SMMPO.

The Chair (or their designee) shall oversee all meetings of the SMMPO body. In the absence of the Chair, the Vice-Chair (or their designee) shall oversee meetings of the body. The Chair or Vice-Chair shall be present for a meeting of the SMPO body to be held. The Chair or any four (4) members of the SMMPO are empowered to call meetings of the SMMPO.

Article V- The Joint Transportation Planning Group (JTPG)

The 1976 MOU established the Joint Transportation Planning Group (JTPG) as the “transportation policy advisory body made up of local chief elected officials or their designees that will carry out the [public] participation process. The group will be the forum for [public] input to the transportation planning process, with direct involvement by all local elected officials.”

The Joint Transportation Planning Group (JTPG) is the transportation advisory body and the citizen participation tool of the SMMPO, making recommendations on priorities, plans and programs. The JTPG consists of appointed delegates from each of SRPEDD’s member municipalities. The SRPEDD Transportation Planning Staff works with the JTPG to prepare the Regional Transportation Plan (RTP), the Transportation Improvement Program (TIP) and the Unified Planning Work Program (UPWP). The SMMPO is responsible for the preparation and approval of each of these documents.

The principal mission of the JTPG is to foster broad participation in the transportation planning process by maintaining a forum that brings together representatives of cities and towns, other public agencies, transportation providers, and members of the public concerned with the transportation planning process. The JTPG thereby facilitates, wherever possible, the consistency of transportation plans and programs for the Region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals with the region.

The SMMPO transportation planning staff, employed through SRPEDD, provides technical assistance and guidance on transportation issues in support of the JTPG.

The JTPG chairperson is a non-voting member of the SMMPO and may participate in all of the meetings and has the opportunity to comment and advise on matters being discussed. The JTPG Chairperson or one of the three Vice-Chairs shall be on any advisory committees created by the SMMPO with the same standing as other members of the advisory committee.

The JTPG operates under its own by-laws, procedures, and responsibilities which serve to establish, organize, and guide its proper functioning. The JTPG by-laws can be found on the SRPEDD website or by [clicking here](#).

Article VI- Meetings

The SMMPO shall meet when there are sufficient business items to warrant a meeting, but must meet a minimum of once a year. The SMMPO typically meets, on average, nine times per year on the third Tuesday of the month at 1:00 PM at the SRPEDD office. As a public body, the SMMPO may replace an in-person meeting with a virtual meeting (all participants attending remotely) or a hybrid meeting (allowing both in-person or remote participation) for any SMMPO meeting provided that it is in accordance with current M.G.L.c.30A, §19(a), Massachusetts Open meeting law.

All SMMPO meetings shall be open to the public and to any local elected official or any individual concerned with the transportation planning process who wishes to speak on any issue that is before the SMMPO for discussion. Members of the public and other non-voting attendees shall be given an opportunity to speak. An opportunity for the public to address the SMMPO may be included as a regular item on the SMMPO agenda. At the beginning of the meeting, the attendees shall be informed of any meeting recordings.

Meeting Notices

A notice of meetings with the date, time, location or meeting link (if the meeting is virtual), and a listing of topics that is reasonably anticipated to be discussed at the meeting, as well the agenda and other pertinent documents attached, may be sent out to members and other interested parties, and posted on the SRPEDD website at least seven (7) days in advance of the meeting to give ample notice for a quorum, but shall be sent out and posted at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. Meeting notices shall also be sent to each city or town clerk within the region and posted in a manner conspicuously visible to the public at all hours in the municipal building

in which the clerk's office is located.

Any changes to the agenda or addition of attachments may be sent out up to 48 hours prior to the meeting. Meeting notices shall be posted and displayed on the SRPEDD website (www.srpedd.org) at the same time it is sent out to SMMPO members and other interested parties. In an emergency, the SMMPO shall post notice as soon as reasonably possible prior to the meeting.

A meeting reminder with the date, time, location or meeting link (if the meeting is virtual) may be sent out to members and other interested parties two (2) weeks prior to the meeting.

Quorum

A quorum shall consist of at least seven (7) members or designees out of the thirteen (13) members and each SMMPO voting member shall have an equal vote. Votes of the SMMPO shall be by a simple majority of those members present and voting provided that one of the state agencies shall be included in the majority vote and at least seven (7) members or designees out of the thirteen (13) members (a quorum) are present. A majority vote or quorum (7) that includes the chair or vice-chair is necessary to vote on any action items, in particular those associated with federal certification document activities.

Meeting Deliberations

Deliberations of the SMMPO shall be governed by Robert's Rules of Order. A motion and a second shall be required for all items that require some form of action, which may include but are not limited to, the approval of minutes, the release of a document or an amendment to a public comment period, the approval or endorsement of a document, or an adjournment. Questions and comments shall be allowed after the motion and the second, and before the vote, with additional discussion if warranted. Any member may rescind their motion or amend their motion if no action has yet been taken on the original motion.

For motions during an in-person meeting, the Chair may ask "All in favor say aye," then "Any in opposition?" then "Any abstentions?" for a vote. Votes may be indicated with a simple verbal "aye/yes", "no" or "abstain" response. However, during a virtual or a hybrid meeting, a roll call shall be taken by calling the name of each member present for their individual "yes", "no" or "abstain" vote.

Meeting Minutes

In accordance with M.G.L.c.30A, §19(a), public bodies are required to create and maintain accurate minutes of all meetings. The minutes of the SMMPO shall be kept by SRPEDD, acting as staff to the SMMPO. Minutes shall be created and approved in a timely manner, and must include:

- the date, time and place of the meeting;
- the members present or absent;
- the decisions made and actions taken, including a record of all votes;
- a summary of the discussions on each subject;
- a list of all documents and exhibits used at the meeting; and
- the name of any member who participated in the meeting remotely.

While the minutes must include a summary of the discussions on each subject, a transcript is not required. All meetings are typically recorded and are accessible. Please refer to the Public Participation Plan for details on hybrid/virtual meeting accessibility. While public bodies must identify in the minutes all documents and exhibits used at a meeting and must retain them in accordance with the Secretary of the Commonwealth's records retention schedule, these documents and exhibits needn't be attached to or physically stored with the minutes.

Article VII - Amendments to the By-Laws

These bylaws shall be updated at the same time the SMMPO MOU is updated, which is typically every 3 years. This shall be the responsibility of the SMMPO. An advisory committee may make recommendations to revise, update or amend these bylaws, but only the SMMPO shall adopt any final changes and a quorum vote shall be necessary to do so.

---finis---

Self-Nomination Form

Select Board Member or an Elected Member of a Comparable Executive Branch of Town Government (Town Council/Town Manager or Administrator) to be a Representative to the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO)

I _____, as an Elected Member of the Board of Selectmen/Town Council or Town Manager/Administrator for the Town of _____, declare my interest as a candidate for election by the SRPEDD Commission to the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) for a two-year term commencing on August 1, 2023.

Print Name: _____

Street Address: _____

Town: _____, MA Zip Code: _____

Phone: _____ email: _____

Signature: _____ Date: _____

Please return forms by **5:00 PM, Thursday, June 15, 2023** to:

Lisa Estrela-Pedro

at:

lestrela@srpedd.org



SHED REGISTRATION - 200 SQUARE FEET (SF) OR LESS

Fee: \$50

Please note any structure greater than 200 square feet requires a building permit

ZONING SETBACKS: 5 feet from the side and rear property lines

*No accessory building or use shall be allowed in a required front yard or in the area between two lines drawn from the principle structure at its widest point to the lot frontage, and perpendicular to the frontage line of the lot

PLEASE ATTACH A COPY OF SCALED PLOT PLAN WITH SHED LOCATION AND SETBACKS MARKED

NOTE: FILING THIS REGISTRATION DOES NOT RELIEVE THE APPLICANT FROM ANY OTHER TOWN REGULATIONS OR RESTRICTIONS, INCLUDING BUT NOT LIMITED TO; FAIRHAVEN ZONING BY-LAWS, FAIRHAVEN HEALTH, FAIRHAVEN CONSERVATION.

Shed Size (Square Feet): _____

Estimate Project Cost _____

Setbacks: Rear _____ Front _____ Right _____ Left _____

Job Location (Street Address):

Owners Name: _____

Owners Email Address: _____

Owner's Signature: _____

(Owner Agrees to the Above)

=====

PLEASE COMPLETE THIS SECTION ONLY IF HIRING A CONTRACTOR TO INSTALL THE PROPOSED SHED

CONTRACTORS: Please include signed Owner Authorization and your completed W/C Affidavit

Contractor Name & Company Name:

Mailing Address: _____ Contractor Email: _____

Contractor Phone Number: _____

Authorized Agent (Contractor) Signature: _____



2023 APR 12 A 10:33

BOARD OF SELECTMEN
TOWN OF FAIRHAVEN

FAIRHAVEN TOWN OF
40 CENTRE ST
FAIRHAVEN, MA, 02719

Dear Eversource Customer,

The enclosed documentation provides details on tree maintenance scheduled on or near your property. An approval form and prepaid business reply envelope are also included if your signature is required for this work to be completed.

If you have any questions, please reach out to the point of contact listed on the enclosed documentation directly.

Sincerely,

Eversource Vegetation Management Team



Service Address: SPRING ST ST JOS SCH FAIRHAVEN MA 02719

Dear Customer:

At Eversource, we're committed to delivering great service.

This commitment includes the responsible management of trees and vegetation located near our power lines. Trees are often a great addition to the landscape of any community. However, trees are the leading causes of power outages in our service territory as they are for many utilities across the country.

Some important facts about tree maintenance:

- Pruning trees leads to improved reliability.
- Pruning and removing dangerous trees along electric lines helps eliminate safety hazards for the public and our employees.
- Maintaining clearance around our lines has the potential to minimize service interruptions during severe storms for you, your neighbors and area businesses and community facilities.

Tree Crews will begin pruning along our lines in your area during the next four weeks. The professional tree contractors performing this work for Eversource is **Barnes**. This work will be overseen by certified Eversource arborists. If you have any questions about this upcoming work, please call us at 800-592-2000.

Eversource uses pruning methods recommended by the American National Standards Institute (ANSI) and the International Society of Arboriculture (ISA). In addition, we will work closely with city/town officials to coordinate our work. For more information about our tree maintenance programs, please visit <https://www.eversource.com/content/ema-c/residential/outages/avoiding-an-outage/tree-trimming>.

We appreciate your patience as this work is completed.

Sincerely,

Paul Sellers

Manager of Vegetation Management