



FAIRHAVEN SELECT BOARD AGENDA

August 21, 2023, 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

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

On March 24, 2023, the bill to extend Open Meeting Law regulations governing remote participation has passed MA legislation and been signed by the Governor. This bill will allow remote and hybrid meeting options for public bodies through March 31, 2025.

Pursuant to an amendment to Town Bylaw Chapter 50 § 13, all government meetings are available through web/video conference and are recorded.

A. EXECUTIVE SESSION – JOINT WITH BOARD OF HEALTH – 6:30 p.m.

Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (6 Evergreen Street)

B. MINUTES

1. Approve the minutes of June 20, July 10, July 17 and August 7, 2023 – Open Session
2. Approve the minutes of July 10, July 17 and August 7, 2023 – Executive Session
3. Approve Select Board Retreat Minutes of July 15, 2023

C. PUBLIC HEARING – 7:30P.M.

1. Fairhaven Meadows, LLC d/b/a Nasketucket Bay Vineyard: application for a Farmers Series Pouring License Permit

D. TOWN ADMINISTRATOR

1. Staffing Updates: New Planning/Economic Development Director, Building Department Recognition, Finance Department restructuring
2. Board of Health (BOH) resignation: Heidi Hacking
3. Zoning Board of Appeals resignation: Alberto Silva
4. Alliance for Community Media Award presentation: David Fauteux
5. Enhancing Digital Literacy for Older Adults Grant Program: Council on Aging
6. Municipal Vulnerability Preparedness (MVP) FY24-25 Pilot Program Grant Award, \$95,000
7. Temporary Street Closure: Block Party Laurel Street, Saturday, September 30, 2023
8. Town of Fairhaven and Massachusetts Broadband Institute Residential Internet Survey
9. Zoning Board of Appeals: alleged Open Meeting Law violation
10. Select Board Retreat Summary
11. International City/County Management Association (ICMA) Scholarship
12. Rogers School: National Registry application update
13. Halloween Costume Swap/Exchange-Sustainability Committee

E. ACTION / DISCUSSION

1. Draft Decision: Gary Lavalette
2. Appointment of Planning and Economic Development Director: Paul DiGiuseppe
3. Recognition: Firefighter Jesse Lacerda
4. Transfer of Liquor License: From Elisabeth's Restaurant to OEA Restaurant Group, Corp. d/b/a Olivia's Restaurant
5. Proclamation: Deirdre Healy
6. Proposed changes to name and charge for Bikeways Committee
7. Event Request/Use of Town Hall Auditorium: The Shepherd Center for Performing Arts Film Festival, Friday, August 25, 2023 6:00-9:00 p.m.
8. Declare surplus items for Town Auction on September 16, 2023 at Department of Public Works
9. Revisit the Select Board email process management

Subject matter listed in the agenda consists of items 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.

10. SRPEDD Technical assistant hours for Broadband buildout at Housing Authority
11. Bylaw change: Chapter 50 Meetings § 10-11

F. CORRESPONDENCE

1. Invitation to recognition ceremony for the Fairhaven Acushnet Youth Baseball team
2. Community Preservation Committee FY24 CPA Project Funding Appropriation and Grants
Awarded: Fairhaven Housing Authority and Town Hall Facilities
3. Open Meeting Law Complaint Response 2023 – 129 from Attorney General’s Office
4. KIZUNA Magazine: Summer edition

G. COMMITTEE LIAISON REPORTS

H. PUBLIC COMMENT

I. BOARD MEMBER ITEMS

J. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting is *Monday, September 18, 2023* at 6:30 p.m.,
Town Hall Banquet Room

ADJOURNMENT

<https://us06web.zoom.us/j/89485993911?pwd=OFd5MzJvVnBxQkxLzdQcFRlbVM0QT09>

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



Executive Session

Monday, August 21, 2023

**Fairhaven Select Board Meeting
Joint with the Board of Health**



Minutes

Monday, August 21, 2023

- Open Session Minutes of June 20, July 10, July 17 and August 7, 2023
- Executive Session Minutes of July 10, July 17 and August 7, 2023
- Select Board Retreat Minutes of July 15, 2023



FAIRHAVEN SELECT BOARD
Meeting Minutes
June 20, 2023

DRAFT

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

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

Mr. Correy opened the Select Board meeting at 6:35p.m.

MINUTES

Motion: Mr. Espindola motioned to accept the Open Session minutes of May 15, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to accept the open Session-Joint meeting with Finance Committee minutes of May 31, 2023 with the correction to Mr. Murphy, present and Mr. Espindola, not present. Ms. Powers seconded. The motion passed unanimously (5-0-0).

PUBLIC HEARING

The Public Hearing for Blue Stream Shellfish, LLC. Application to install shellfish nursery in municipal waters: Hoppy's Landing was opened at 6:39p.m.

Mr. Correy read the notice into record. Harbormaster Tim Cox introduced Mr. Dale Leavitt from Blue Stream Shellfish, LLC. to present his application. Blue Stream Shellfish, LLC. has owned a license for an oyster farm in Nashketucket Bay since 1987 and they are currently upgrading their oyster farm and seeking to increase the number of oysters they are growing. To handle the smaller size of the oysters they need special equipment. After meeting with residents of West Island regarding the initial location proposed and concerns raised during that meeting, Mr. Leavitt worked with the Harbormaster on an alternate location. The application was resubmitted to be in the waters adjacent to Hoppy's Landing away from the dock.

Mr. Leavitt reviewed the revised plan (*Attachment A*).

Mr. Leavitt and Mr. Cox answered questions from the Board regarding the location, safety, proximity to the dock, noise, individuals jumping off the causeway into the water, how long the process will take. Mr. Leavitt explained that they can incorporate measures for safety such as a fence and/or bumper guard and that Blue Stream is proposing to start mid-July through October which would be about a six-month window. He anticipates using the time to also determine a more suitable, permanent location.

Public Comment:

Robert Hobson, 3 Bayberry Street, stated he is not opposed to the project but the location. He said the owners have other areas that could be used. Mr. Hobson is concerned about kids jumping off the causeway and the potential to be electrocuted. He also said it will not be pretty to look at, cars will be parked there and the area is not for private business.

Robert Sullivan, 184 Balsam Street, addressed the Board and said that West Island is pristine and beautiful, he does not know if it will be temporary or permanent and would like a clause added to the conditions tonight that Round Cove is off limits and a condition that the area is to be kept clean. He continued to say this seemed fast-tracked and is not the right fit for West Island.

Robert Pink, Jr., 21 Gull Island Road, advised the Board he is new member of the Marine Resources Committee but is here tonight as a West Island resident. His concern is why solar and could it be hardwired to care for the aesthetic issue.

Karen Sullivan, 184 Balsam Street, asked how often will the site be visited/monitored. Mr. Leavitt said 1-2 hours daily Monday through Friday.

Mary Ackerson, 198 Balsam Street, via zoom thanked Mr. Cox for reviewing this and helping to find a new location even though the new location does not seem like a good location and would like them to continue to look for better options.

Chris Ingrande, West Island Marina, via phone, asked about anchoring and how equipment that may break free will be handled. Mr. Leavitt advised the Board that they had to care for issues with disrepair when they took over a year and a half ago and they have not experienced anything breaking away.

The Board asked follow-up questions about the timing, what the next step would be if the Board does not approve this tonight, could they consider a different area and would they add safety measures like a fence or guards. Mr. Leavitt advised the Board that they started the application process in February and that a safety fence could be put up with bumpers. Mr. Leavitt advised that the unit itself is locked when not being worked on or monitored.

The Public Hearing for Blue Stream Shellfish, LLC. Application to install shellfish nursery in municipal waters: Hoppy's Landing was closed at 7:18 p.m.

Mr. Cox advised the Board that the Marine Resource Committee discussed this at three separate meetings and worked with Mr. Leavitt to address concerns so that an application could be submitted for this public hearing with a new location. Mr. Cox also added that Marine Resources has not discussed it since the new location was changed.

Motion: Mr. Silvia motioned to approve the six-month trial as outlined in the application (*Attachment A*) with Round Cove off limits and after the six-month trial a permanent solution be brought forth for 2024. Mr. Murphy seconded. Mr. Silvia amended his motion to approve the six-month trial as outlined in the application (*Attachment A*) with Round Cove off limits and a permanent solution brought forth for 2024 after the trial, pending public safety measures added and pending approval from the Marine Resources Committee. Mr. Murphy seconded. The motion passed unanimously (5-0-0).

Mr. Cox will reach out to the chair of the Marine Resources Committee and schedule a special meeting to review the revised application and the Board's motion.

The Public Hearing for Eversource: petition to install approximately 25' (feet) of conduit and cable in West Street was opened at 7:27p.m.

Mr. Correy read the notice into record. Jessica Elder Eversource Right of Way agent via zoom spoke to the Board about the request for Eversource to install approximately 25' of conduit under West Street at the intersection of Lafayette Street. A resident is requesting to go underground. Ms. Elders explained that if a detail is necessary they will request one. The work will take one to two days to complete and they will leave the conditions as found or better once the work is performed.

Public Comment:

No public comment was received.

The Public Hearing for Eversource: petition to install approximately 25' (feet) of conduit and cable in West Street was closed at 7:31p.m.

Motion: Mr. Espindola motioned to approve the petition to install approximately 25' of conduit and cable on West Street as described by Eversource. Ms. Powers seconded. The motion passed unanimously (5-0-0).

EXECUTIVE SESSION

Rescheduled to Monday, July 10, 2023

TOWN ADMINISTRATOR REPORT

Ms. Ellison updated the Board on:

- Comcast sent a notice regarding a reduction in the rate for their Broadcast TV fee, from \$24.80 to \$22.80 the same notice will be sent to customers regarding this change that was effective May 22, 2023.
- The Cox family thanked the Select Board for their condolences after the passing of Francis Cox, Sr.
- Concerns were raised regarding the rate of pay for lifeguards after some received job offers from Westport for a higher rate. It is being reviewed to determine the next steps and if we have to take steps to close the beach due to staffing. Ms. Ellison said this is an example of the budget shortfall impacts and the override not passing.
 - a. Discussion ensued regarding fees collected to offset the cost, where the funds go in the budget and potential to address the fee structure in the future.
- Staffing updates: Interviews for Planning Director have taken place and the Town is still looking for a Finance Director/Treasurer/Collector. Financial reporting will be determined once the position is staffed, the current finance team is still catching up

Event Request: Parent Teacher Organization (PTO) Class of 2025 Union Wharf Dance

Tracy Francis and Karen Isaksen with the Fairhaven High School PTO presented their proposal for the event to raise funds for the Class of 2025. Wednesday, August 16, 2023 from 7:00 p.m. to 10:00 p.m. with a rain date of Thursday, August 17, 2023. (*Attachment B*)

Harbormaster Tim Cox addressed the Board about the event and details he reviewed with Police Chief Myers and Lt. Sobral. Suggestions were made for safety, ticket sales in advance only, escorts and monitors. Mr. Cox will be on the water monitoring for safety during the event. A review of potential commercial traffic indicated none would not be arriving during the event.

Ms. Francis and Ms. Isaksen asked if the Board of Public Works (BPW) could sweep the streets ahead of the event. A request will be sent to the BPW for street sweeping.

Motion: Mr. Espindola motioned to approve the Fairhaven High School PTO Class of 2025 Union Wharf Dance from 3:00 p.m. to 10:00 p.m. on Wednesday, August 16, 2023 with a rain date of Thursday, August 17, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Municipal Aggregation Renewal: Good Energy

Patrick Roche from Good Energy via zoom addressed the Board about the Municipal Aggregation program the Town has had since 2016. He reviewed the details within the Fairhaven Community Electricity Aggregation Program presentation (*Attachment C*).

Discussion ensued regarding the savings, supplier versus delivery cost, the options available, the bid process timeline, the change to the state's minimum, communication to consumers and potential outreach through the Sustainability Committee.

Motion: Mr. Espindola motioned to task the Sustainability Committee with outreach to establish the Town preferences of the state minimum or ten percent and coordinate messaging with Good Energy to ensure accurate messaging. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Eversource use of existing poles for an overhead crossing behind the DPW Water Treatment Facility

Mr. Bill Daniels from the Communications group at Eversource presented the Board with an overview of the request to use existing poles to bring fiber from the Eversource pole at the radio station tower for WJFD across the rail trail to another pole to bring fiber in for reliability (*Attachment D*). They have spoken with DPW and are flexible in scheduling the work that will take approximately four hours to ensure the least impact to users of the rail trail.

Motion: Mr. Espindola motioned to approve to install of fiber on existing poles through the DPW Water Treatment Plant lot over to the radio tower at WJFD FM tower on Arsene Street. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Appointment of Boards and Committees

Mr. Correy reviewed the list of additional appointments to Boards and Committees.

Motion: Mr. Espindola motioned to appoint Angie Lopes Ellison as the Affirmative Action Officer. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Marc Jodoin as Emergency Management Director for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Todd Correia Fire Chief, Angie Lopes Ellison Town Administrator, Michael Myers Police Chief, Randy Bassett Building Commissioner, Marc Jodoin Emergency Management Director and David Flaherty Health Agent to the Local Emergency Planning Committee. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Don Collasius as Measurer of Wood and Bark for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Michael Myers as Municipal Hearing Officer for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Todd Correia as Oil Spill Coordinator for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Elisabeth Horan as Parking Clerk for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint Angie Lopes Ellison as Procurement Officer. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint John Medeiros to the Historical Commission for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint David Braga, Michael Kelly and Natalie Mello to the Historical Commission for a term to end May, 31, 2026. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to appoint John Pond to the Sustainability Committee for a term to end May, 31, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

The Board reviewed the list of applicants for the Conservation Commission. Each candidate was invited to speak to their application and interests tonight. Conservation Agent Bruce Webb addressed the Board regarding

the needs of the Conservation Commission, his experience and recommendations for appointments to create an efficient and effective commission that will handle the projects that come before them in a timely manner.

The Board asked each candidate present to speak to their application and then asked questions regarding experience, familiarity with the Wetlands Bylaws, the website, the Wetlands Protection Act, the Federal Emergency Management Agency (FEMA), the Department of Environmental Protection (DEP) and willingness to complete Massachusetts Association of Conservation Commissions (MACC) trainings.

Amy DeSalvatore spoke to the Board regarding her application and interest in remaining on the Conservation Commission.

Andrew Saunders spoke to the Board regarding his application and interest. He added that he would recuse himself on any project or item that could be a potential conflict.

Chelsea Isherwood was unable to attend due to a prior commitment, she spoke to her application and interest in the Conservation Commission at the June 5, 2023 meeting.

Ronnie Medina, Dr. Chanda Kale and Jay Simmons also addressed the Board regarding their applications and interests.

Motion: Ms. Powers motioned to appoint Jay Simmons to the Conservation Commission for a term to end May, 31, 2024. Mr. Murphy seconded. The motion passed unanimously (5-0-0).

Motion: Ms. Powers motioned to appoint Andrew Saunders to the Conservation Commission for a term to end May, 31, 2026. Mr. Murphy seconded. The motion passed unanimously (5-0-0).

Motion: Ms. Powers motioned to appoint Ronnie Medina to the Conservation Commission for a term to end May, 31, 2026. Mr. Murphy seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Murphy motioned to appoint Anthony Couto to the Conservation Commission for a term to end May, 31, 2025. Mr. Espindola seconded. The motion passed unanimously (5-0-0).

Those newly appointed to Boards and Committees tonight should see the Town Clerk to be sworn in.

Special One-Day Liquor License: St. Joseph's Catholic Organization: Annual Blessing of the Bikes, request to reschedule to Sunday, June 25, 2023

The Board received a request to reschedule the event to June 25, 2023.

Motion: Mr. Espindola motioned to approve the Special One-Day Liquor License for St. Joseph's Catholic Organization's Annual Blessing of the Bike's to June 25, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Select Board Retreat/Retreats

Mr. Espindola requested to review the cost and expectations for the upcoming Select Board retreat. He suggested the Board consider giving the Conservation Commission this opportunity for a team building retreat based on a letter sent to the Board and after hearing the recent issues regarding the Conservation Commission and where there are newly appointed members as of tonight.

Ms. Ellison advised the Board the retreat is not so much a team building event as it is a working session. Last year was for the Board to learn strategies to work as a newly formed five-member board with a new Town Administrator and this year will be focused on developing the Board in terms of strategic goals through the use of an International City/County Management Association (ICMA) certified facilitator with many years of

experience. The cost is about two hundred dollars more than last year. It is a working session with no specific action items. The Conservation Commission's needs can be assessed by the Conservation Agent.

Ms. Powers asked about the format the facilitator would take the Board through. Ms. Ellison said the facilitator would send questions to the Board individually to use to create the working session and did not want to discuss details further so that the retreat would be as effective as possible without any preconceived notions.

Mr. Espindola mentioned concerns about open meetings and the Town Bylaw regarding all meetings being recorded and this would not be. He stated his concerns about the Conservation Commission needing team building and a focus on standard operating procedures that started under previous Conservation Agents that the Conservation Commission can be brought up to speed on during a retreat.

Clarify roles and responsibilities under the Town Administrator Act and format of Select Board Agenda

Mr. Correy stated that the Select Board Agenda is at the purview and prerogative of the Chair.

Mr. Espindola said he asked for this item to discuss agenda items and the format of items on the agenda under either the "Town Administrator" or "Action" section. Referring to the Town Administrator Act he said policy items should be under "Action" and gave examples of two recent items he felt should be under the "Action" section for the Board and not under the "Town Administrator" section, one was Municipal Aggregation renewal and the other regarding an Intermunicipal Agreement on dispatch which was presented at the February 23, 2023 meeting as informational and then on a later agenda the Board was told an agreement was signed. Mr. Espindola stated the Board should make policy decisions.

Ms. Ellison asked that the Board wait until after the retreat to discuss this item further. Some items she considers strategy and day-to-day operations and the retreat may help clarify this item.

Mr. Correy asked for items like this with no vote be addressed under Board Member Items.

Open Meeting Law (OML) Complaint

Mr. Correy read the OML Complaint received from Mr. Patrick Higgins on June 9, 2023 and a draft response from the Board (*Attachment E*). Mr. Correy stated that after reviewing the complaint and OML guidelines, the April 18, 2023 minutes were accepted within the guidelines set under the OML.

Motion: Mr. Espindola motioned to send Mr. Higgins the response to the Open Meeting Law Complaint received June 9, 2023 using the draft response the Town prepared and for the Chair to sign on behalf of the Board. Ms. Powers seconded. The motion passed unanimously (5-0-0).

CORRESPONDENCE

- Disability Pride Month event flyer
- Massachusetts DEP-Administrative Consent Order Amendment

Mr. Espindola asked to add an item to correspondence that was received by the Board from Mr. Glenn Gabbard regarding opioid settlement funds. Ms. Ellison advised the Board that the state is currently establishing a process and special legislation for how opioid funds are handled by municipalities. She further said she could verify the amounts mentioned if needed but currently all funds received from the opioid settlement are in the general fund and the Finance Team is waiting for the special legislation and guidelines to come out as to how to appropriate these funds. Mr. Correy reminded the Board of their process agreement to have the Chair respond to correspondence sent to the Select Board. Mr. Espindola asked for responses to be brought to a future meeting.

COMMITTEE LIAISON REPORTS

Mr. Espindola reported:

Updates from the Broadband Study Committee, SMMPO, SRPEDD and the Bikeway Committee (*Attachment F*). The SMMPO is still taking public comments on transportation issues through their outreach program through September.

Ms. Powers reported:

The SMMPO has received her application for appointment. Mr. Correy attended the Bristol County Advisory Board meeting in her place, Economic Development has an upcoming meeting and the Library meets tonight.

Mr. Silvia reported:

The Historical Commission is painting and washing the old fire station, the BPW received slabs for the walkway at the Old Stone School, the street light project outside Town Hall is still in process and he wanted to thank those who came out for the Rogers School clean-up day.

Mr. Murphy reported:

Lagoa Friendship Pact Committee met, they viewed promotional videos about Lagoa and the former mayor Roberto Medeiros visited with the editor of their local magazine. The Whitfield Manjiro Friendship Society will be serving noodles at the Homecoming event on Saturday, June 24, 2023.

Mr. Correy reported:

The Belonging Committee is hosting a Disability Pride Month event with M.O. Life at the Council on Aging on July 30, 2023, Mr. Correy will be doing a reading at the library and the Belonging Committee elected new officers, congratulations to Mr. Greg Weider who is now Vice Chair.

PUBLIC COMMENT:

Bruce Paparal, West Island, addressed the Board with concerns about the bike path conditions he felt were filthy, the latrine is diseased, there is dog excrement all over, he went to the Health Department about this and if the Town is not going to maintain it then they should close it down. Cars do not stop for anyone crossing at the flashing lights at Riccardis, he has seen an unregistered golf cart on the bike path that came close to a young girl riding her bike which is a safety concern.

Mr. Silvia advised the Board that he has heard concerns about electric bikes on the bike path traveling fast and do not require insurance. Mr. Espindola said in general the sign on the path says no motorized vehicles and it's a tricky area because they are bikes and there is some work being done through Representative Straus' office on the classification of electric bikes which is mostly what is seen on the bike path. Some do travel at excessive speeds and locally rules and regulations can be created to care for this. Mr. Espindola suggested Fairhaven work with Mattapoissett on any regulations because the path is continuous through both communities.

BOARD MEMBER ITEMS

Mr. Espindola asked if the Board could refocus on our facilities in Fairhaven and correspondence received regarding conditions at the Emergency Management Center (the former Council on Aging location), he would like to see a future agenda item on facilities use. Mr. Correy advised the Board that a response was sent to the resident who submitted the correspondence.

Mr. Espindola asked about a recent North Fairhaven Improvement Association meeting and concerns they had about Benoit Square and that they have requested a meeting with SRPEDD and MassDOT for an update. Ms. Ellison advised the Board that the Highway Superintendent Josh Crabb is involved in this project as well and the recent meeting was well attended including representation from SRPEDD and MassDOT, Representative Straus, Mr. Crabb, Ms. Ellison, Police, Fire, Mr. Correy and the press. Mr. Silvia said a presentation on the Benoit Square project was also part of a presentation at a recent BPW meeting and Mr. Crabb reviewed the two options that have been put forth. Mr. Espindola said resident John Medeiros had questions about adding options. Mr. Correy said he had asked Representative Straus to have someone in his office reach out to Mr. Medeiros and will contact them again to reach back out to Mr. Medeiros.

Mr. Murphy thanked the Fairhaven Father's Day Road Race Committee for their event, the winner was from Fairhaven and next year will be the 50th race. He also thanked Mr. Correy for speaking at the M.O. Life Juneteenth event.

Mr. Correy reminded everyone to get involved and volunteer especially with broadband. He thanked Mr. Murphy for the invitation to speak at the M.O. Life event. Mr. Correy thanked Tri-Town Against Racism for asking him to speak at their Juneteenth event and congratulations on the opening of their new free library.

Meeting adjourned at 10:20 p.m.

Respectfully submitted on behalf of the Select Board Clerk (ah)

Attachments:

- A. Blue Stream Shellfish, LLC request**
- B. Fairhaven PTO Union Wharf Dance proposal**
- C. Good Energy Municipal Aggregate**
- D. Eversource request for use of existing poles for an overhead crossing behind DPW Water Treatment Facility**
- E. Open Meeting Law Complaint and response**
- F. Committee Liaison Report – Robert Espindola**

Approved on _____, 2023

DRAFT



FAIRHAVEN SELECT BOARD

Meeting Minutes

July 10, 2023

DRAFT

Present: Chair Leon Correy, Clerk Stasia Powers, Select Board member Keith Silvia, Select Board member Robert Espindola, and Town Administrator Angie Lopes Ellison.

Via zoom: Vice-Chair Charles Murphy Sr.

Also Present: Christopher Petrini and Arthur Goldberg from Petrini & Associates PC, Jaime Kenny and Caitlyn Morey from Clifford & Kenny, LLP, Gary Lavalette and Philip Beauregard

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

Mr. Correy opened the Select Board meeting at 6:34p.m.

EXECUTIVE SESSION

Motion: Mr. Espindola motioned to enter executive session pursuant to G.L. c. 30A, § 21(a)(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Gary Lavalette). Ms. Powers seconded. Roll Call vote, Mr. Murphy in favor, Mr. Espindola in favor, Ms. Powers in favor, Mr. Correy in favor and Mr. Silvia abstained. The motion passed (4-0-1).

Mr. Espindola amended his motion to add that the Board will return to open session. Ms. Powers seconded. Roll Call vote, Mr. Murphy in favor, Mr. Espindola in favor, Ms. Powers in favor, Mr. Correy in favor and Mr. Silvia abstained. The motion passed (4-0-1).

Mr. Silvia recused himself citing a personal and business relationship with Mr. Lavalette and exited Town Hall.

The Select Board exited the Banquet Room at 6:36p.m. for Executive Session

The Select Board returned to Open Session at 7:16 p.m.

Mr. Correy announced that Mr. Lavalette has the right to conduct this meeting in Executive Session and he has waived his right to Executive Session. He stated:

“This evening the Fairhaven Select Board is holding a hearing on the contemplated removal of Gary Lavalette from the Historical Commission. The purpose of this hearing is to hear from the Town and from Mr. Lavalette regarding whether the Select Board has cause to remove Mr. Lavalette from the Historical Commission. A determination of the hearing outcome will be made in writing after the hearing has been conducted by the Board.”

Mr. Correy explained the rules and process for the hearing. Each witness was asked to sign in with their name, address, email and telephone number for the record and then was sworn in by Mr. Correy. Each witness was advised that they would either be called on behalf of the Town by Attorney Christopher Petrini or on behalf of Mr. Lavalette by Attorney Philip Beauregard, each attorney would have an opportunity to cross-examine witnesses. Once Atty. Petrini concludes, Atty. Beauregard would be given the opportunity to present witnesses and evidence on behalf of Mr. Lavalette.

Mr. Correy reiterated that the hearing was being conducted for the specific purpose of considering whether the Board will act against Mr. Lavalette.

The Following six documents were entered into record and each attorney confirmed they had a copy:

1. July 6, 2023 amended notice of the hearing
2. June 15, 2023 notice of the hearing
3. Investigator's Supplemental Report (Redacted)
4. Investigator's Conservation Department Workplace Conduct Investigation Report (Redacted)
5. February 9, 2023 Fairhaven Police Report (Redacted)
6. Personnel Policy of Town of Fairhaven (7/18/2022)

Atty. Petrini representing the Town gave an opening statement.

The first witness was Attorney Caitlin Morey. Atty. Petrini questioned Atty. Morey and Atty. Beaugard crossed. After cross examination, Atty. Petrini asked questions on redirect and Atty. Morey concluded her testimony.

Mr. Correy advised that the meeting would adjourn at approximately 9:40p.m. and that an additional meeting would need to be scheduled to continue the hearing to allow for any additional witnesses and evidence not able to be presented tonight.

The second witness was Kamryn Dubois. Atty. Petrini questioned Ms. Dubois and Atty. Beaugard crossed.

The Board thanked Atty. Morey and Ms. Dubois for their time. Mr. Correy asked the attorneys if they would be able to continue the meeting until July 31, 2023. Each attorney will confirm the date.

Motion: Mr. Espindola motioned to adjourn the meeting. Ms. Powers seconded. Roll Call vote, Mr. Murphy in favor, Mr. Espindola in favor, Ms. Powers in favor and Mr. Correy in favor. The motion passed (4-0-0).

Meeting adjourned at 9:27p.m.

Respectfully submitted on behalf of the Select Board Clerk (ah)

Attachments:

1. July 6, 2023 amended notice of the hearing
2. June 15, 2023 notice of the hearing
3. Investigator's Supplemental Report (Redacted)
4. Investigator's Conservation Department Workplace Conduct Investigation Report (Redacted)
5. February 9, 2023 Fairhaven Police Report (Redacted)
6. Personnel Policy of Town of Fairhaven (7/18/2022)

Approved on _____, 2023



FAIRHAVEN SELECT BOARD
Meeting Minutes
July 17, 2023

DRAFT

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

Not Present: Clerk Stasia Powers

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

Mr. Correy opened the Select Board meeting at 6:32p.m.

EXECUTIVE SESSION

Motion: Mr. Espindola motioned to enter Executive Session pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (New England Preservation and Development, LLC/Mayo v. Fairhaven) and to return to Open Session. Mr. Silvia seconded. Roll Call vote, Mr. Espindola in favor, Mr. Murphy in favor Mr. Silvia in favor and Mr. Correy in favor. The motion passed (4-0-0).

The Select Board exited the Banquet Room for Executive Session

The Select Board returned to Open Session at 7:00 p.m.

PUBLIC HEARING

The Public Hearing for Eversource continued from April 18, 2023, request for installation of FO poles and conduit under a public road; Causeway Road and Alder Street was opened at 7:00p.m.

Mr. Correy explained that the Board has not heard from the petitioner and at this time the Board will close the public hearing and refer the matter back to the petitioner.

The Public Hearing for Eversource: petition for FO pole installation and conduit under a public road; Causeway Road and Alder Street was closed at 7:01p.m.

MINUTES:

Motion: Mr. Espindola motioned to accept the minutes of June 5, 2023, Open Session. Seconded by Mr. Silvia. The motion passed unanimously (4-0-0).

TOWN ADMINISTRATOR REPORT

Ms. Ellison updated the Board on:

- The Benoit Square Update was presented by Bill Travers and Sam Hawkins from MassDOT (*Attachment A*). The Board asked questions about the short-term and long-term details, analysis used and expressed safety concerns with the options discussed. Mr. Travers referred back to the preferred plan from MassDOT from the presentation.

Public Comment:

Lt. David Sobral from Fairhaven Police Department addressed the Board and MassDOT representatives and mentioned concerns about the flow of traffic from the Oxford Residences lot and suggested a right turn only be considered.

Will Gardner of 17 Cottage Street spoke about his hobby reviewing plans like this, expressed hope that the Town will prioritize safety and see the changes go further in the master plan for 2040 and that options be considered that will be designed for businesses to flourish.

John Medeiros from North Fairhaven Improvement Association discussed his concern about parking spaces.

Ann Richard of 46 Hedge Street expressed concerns about parking with the congestion of the area in general especially near the businesses, suggestion to close part of the area around Benoit Square for café areas and asked for consideration of angled parking spaces. She also asked for consideration of non-car owners, walkers, bike riders and more pedestrian friendly space in the design.

Mr. Espindola asked who would initiate a change to the parking space design and Mr. Travers advised that is beyond the scope of the work and analysis MassDOT completed for this project and offered the potential to partner with the Town on a future project for that.

Motion: Mr. Espindola motioned to approve the concept presented. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

- Goulart Memorial Bridge Contractor Update, Vincent Furtado Board of Public Works (BPW) Superintendent introduced contractors from Tighe & Bond to review a presentation regarding the state of the Goulart Memorial Bridge (*Attachment B*). Mr. Furtado advised that they have presented at previous BPW Meetings. He explained that the bridge is inspected every two years and for funding through Chapter 90 any updates to the bridge would also require that climate change and sea level rise be considered in the plan.

Eric O'Hanian, Adam Yanulis, Brian Brenner and Dan Murphy reviewed the materials and answered questions about the state of the bridge compared to the MassDOT scale used by the state, short-term and long-term potential considerations, future review of vulnerabilities with residents and businesses to determine next steps understanding the impacts.

The Board asked questions about deterioration, replacing beams, temporary bridge while new one is constructed, concern for businesses, residents and the marina, modeling used and MassDOT standards, timing of short-term versus long-term plan, grant funding sources and requirements.

Public Comment:

David Hickox of West Island expressed concerns about the elevations presented for a new road, flyover bridge concepts and the structure depth.

Virginia of 164 Cottonwood stated request to see the different sight line possibilities and not drone concepts and asked what the impact would be to the shade on the beach and other environmental impacts. She also expressed concerns that the design fir the look and feel of West Island.

Dan Wood of Causeway Road expressed his concerns about the project and would like to see minimal change to keep the area serene and peaceful.

Lisa Estin President of the West Island Association thanked the Board for the opportunity to speak with the contractors and partnering with the Select Board and BPW.

Ms. Ellison advised the West Island Association that any meetings with Tighe & Bond would be scheduled through the BPW which Mr. Furtado would announce.

Ms. Ellison continued the Town Administrator report:

- Staffing Updates: Completing interviews for Planning Director. Kevin Fournier has been promoted to Facilities Manager and will oversee all municipal facilities with a proactive approach. The Town is still actively looking for a Finance Director/Treasurer/Collector and considering all options.
- Staff Liaison assignments are being finalized for the Town boards that do not currently have a staff liaison which ties back to the priority goal of Town Committee Collaboration.
- Town Department Municipal Aggregate for natural gas accounts: Ms. Ellison explained the potential for savings by bring the Town departments together. The same approach will be taken for an electric aggregate across Town departments.
- Town Department review of fees: Each department has been reviewing their fee structure to ensure comparable and will propose any changes during one-on-one meetings with Ms. Ellison.
- Council on Aging is partnering with the Recreation Center to host an Intergenerational Field Day on Wednesday, August 23, 2023
- MassDOT Summer Tunnel route detour: an informational notice with links to the MassDOT site was placed online for community members.
- MassDEP Title 5 phase changes: (*Attachment C*): the focus is currently on Cape Cod, with South Coast and the Islands postponed at this time.
- Legislation on Cable PEG costs: Ms. Ellison sent a letter to the Joint Committee on Advanced Technology, the Internet and Cybersecurity (*Attachment D*).
- General Fund budget adjustments are being reviewed per the commitment to the Board and Finance Committee (*Attachment E*). The work will continue and include steps to implement.

Motion: Mr. Espindola motioned to take Action items E2 and E4 out of order. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Special 3-Day Liquor License: Our Lady of Angels (OLOA) Catholic Association Feast, September 2-4, 2023

Lt. Sobral spoke to the request and the Police Department's safety concerns and suggestion to increase the number of detail officers. The Board asked if tickets could be issued for illegally parked cars, for example blocking driveway or in no parking areas.

Public Comment:

John Barbosa of 22 Garrison St. addressed the Board about concerns with the detail officers, he said in some cases are from neighboring towns and do not know the area enough. Any extra money OLOA pays takes away from the charities they support.

Ms. Ellison suggested a meeting be set up with the Chief and the detail officers ahead of the event to review assignments and areas of focus.

Motion: Mr. Espindola motioned to approve the Special three-day liquor license for the Our Lady of Angels Catholic Association Feast to be held on September 2-4, 2023 as outlined in the application with the addition of two detail officers during the hours stated. Mr. Silvia seconded. The motion passed (3-0-1), Mr. Espindola, Mr. Correy and Mr. Silvia in favor and Mr. Murphy abstained.

Event Request: Conrad Roy III 5K on Saturday, September 9, 2023

Lt. Sobral addressed the Board regarding the event. He has been in contact with the organizer on details, this would be the second year.

Motion: Mr. Espindola motioned to approve the use of Town roads for an event request for the Conrad Roy III 5K on Saturday, September 9, 2023 from 9:00 to 11:00a.m. as outlined in the application and with the approval of public safety. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Historical Commission Appointment request: Richard George Martin

Richard Martin addressed the Board and spoke to his interest in joining the Historical Commission.

Motion: Mr. Espindola motioned to approve the appointment of Richard George Martin to the Historical Commission for a term to expire May 2024. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Change of Corporate Name/Structure: Gene's Seafood Inc.

Attorney Donald Perry represented Gene's Famous Seafood and advised the Board that the applicant is seeking to change from an LLC to a corporation.

Motion: Mr. Espindola motioned to approve the change of corporate name from C&F Property Development LLC to Gene's Famous Seafood Inc., doing business as Gene's Famous Seafood and to change the corporate structure from an LLC to a Corporation. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Pledge of Collateral for Mike's Restaurant: Change to Bay Coast Bank

An application was submitted to the Board from Mike's Restaurant to accept the change of collateral to Bay Coast Bank.

Motion: Mr. Espindola motioned to approve the pledge of collateral for Mike's Restaurant to be pledged to Bay Coast Bank. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Motion: Mr. Espindola motioned to take Action item E8 out of order. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Set Special Town Meeting Date

The Chair recognized BPW Superintendent Vincent Furtado to address the Board regarding setting a date for a Special Town Meeting. He advised the Board that Town Meeting voted to approve fifty million dollars towards a wastewater facility with Mattapoisett. Currently, with the rise in costs, there is a need for twenty million additional dollars to be approved. He explained the funding responsibility of Fairhaven and Mattapoisett through the Intermunicipal Agreement. All efforts will be made to maintain and control cost.

Ms. Ellison added that under MGL in order to engage in a contract, the Town needs approval for the funds even if the portion the Town is responsible to pay back is less than the amount approved. Mattapoisett will need to do the same for the additional funds needed. The Town will do its due diligence and engage Town Counsel if necessary.

Motion: Mr. Espindola motioned to set and call a Special Town Meeting to November 14, 2023. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

The Town Moderator has been engaged to confirm November 14, 2023 as the date for Special Town Meeting.

ARPA Update and Funding

Ms. Ellison addressed the Board regarding the list of proposed updates to the allocations of ARPA funds (*Attachment F*). She explained the updated allocations due to increased cost or due to the type of project. As an example, the Playground Resurfacing costs increased. Ms. Ellison described how the allocations between County and Local/Direct were adjusted based on project details; the Police Boat and the Fire/EMS Boat swapped categories. Additions were made to the funds available for two vehicles under Local/Direct Allocation for the Building Department and the Town Administrator's Office. The electric vehicle is not suitable for long-range driving due to the location of charging stations available. There was also an addition under facilities management to care for maintaining and repairing Town managed historical buildings like Town Hall.

Mr. Espindola thanked Ms. Ellison for the details and asked if the whole amount listed would be used and if the vehicles would be all electric. Ms. Ellison explained the total allows us to allocate as much of the ARPA funds

as possible and her recommendation for a hybrid vehicle for the Town Administrator's Office better suited for the short to long range driving within Town or to meetings a further distance away within the state.

Mr. Espindola advised he would recuse himself from the vote for the School Playground resurfacing due to being an abutter.

Motion: Mr. Espindola motioned to approve the appropriation of ARPA funds as listed (*Attachment F*) with the exception of the School Playground Resurfacing for \$300,000. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Mr. Espindola exited the Banquet Room

Motion: Mr. Murphy motioned to approve the appropriation of the ARPA funds for the Playground Resurfacing Schools for \$300,000. Mr. Silvia seconded. The motion passed (3-0-1) Mr. Murphy, Mr. Silvia and Mr. Correy in favor and Mr. Espindola abstained.

Mr. Espindola returned to the Banquet Room

Disposal of Surplus Property Policy

Ms. Ellison advised the Board on the draft before them regarding the disposal of surplus property which includes property that is not sold or auctioned. (*Attachment G*).

Motion: Mr. Espindola motioned to approve the Surplus Policy as written. Mr. Silvia seconded. The motion passed unanimously (4-0-0).

Government Meeting recording policy:

Mr. Espindola handed out a copy of a proposed update to the Town Bylaws (*Attachment H*). He explained he had asked for this on the Select Board Retreat agenda because the community should have access to a recording for transparency later.

Ms. Ellison recommended this be discussed at a later date when Ms. Powers is also present.

CORRESPONDENCE

- Buzzard's Bay Coalition 2022 State of Buzzards Bay report
- Eversource Notice of Five-Year Vegetation Management Plan (MVP)

COMMITTEE LIAISON REPORTS

Mr. Espindola reported:

Updates from the Broadband Study Committee, SMMPO, SRPEDD Commission and the Fairhaven Bikeway Committee/SouthCoast Bikeway Alliance. He also distributed information on New Bedford Raise Grant and the Clean Grid Reference sheets. (*Attachment I*).

Mr. Silvia reported:

Updates from the Historical Commission who thanked Mr. John Medeiros for his time on the Commission. He thanked Mr. Martin for his interest in the Commission. The Commission on Disability is looking at better ways to access the beach.

Mr. Murphy had no meetings to report

Mr. Correy reported:

Belonging met and discussed July as Disability Pride Month, they will be holding a Disability Pride Month event with M.O. Life on July 30, 2023 at the Council on Aging.

PUBLIC COMMENT

No Public Comments were received

BOARD MEMBER ITEMS

Mr. Espindola asked for agenda items with potential vote to be under the Action/Discussion section.

Mr. Silvia advised the Board that Mr. Beaulieu's farmers market is operating Sundays between 11:00a.m. and 2:00p.m. with all natural and native vegetables.

Mr. Murphy asked at the next meeting if we could observe a moment of silence for Bena Haaland who recently passed away.

Mr. Correy reminded everyone to get involved. He also wished a Happy Birthday to Stasia's mom.

Meeting adjourned at 9:46p.m.

Respectfully submitted on behalf of the Select Board Clerk (ah)

Attachments:

- A. MassDOT Benoit Square Project**
- B. Tighe & Bond Goulart Memorial Bridge**
- C. MassDEP Title 5 phase changes memo**
- D. Town Administrator's letter regarding legislation on Cable PEG costs**
- E. General Fund Budget preliminary adjustment list**
- F. ARPA Update and Funding**
- G. Disposal of Surplus Property Policy**
- H. Proposed update to Fairhaven Bylaw Chapter 50 – Robert Espindola**
- I. Committee Liaison Report – Robert Espindola**

Approved on _____, 2023



FAIRHAVEN SELECT BOARD

Meeting Minutes

August 7, 2023

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

Also Present: In person, Christopher Petrini and via zoom, Arthur Goldberg from Petrini & Associates PC.

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

Mr. Correy opened the Select Board meeting at 6:00p.m.

Mr. Correy acknowledged all Purple Heart recipients as today is National Purple Heart Day and Fairhaven is a Purple Heart Town, he thanked them for their service and sacrifice

EXECUTIVE SESSION

Motion: Mr. Espindola motioned to enter executive session Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (New England Preservation and Development, LLC/Mayo v. Fairhaven) and (unanticipated Executive Session – Gary Lavalette). Ms. Powers seconded. Roll Call vote, Mr. Murphy in favor, Mr. Espindola in favor, Ms. Powers in favor, Mr. Murphy in favor, Mr. Silvia in favor and Mr. Correy in favor. The motion passed unanimously (5-0-0).

Mr. Espindola amended his motion to add that the Board will return to open session. Ms. Powers seconded. Roll Call vote, Mr. Murphy in favor, Mr. Espindola in favor, Ms. Powers in favor, Mr. Murphy in favor, Mr. Silvia in favor and Mr. Correy in favor. The motion passed unanimously (5-0-0).

Ms. Ellison clarified that Mr. Silvia will be participating in the Executive Session regarding NEPD/Mayo v. Fairhaven and not participating in the Executive Session regarding Gary Lavalette.

The Select Board exited the Banquet Room at 6:03p.m. for Executive Session

The Select Board returned to Open Session at 7:13 p.m.

Mr. Correy announced that he wanted to make a statement regarding very serious and unfounded accusations levied against him via email from Mr. Gary Lavalette regarding a relationship with the Dubois family. Mr. Correy explained that there is no basis or background for the accusation and reviewed the four times he has met the Dubois' with the last two times being in the Banquet Room for the hearing. Mr. Correy stated there is no relationship greater than that of anyone who has held a sign or whose door he knocked while campaigning and apologized he has had to utilize the Town's time on this.

Mr. Correy reopened the hearing regarding Mr. Lavalette at 7:16 p.m.

Attorney Christopher Petrini representing the Town of Fairhaven addressed the Board and summarized the previous meeting, Mr. Lavalette's waiver of Executive Session to hold the hearing in public and the six exhibits presented on July 10, 2023. Two additional exhibits were added and were provided to Mr. Lavalette's attorney. There are eight exhibits in the record as listed.

The additional two documents entered into record:

- Exhibit 7.) FPD Police Report re 1/28/23 Incident (amended 7/14/23)

- Exhibit 8.) Fairhaven Boards and Commissions Handbook (revised December 2020)

Atty. Petrini continued and advised the Board that today at approximately 4:20p.m. Atty. Beauregard contacted him to say that he and Mr. Lavalette would not be attending this hearing and gave the reason as they were looking to pursue other allegations against the Chair and others and would not be attending. Atty. Petrini explained to the Board that their options are to continue the hearing or close the hearing and the Board can take a vote this evening if they chose.

Motion: Mr. Espindola motioned to close the hearing at 7:19p.m. Ms. Powers seconded. Roll Call vote, Mr. Espindola in favor, Ms. Powers in favor, Mr. Murphy in favor and Mr. Correy in favor. The motion passed (4-0-0).

Mr. Correy closed the hearing at 7:19p.m.

Atty. Petrini addressed the Board on the legal arguments. He reviewed the exhibits and specifics from the testimony regarding allegations of several violations of Town Policies including the Personnel Policy. He referred to pages sixteen through nineteen of exhibit 3 summarizing the conclusion, conduct and recommendations of the investigator. Atty. Petrini said a draft decision can be prepared to be reviewed and voted on at the next meeting.

Motion: Mr. Espindola motioned to remove Mr. Lavalette from representing the Town and from the Historical Commission pending a draft decision to be approved. Ms. Powers seconded. Roll Call vote, Mr. Espindola in favor, Ms. Powers in favor, Mr. Murphy in favor and Mr. Correy in favor. The motion passed (4-0-0).

Ms. Powers addressed the Board and stated the importance of everyone representing the Town to uphold the Personnel Policy whether an employee or a volunteer and the standards of rapport with the community should be at the highest level. No one should be made to feel uncomfortable when dealing with someone who represents the Town. Everyone should be held to a high standard and strive to work together to move the Town forward in a positive way.

Mr. Correy added to Ms. Powers' statement that anyone appointed or elected is expected to be respectful at a minimum at all times when representing the Town.

Meeting adjourned at 9:27p.m.

Respectfully submitted on behalf of the Select Board Clerk (ah)

Exhibits:

1. July 6, 2023 amended notice of the hearing
2. June 15, 2023 notice of the hearing
3. Investigator's Supplemental Report (Redacted)
4. Investigator's Conservation Department Workplace Conduct Investigation Report (Redacted)
5. February 9, 2023 Fairhaven Police Report (Redacted)
6. Personnel Policy of Town of Fairhaven (7/18/2022)
7. FPD Police Report re 1/28/23 Incident (amended 7/14/23)
8. Fairhaven Boards and Commissions Handbook (revised December 2020)

Approved on _____, 2023



FAIRHAVEN SELECT BOARD
Retreat Minutes
July 15, 2023

Present: Chair Leon Correy, Vice-Chair Charles Murphy Sr., Clerk Stasia Powers, Select Board member Keith Silvia, Select Board member Robert Espindola, Town Administrator (TA) Angie Lopes Ellison and Facilitator Jeffrey Nutting

The Select Board Retreat was conducted at the Buzzard's Bay Coalition Croll Conference Room, 114 Front Street, New Bedford, MA

Mr. Correy opened the Select Board Retreat at 9:06 a.m.

Jeffrey Nutting facilitated the Select Board Retreat held on Saturday, July 15, 2023. Prior to the retreat, Mr. Nutting forwarded a survey with six questions to the Board which he summarized and distributed during the retreat (*Attachment A*).

Mr. Nutting led the discussion of the roles of the Board and the role of the TA based on the survey responses.

Objectives and discussion during the retreat included:

- Policy for attendance
- Flattening the Board
- Plan for 2024 goals
- Gaining familiarity with policies, identifying gaps and follow them
- Trust the TA job as outlined in the Special Acts (*Attachment B*) For example Bylaw review, committee handbook
- Improvements in communication

Discussion ensued regarding policies, strategic training, problem solving through the chain of command, suggestions for process and policy improvement, assigning individual items to the Board and brainstorming goals. The Board members agreed no individual will act independently without the approval of the collective vote.

Goal Setting

There was further discussion regarding the 2023 Policy Goals and Objectives (*Attachment C*) and the Board continued brainstorming. One key focus was on the financial policies and economic development. Mr. Nutting provided best practices and shared ideas of what other municipalities do; overall creating systems and processes that work. The Select Board reviewed other towns economic development initiatives and best practices.

Other focus areas included housing, G.I.S., 40R and Charter Review

Additional documents referred to and/or provided during the retreat see *Attachment D, E, F*.

Meeting adjourned at 1:30 p.m.

Attachments:

- A. Pre-retreat survey and responses
- B. Special Acts §A502-6 Town Administrator
- C. Fairhaven 2023 Policy Goals with Objectives
- D. Fairhaven Select Board Meeting Protocols 2023
- E. Select Board and Town Administrator Partnership – Job Description – Jeffrey Nutting
- F. Code of Conduct for the Select Board

Respectfully submitted on behalf of the Select Board Clerk (ale)

Approved on _____, 2023

DRAFT

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 at 7:30 on Monday August 21, 2023 in the Town Hall
40 Center Street, Fairhaven, MA**

**The purpose of the hearing will be to receive information and public
comment on the proposed application for a Farmers Series Pouring
License Permit.**

**The name of the establishment is
Fairhaven Meadows, LLC DBA Nasketucket Bay Vineyard
located at 237 New Boston Road
Fairhaven, MA 02719**

Application submitted by:

Nicholas Christy/Owner



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

RECEIVED

2023 AUG -8 A 9:22

BOARD OF SELECTMEN
 TOWN OF FAIRHAVEN

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

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 checked="" 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 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 checked="" type="checkbox"/> Other <input type="text" value="Farmer Series Pouring Permit"/> | | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL:

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

RECEIVED

APPLICATION FOR A NEW LICENSE

2023 AUG -8 A 9 27

Municipality Fairhaven, MA

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	Farmer Series Pouring Permit	Wines	Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We are applying for a Farmer Series Pouring Permit to pour and sell wines and ciders produced on premises (the vast majority which are estate grown.) Nasketucket Bay Vineyard is a local farm, vineyard, orchard, and winery with a strong emphasis on locally grown, produced, and sourced products including but not limited to wines, ciders, fruits, vegetables, pumpkins, flowers, and honey.

Is this license application pursuant to special legislation? Yes No Chapter 138 Acts of 130, 19C

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name Fairhaven Meadows, LLC FEIN

DBA Nasketucket Bay Vineyard Manager of Record Nicholas Christy

Phone Email

Alternative Phone Website peacelovevino.net

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Nasketucket Bay Vineyard is a vineyard, orchard, farm, and winery located on 52 acres zoned for agricultural use. The premises includes a 37'x60' two-story barn with a 40'x40' outdoor patio space which will serve as a tasting room and event space. Also located within the vineyard is a 60'x100' open lawn space which will also serve as an extension of the outdoor event space.

Total Square Footage: 2,200 Number of Entrances: 4 Seating Capacity: 80

Number of Floors: 2 Number of Exits: 4 Occupancy Number: 100

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Nicholas Christy Phone:

Title: Owner/Manager



Town Administrator

Monday, August 21, 2023

To: Angie Lopes Ellison

From: JP and Holly, West Island residents

Date: July 27, 2023

Re: Building Department Compliment

We wanted to let you know that Suzanne in the Building Department did an outstanding job helping up with planning out our addition. She went above and beyond.

Randy is also a great asset to the Town.

MEMORANDUM

To: Select Board

From: Heidi R. Hacking

Date: July 31, 2023

Re: Resignation-Board of Health

To Whom It May Concern,

It is with deepest regret that I need to resign from my position with the Fairhaven Board of Health. I recently received an unfortunate medical diagnosis, and I will no longer be able to serve in this capacity. It has been a pleasure and privilege to serve the Town of Fairhaven, and I know I leave it in capable hands of the current board and health staff. If you are to need any further correspondence, please do not hesitate to reach out.

Respectfully,
Heidi R. Hacking



Town of Fairhaven

Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone: (508) 979-4023 ext. 8125 · Fax: (508) 979-4079

Kevin Gallagher, Chair
Justine Frezza, Clerk
David D. Flaherty Jr, RS , Health Agent

August 16, 2023

Fairhaven Selectboard
Leon E. Correy, III, Chair
40 Center Street
Fairhaven, MA 02719

Dear Mr. Correy,

In compliance with MGL Chapter 41, Section 11, we are writing to inform you of the resignation of Board of Health member Heidi Hacking. We request the scheduling of a joint meeting between our Boards to formally fill this vacancy. Further, we request ample time between the receipt of this notification and our joint meeting so that residents have ample time to learn of the vacancy and the process used to fill it.

Thank you.

Sincerely,

Kevin Gallagher, Chair

Justine Frezza, Clerk

CC: file

2023 AUG 17 A 8:47
RECEIVED

ALBERTO B. SILVA

9 COSTA DRIVE

FAIRHAVEN, MA 02719

RECEIVED

2023 JUL 31 A 10:27

BOARD OF SELECTMEN
FAIRHAVEN, MA

Resignation Letter

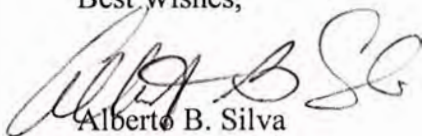
To: Fairhaven Select Board

July 30, 2023

Kindly accept this letter as my formal resignation as an Associate Member of the Fairhaven Zoning Board of Appeals. This resignation is to take effect immediately.

I am incredibly grateful for the opportunity that I had to serve the citizens of Fairhaven. I would also like to thank Chairman Peter DeTerra for being supportive during my tenure as a board member.

Best Wishes,



Alberto B. Silva

Fairhaven TV is excited to announce that The Magazine has won the "Best Magazine Shows (Independent Producer)" category from the Alliance for Community Media's National Hometown Media Awards! Producer David Fauteux and Host Charles K Murphy received this honor for their "2022 Year in Review" episode.





EXECUTIVE OFFICE OF ELDER AFFAIRS
COMMONWEALTH OF MASSACHUSETTS
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HEALTH AND HUMAN SERVICES

ELIZABETH C. CHEN, PhD, MBA, MPH
SECRETARY, EXECUTIVE OFFICE OF
ELDER AFFAIRS

August 8, 2023

Martha Reed
Director
TOWN OF FAIRHAVEN
40 CENTER ST
FAIRHAVEN, MA 02719-

RE: Request for Applications for the Enhancing Digital Literacy for Older Adults Grant Program

TOTAL GRANT AWARD AMOUNT: \$16,868.00

Dear Martha Reed,

Congratulations! The Massachusetts Executive Office of Elder Affairs (EOEA) has awarded your program, Fairhaven COA Enhanced Digital Literacy Program, \$16,868.00 to complete the activities outlined in your grant proposal under the Enhancing Digital Literacy for Older Adults Grant Program.

Your organization must use funds solely for the costs associated with the program listed above, based on the costs you identified and described in the grant proposal submitted to EOEA.

To accept your grant award, please submit your Grant Agreement through the Grant Portal within two weeks of receipt of this letter. If your organization fails to submit this agreement by the deadline, EOEA may rescind this award or determine that your organization has rejected the award. EOEA reserves the right to award rescinded or rejected awards to other applicants.

This letter will be incorporated into your organization's Grant Agreement as Appendix A. Your organization's grant award is subject to execution of the Grant Agreement and compliance with its terms.

If you have any questions, please email MAHCBSgrants@pcgus.com. We are very excited to see the impact of your program.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth C. Chen".

Elizabeth C. Chen, PhD, MBA, MPH
Secretary, Massachusetts Executive Office of Elder Affairs

EOEA Announces ‘Enhancing Digital Literacy for Older Adults Grant’ Awards

Aug 16, 2023

24 Councils on Aging (COAs) representing 65 municipalities were awarded the *Enhancing Digital Literacy for Older Adults Grant*. Funded by American Rescue Plan Act Home and Community-Based Services (HCBS), the grant program is designed to assist COAs in purchasing devices, software, or broadband for older adults; and/or providing training and support for older adults to enhance their digital literacy.

Awardees include distinctive approaches to digital literacy training and support, including partnership models (with schools, libraries, and technology training vendors) and various types of engagement (peer support, intergenerational support, one-on-one in-home assistance, group classes). The awardees span almost all counties, many represent rural communities and Gateway Cities, and some of the awardees plan to offer curriculum and support in languages other than English, including Arabic, Chinese, Haitian Creole, and Spanish.

Congratulations to the awardees from COAs in the following cities and towns (some with partner COAs in surrounding communities):

Athol, Fairhaven, North Andover, Barnstable, Franklin, North Attleboro, Berlin, Georgetown, Norton, Bernardston, Greenfield, Oak Bluffs, Burlington, Holyoke, Pittsfield, Chelsea, Medford, Salem, Chesterfield, Montague, Sudbury, Deerfield, Norfolk, Ware.

The Massachusetts Healthy Aging Collaborative looks forward to working with and supporting the awardees.

ATTACHMENT A - SCOPE OF SERVICES AND ADDITIONAL TERMS AND CONDITIONS

The Executive Office of Energy and Environmental Affairs (EEA) and the **Town of Fairhaven** (“the community”) hereby contract for the community to complete the Municipal Vulnerability Preparedness (MVP) 2.0 process in the FY24-25 pilot round. Once the contract has been signed by both parties, the community will be provided with an advance payment of **\$45,000 to complete the MVP 2.0 process scope (steps 1-7 and step 9)**. Once the community has completed step 6 (selected a Seed Project and submitted Part A that was approved by the respective MVP Regional Coordinator) or earlier if authorized by EEA, the community will be provided with an advance payment of **\$50,000 to implement their Seed Project (step 8)**.

This project will run from the effective date of this contract through **June 30, 2025**. Failure to produce the required deliverables and documentation of spent funds by the contract end date will result in a return of the funds to the state by FY25 fiscal year end. The community may apply for a contract extension as needed and subject to EEA’s discretion for approval.

Process Summary:

The MVP 2.0 program expands on the climate resilience work communities have done to date and supports communities with new methods, tools, and resources for building climate resilience. In particular, the contract will support the community in revisiting their climate resilience priorities with a focus on equity, and translating those priorities into action through project development and implementation. The MVP 2.0 program does this through:

- Convening a community team to do equitable climate resilience work;
- Providing training on strategies for building climate resilience, equity, and climate justice;
- Revisiting resilience priorities with the involvement of the wider community and a stronger assessment of social vulnerability and resilience;
- Helping the community and community to co-develop and implement a project that builds community resilience, with guaranteed funding for implementation; and
- Providing a process that can be replicated for future MVP Action Grants.

Resources and Support:

The community will work with a primary vendor to help manage and facilitate the process. MVP will provide a set of guidance documents and tools for completing the process. Additionally, the project team will use the [Guides for Equitable and Actionable Resilience \(GEAR\) online tool](#), which provides access to community data, downscaled climate projections, and guidance for investigating and understanding local climate vulnerability. The MVP Program’s team of Regional Coordinators (RCs) will also provide support and guidance in the process (see list of MVP checkpoints below).

Process Details:

The community will conduct the following tasks to complete the MVP 2.0 process as outlined in the [MVP 2.0 Process Guide](#). From step 1 onward, the community will have support from their contracted primary vendor and their implementation vendor for step 8.

<p>Step 0: Hire a Primary Vendor One to two months (July - August of Year 1)</p>	
<p>Actions:</p> <ul style="list-style-type: none"> ● Use the sample RFP and vendor criteria to contract with a primary vendor that meets the skill sets required of the MVP 2.0 program. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> ● Just after award - Meet with the MVP Regional Coordinator (RC) for your region to kick off the process and to discuss vendor selection and qualifications. ● After selecting a vendor - Email your RC with selected vendor contact information and their qualifications; meet with your MVP Regional Coordinator and your primary

	vendor to go over the process before getting started.
Phase 1: Developing a Core Team	
Step 1: Groundwork One month (August - September of Year 1)	
<p>Actions:</p> <ul style="list-style-type: none"> • Use the Social Resilience Roadmap to dig deeper into understanding who lives and works in your community and who will likely be disproportionately affected by climate change. • Identify perspectives and lived experience within your community that will be important to include in your Core Team. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion - Email Part A of your Social Resilience Roadmap to your MVP Regional Coordinator before moving on to step two.
Step 2: Recruiting Your Core Team One to three months (September - November of Year 1)	
<p>Actions:</p> <ul style="list-style-type: none"> • Build out a group of municipal staff and community members (i.e., community liaisons) to lead equitable climate resilience work in the community. • Ensure approximately half the Core Team members are from and/or with strong relationships with EJ or other priority populations who live and work in your community. Use "Resources for Core Team Recruitment" as needed. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion- Email a list of your Core Team members to your MVP Regional Coordinator before moving on to step three. Note which members are community liaisons, the community(ies) they are connected to, and the compensation amount.
Step 3: Core Team Training One to two months (November - December of Year 1)	
<p>Actions:</p> <ul style="list-style-type: none"> • Participate in the Climate Resilience Training and Discussion Modules to build skills and capability that will help in assessing community vulnerability and in developing a resilience project. • Participate in the Equity and Climate Justice Learning Series to build skills and capability to work together in ways that center equity and climate justice. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion- Email your completed discussion guides for the Climate Resilience Video Modules to your MVP Regional Coordinator before moving on to step four.
Phase 2: Revisiting Resilience Priorities	
Step 4: Uncovering Social Resilience Three months (January - March of Year 1)	

<p>Actions:</p> <ul style="list-style-type: none"> • Use the Engagement Plan to design and lead community outreach and engagement activities, focused on connecting with and understanding the needs and priorities of EJ and other priority populations who are disproportionately impacted by climate change. • Use the Social Resilience Roadmap to identify factors that contribute to vulnerability and resilience for people who live and work in the community and region, and to inform your approach to building community resilience in ways that simultaneously address root causes of vulnerability. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Midway - Check in with your MVP Regional Coordinator once you have completed the Engagement Plan, before getting started on your engagement activities. • Upon completion- Email your completed Social Resilience Roadmap (Part B) to your MVP Regional Coordinator before moving on to step five.
<p>Step 5: Resetting Resilience Priorities Two to three months (March - May of Year 1)</p>	
<p>Actions:</p> <ul style="list-style-type: none"> • Use the Resilience Priorities Guide to review and update your resilience priorities based on wider community input about factors that influence vulnerability and resilience for people in your community. • Vet the updated priorities with community members, and specifically people who will be most impacted by climate change, to create shared understanding, transparency, and accountability around community resilience priorities. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion- Email your completed Resilience Priorities Guide to your MVP Regional Coordinator before moving on to step six.
<p>Phase 3: Implementing a Seed Project</p>	
<p>Step 6: Selecting a Seed Project Two months (May- June of Year 1)</p>	
<p>Actions:</p> <ul style="list-style-type: none"> • Use the Seed Project Plan to collaborate on the development of a project that will jump-start or advance the updated community resilience priorities. • Vet the project with community members, to ensure that people who will be most impacted by climate change inform decisions related to the project. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion- Email your completed Seed Project Plan (Part A) to your MVP Regional Coordinator by June 15. Submitting Part A will unlock funding for Seed Project implementation.
<p>Step 7: Seed Project Implementation Plan One to two months (July – August of Year 2)</p>	

<p>Actions:</p> <ul style="list-style-type: none"> • Use the Seed Project Plan to collaborate on the development of an implementation plan for your Seed Project that will help translate the idea into action. • Coordinate with a Seed Project advisor to help develop the plan 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion- Email your completed Seed Project Plan (Part B) to your MVP Regional Coordinator before moving on to Step 8.
<p>Step 8: Implementing the Seed Project To be led by an implementation vendor which may differ from the primary vendor-community is in charge of procuring and contracting with this vendor prior to this step Nine to ten months (September - June of Year 2)</p>	
<p>Actions:</p> <ul style="list-style-type: none"> • Implement a Seed Project that will set the groundwork for future Action Grants and/or contribute to building community resilience in your community or region. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Midway- Halfway through the implementation of your Seed Project, email or set up a call with your MVP Regional Coordinator to provide a progress update.
<p>Step 9: Reflecting, Adjusting, and Next Steps Less than one month (June of Year 2)</p>	
<p>Actions:</p> <ul style="list-style-type: none"> • Use the Reflection Roadmap to reflect on the process in order to evolve and improve it for future resilience building efforts. 	<p>MVP Checkpoints:</p> <ul style="list-style-type: none"> • Upon completion- Submit the MVP 2.0 Final Submission Form to the MVP Program, including deliverables, photos, and invoices showing all grant funds were spent to close out the MVP 2.0 project.

The grantee also agrees to provide feedback, including participating in approximately 2-4 meetings as requested by EEA in relation to the pilot round, so that the program can be improved before its formal roll out after the pilot round.

Reporting and Final Deliverables:

To close out the MVP 2.0 process, the community is required to provide EEA with the following materials. These materials will be submitted as attachments to the [MVP 2.0 Final Submission Form](#).

- Completed MVP Checkpoints listed under each step above
- Completed materials:
 - Discussion Guide for the Climate Resilience Video Modules (will be available on [MVP 2.0 website](#))
 - [Engagement Plan](#)
 - [Social Resilience Roadmap](#) (Parts A + B)
 - [Resilience Priorities Guide](#)
 - [Seed Project Plan](#) (Parts A + B)
 - [Reflection Roadmap](#)

- [Final Submission Form](#)
- Close-out materials:
 - Final invoice(s) demonstrating all grant funding was spent according to the contract scope of work. (If multiple invoices, please compile into one PDF.)
 - Final deliverables from the Seed Project. (If multiple or too big to upload, please email to your MVP Regional Coordinator.)
 - Slide(s) with photos or images from the process and/or your Seed Project. (We may share these publicly so please only upload photos or images with any necessary permissions to share secured.)

Failure to produce the required deliverables and documentation of spent funds by the contract end date will result in a return of the money to the state by fiscal year end.

Any changes to the scope or deliverables must be approved in writing by the MVP Regional Coordinator or MVP staff.

Grantee/Municipal Staff Commitment:

The grantee/community must provide sufficient staff time to assure completion of this grant. The time commitment for the project manager and municipal members of the Core Team is estimated at roughly 90 hours and 60 hours, respectively, from October 2023 - August 2024, with the following ten months to be determined based on the project selected by the Core Team. The grantee does not need to track or report on this time provided that the following tasks are completed. Staff time will include the following activities:

- Complete a contract with the Commonwealth and maintain all necessary reporting;
- Procure a primary vendor based on the provided vendor qualifications;
- Complete Part A of the Social Resilience Roadmap to identify perspectives and lived experience within your community that will be important to include in your Core Team (Step 1);
- Recruit a Core Team, with at least half the members being community liaisons with strong connections to EJ and other priority populations in the community (Step 2);
- Participate in the Core Team training (Step 3);
- Work with community liaisons on your Core Team to lead inclusive and equitable community outreach and engagement activities to gather insight on sources of vulnerability and resilience in the community and complete Part B of the Social Resilience Roadmap (step 4);
- Participate in discussions with your Core Team to revisit and update your community resilience priorities; vet the updated priorities with the community (Step 5);
- Participate in discussions with your Core Team to identify a Seed Project idea; vet the Seed Project idea with the community (Step 6);
- Participate in discussions with your Core Team to develop a Seed Project Implementation Plan; identify a subject matter advisor(s) to support this process (Step 7);
- Identify an implementation vendor to lead or support the implementation of the Seed Project; work with the implementation vendor and community stakeholders to implement the Seed Project (Step 8);
- Reflect on the MVP 2.0 process, and submit the MVP 2.0 Final Submission form with all associated deliverables to the MVP team (Step 9).

Materials:

All materials, software, maps, reports, and other products produced through the grant program shall be considered in the public domain and thus available at the cost of production. All materials created through this opportunity and as a result of this award should credit the Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness (MVP) program.

Other Terms:

Receipt of MVP funding shall not be considered state approval of the project for any necessary state, federal, or local permits, nor provide any indication of the project's competitiveness for future funding phases.

GRANTEE: TOWN OF FAIRHAVEN

ATTACHMENT B - BUDGET AND APPROVED EXPENDITURES

{The Department and Contractor may complete this format or attach an approved alternative Budget format or invoice.}

Items identified below which are not part of the Contract should be left blank.

Attach as many additional copies of this format as necessary, Maximum obligation should appear as last entry.

Contract Expenditures	Unit Rate (per unit, hour, day)	Number of Units	Other Fees or Charges (specify)	TOTAL
To be distributed July 2023: State FY24				\$45,000
To be distributed July 2024 (or upon completion of Step 6 in Att. A): State FY25				\$50,000

MAXIMUM OBLIGATION	Total \$95,000.00
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Attachment B is subject to any restrictions or additional provisions outlined in Attachment A

Additional Terms:

- Funding awarded as a result of this contract must be placed in a non-interest-bearing account.
- Failure to produce the required deliverables and documentation of spent funds by the contract end date will result in a return of the money to the state by fiscal year end.
- Requests for extensions or amendments to this contract are at the sole discretion of EEA and must be requested at least one month in advance of the contract end date.
- Please refer to the request for responses ENV 24 MVP 02 for additional requirements.



Temporary Street Closure

Request for a temporary street closure-block party on Saturday, September 30, 2023 from 12:00-5:00 p.m. on Laurel Street between Church Street and South Street.

Submitter: Lawrence E. DeSalvatore, Jr.
75 Laurel St.

Points of Contact: Eric & Heather Anderson
73 Laurel Street

John & Connie Whalen
79 Laurel Street

CC'd to: BPW – Forwarded 8/10/23
Police – Forwarded 8/10/23
Fire – Forwarded 8/10/23, reviewed, comments
No permanent closures, must be able to provide immediate access to Fire/EMS



Fairhaven

Massachusetts

INTERNET SURVEY

The Town of Fairhaven and Massachusetts Broadband Institute (MBI) want to hear from you about your experiences accessing and using internet service! This survey is completely anonymous and should be completed by one person per household. Your feedback is important to understand challenges to internet access, affordability, and adoption to help close the digital divide.

Thank you for your time and participation.

<https://made.civilspace.io/en/projects/ma-digital-equity/engagements/ma-sdep-public-survey/sections/1>



MBI
MASSACHUSETTS
BROADBAND INSTITUTE


at the MassTech
Collaborative



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

Leon E. Correy III, Chair
Charles K. Murphy, Sr., Vice Chair
Stasia Powers, Clerk
Keith Silvia
Robert J. Espindola

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
Fax: (508) 979-4079

**Fairhaven Select Board Decision After Hearing on
Removal of Gary Lavalette from Historical Commission**

The Fairhaven Select Board held a hearing on the contemplated removal of Gary Lavalette from the Historical Commission on July 10, 2023 and on August 7, 2023. The purpose of this hearing was to hear from the Town and from Mr. Lavalette regarding whether the Select Board has cause to remove Mr. Lavalette from the Historical Commission. After the close of the hearing, on August 7, 2023 the Board voted unanimously (4-0) to remove Mr. Lavalette from the Historical Commission, subject to the Board's adoption of a written decision of removal at a subsequent meeting. This is the written decision of removal.

Procedural History.

Mr. Lavalette was served with written notice of a hearing by the Select Board to contemplate his removal from the Historical Commission. The initial notice of removal hearing (marked as Exhibit 2 at the hearing) was dated June 15, 2023 for the removal hearing to occur on June 20. At the request of Mr. Lavalette's attorney, Philip Beauregard, the original hearing date was continued from June 20 to July 10, 2023. The Amended Notice of Removal Hearing confirmed the continued date of July 10, 2023 (marked as Exhibit 1 at the hearing). These notices provided Mr. Lavalette with written notice of the matters to be heard against him at the hearing and invited him and his attorney, and any witnesses they decided to present, to participate in the hearing.

Prior to the commencement of the hearing on July 10, Select Board Member Keith Silvia recused himself publicly from participating in this matter based on prior and ongoing business dealings he had with Mr. Lavalette.¹

¹ Mr. Lavalette subsequently unilaterally contacted Board Chair Leon Correy outside of the hearing to assert that Mr. Correy had a conflict of interest and should not be participating in this matter because he allegedly had a personal relationship with witness Kamryn DuBols that biased him, and Mr. Correy had been contacted prior to the hearing by Ms. DuBols about her disturbing interaction with Mr. Lavalette. At the continued hearing on August 7, Mr. Correy publicly stated that the extent of his involvement with Ms. DuBols outside of her January 28, 2023 complaint regarding the incident with Mr.

Pursuant to the Open Meeting Law, G.L.c.30A, §21(a)(1), the Board offered Mr. Lavalette the opportunity for the Board to hold the hearing in executive session, out of public view. Mr. Lavalette opted, as was his right, to have the Board conduct this hearing in open session, which the Board did. The allegations regarding Mr. Lavalette were therefore discussed in open session to accommodate Mr. Lavalette's request that the hearing be held in open session.

The first evening of the Hearing was conducted on July 10, 2023. Because the Board did not complete the hearing on July 10, the hearing was continued to August 7, 2023 to allow for the testimony of further witnesses on behalf of the Town, and for Mr. Lavalette and any witnesses he cared to present to testify to the Board. Prior to the start of the August 7 hearing, Attorney Beauregard informed the Board that he and Mr. Lavalette would not be appearing at the August 7 hearing (which had been continued to that date with their assent).²

Exhibits.

Lavalette and Ms. DuBols's attendance at the two hearings was limited to: Ms and Mr. DuBols hosted a lawn sign for his Select Board campaign (but they did not make a monetary campaign contribution); Mr. Correy briefly attended a graduation party for M/M DuBols's daughter at the DuBols home in Fairhaven at their invitation; and Mr. Correy once happened to run into Ms. DuBols while they both were at Tufts Medical Center in Boston.

Mr. Lavalette also made conflict of interest allegations against Select Board member Robert Espindola, which Mr. Lavalette made in a voicemail to recused Board member Keith Silvia, which seem to be based on allegations that Mr. Espindola and Mr. Lavalette both attended some of the same large functions.

Mr. Correy and Mr. Espindola may continue to participate in this matter at their discretion. The Select Board is acting in a quasi-judicial capacity in acting in this matter, and therefore its role is analogous to that of a judge. Generally, recusal is a matter left to the discretion of the Board member acting in a quasi-judicial capacity. As long as Mr. Correy and Mr. Espindola feel they can remain impartial notwithstanding their prior interactions related to Mr. Lavalette, recusal is not required. Their interactions with Mr. Lavalette and Ms. DuBols were not in a matter that relates to their personal or financial interests. Select Board members routinely balance the need to interact with constituents and to act impartially when making decisions that may relate to those interactions.

² The August 7, 2023 hearing which Mr. Lavalette and his attorney voluntarily absented themselves from may be available for viewing on FairhavenTV.com.

The Board accepted the following documents as exhibits at the hearing. The Board did not reject any exhibit proposed by either side. Mr. Lavalette's attorney did not propose any exhibits. The Town proposed and the Board accepted the following exhibits:

1. July 6, 2023 Amended Notice of Removal Hearing
2. June 15, 2023 Notice of Removal Hearing
3. Investigator's Supplemental Report [Redacted]
4. Investigator's Conservation Department Workplace Conduct Investigation Report [Redacted]
5. February 9, 2023 Fairhaven Police Report [Redacted]
6. Personnel Policy of Town of Fairhaven (7/18/22)
7. FPD Police Report re January 28, 2023 Incident (amended July 14, 2023)
8. Fairhaven Boards and Commissions Handbook (V. 3, revised December, 2020)

These exhibits, specifically including the findings of the Investigator contained in Exhibits 3, are hereby incorporated into this Decision by reference.

Evidence.

In addition to the 8 exhibits presented, there was live testimony heard by the Board at its hearing on July 10, 2023. The Town's investigator of the matters at issue concerning Mr. Lavalette, Attorney Caitlyn Morey of Clifford & Kenny, LLP, testified and was subject to extensive cross-examination by Attorney Beauregard in the presence of Mr. Lavalette concerning the findings of her investigation and her interviews of many Town officials and residents regarding the complaints at issue. Also, resident Kamryn DuBois testified and was subject to extensive cross-examination by Attorney Beauregard in the presence of Mr. Lavalette concerning her complaints about her treatment by Mr. Lavalette. Because Attorney Beauregard and Mr. Lavalette voluntarily elected not to appear at the continued hearing on August 7, 2023, no testimony was presented to the Board on Mr. Lavalette's behalf or to rebut any of the testimony of Attorney Morey or Ms. DuBois from July 10. Also, no closing argument on behalf of Mr. Lavalette

was made to the Board. Board Chair Leon Correy had announced at the beginning of the hearing on July 10 that both the Town's attorney and Attorney Beauregard would be allowed to make brief closings at the conclusion of the hearing.

Ms. DuBois testified (and Attorney Morey's Supplemental Investigative Report, Exh. 3 states) that in December 2022 a storm had washed sand and seaweed into the driveway of the home owned by Mr. and Ms. DuBois's driveway at 17 Turner Avenue. Ms. DuBois and her husband Douglas DuBois hired landscapers to move the sand and seaweed from the driveway. On Saturday January 28, 2023, Mr. Lavalette arrived at 17 Turner Avenue and ordered 4 landscapers to immediately stop working. Mr. Lavalette yelled at the landscapers and repeatedly mentioned the possibility that they would be subject to a \$25,000 fine. The landscapers left the property and called the owners. Soon thereafter, the owners arrived at the property and saw Mr. Lavalette and another Conservation Commissioner Geoff Haworth walking the property. M/M DuBois told Mr. Lavalette and Mr. Haworth to leave their property. They believed they were trespassing, in part because they had not clearly identified themselves before coming onto the property. Mr. Lavalette and Mr. Haworth did not leave the property.

Ms. DuBois spoke alone with Mr. Lavalette at this point while Mr. DuBois spoke with Mr. Haworth on the beach. Ms. DuBois was talking with Mr. Lavalette about the potential costs of fixing the issues on their property. Mr. Lavalette then said that he had incurred medical bills of over \$1.4 million for treatment related to bladder cancer. He also said that as a result of that treatment his external reproductive organs did not work. Ms. DuBois felt very uncomfortable by that conversation and felt that Mr. Lavalette's statements about his body were extremely inappropriate, but she engaged in the conversation because she was fearful of the threats of fines that Mr. Lavalette had made against her.

In the course of his conversation with Ms. DuBois, Mr. Lavalette said that he had purchased his house from "some Orientals" and that because Oriental people are so short the prior owners had sawed the legs off of all the furniture so that it would be lower to the ground.

When Ms. DuBois asked Mr. Lavalette how he learned on that Saturday about the work on her property, when Ms. DuBois had had trouble reaching the Conservation Department in the past, Mr.

Lavalette said that he had friends all over Town who would call his cell phone to make reports. When Ms. DuBois asked for the cell phone number so that she could reach out to him in the future, Mr. Lavalette declined to give it to her.

During the property visit on January 28, 2023, Mr. Lavalette repeatedly referred to Ms. DuBois as a “tenant” at the property, despite being told multiple times by Ms. DuBois and Mr. DuBois that she was an owner of the property. As a Black woman, Ms. DuBois took Mr. Lavalette’s continuing references to her as a tenant despite knowing that she was an owner as demeaning comments by Mr. Lavalette that he made because of her race.

When Ms. DuBois later complained to Town officials about Mr. Lavalette’s behavior, Mr. Lavalette told her she had no business making such complaints and if she continued to do so he would turn her file over to the State and she would be subject to serious fines. Ms. DuBois has security video showing Mr. Lavalette driving by her property on several occasions after the January 28, 2023 incident. She testified that she found this behavior to be intimidating.

Mr. Lavalette told Attorney Morey in telephone conversations more than once that he believes that Ms. DuBois, by complaining to Town officials about him, including the Town Administrator Angeline Lopes-Ellison and Select Board Chair Leon Correy, both of whom are Black, was playing the “Black card.”

Ms. DuBois further testified that on May 28, 2023, she was driving near Town Hall with her window open when she felt a spray on herself and saw it on her car windshield, roof and passenger side. She turned to look and saw Mr. Lavalette holding a hose that was attached to a large container on the rear of his truck. She did not think it was water but did not know what it was. It turned white as it dried and left white spots on her car. After the incident she went home and returned with her husband to the scene. Lavalette denied he had sprayed anything when confronted. Ms. DuBois called the police about this incident. Ms. DuBois found this incident to be extremely threatening and intimidating.

Attorney Morey also detailed in her report a complaint by Town resident Dr. Chanda Kale reporting bullying and threatening behavior toward him by Mr. Lavalette related to a Conservation Commission matter regarding his property. Attorney Morey also testified to resident Lisa Murphy reporting to her that Mr. Lavalette lied to her related to work on her property.

The Board's decision as set forth herein is based on the evidence as summarized herein and as more fully set forth in the testimony and documents submitted during the hearing.

Legal standard.

Massachusetts General Law Chapter 40, Section 8D is the statute, accepted by the Town in 1971, that governs local Historical Commissions. There are provisions in Section 8D that state that an appointed Commissioner may be removed for cause by their appointing authority (here, the Select Board). Also, the Fairhaven Boards and Committees Handbook provides that the Select Board may remove board and committee members for cause. Generally, Massachusetts courts apply a flexible definition of what is sufficient cause for removal. Under this definition, if the cause assigned is a reasonable one it is sufficient to justify removal and will only be revised if a court finds the decision to be arbitrary and capricious.

Mr. Lavalette had an opportunity to be heard in this matter after written notice to him, to be represented by counsel, to present witnesses and evidence on his own behalf, to cross-examine the Town's witnesses and to make a closing statement to the Board.

Findings and Action taken.

Taking all of the evidence into account, including the documentary evidence and testimony, and after observing the testimony and cross-examination of Ms. Morey and Ms. DuBois, the Board finds the testimony of Ms. Morey and Ms. DuBois to be reliable and credible, and thereby credits their testimony and the reports prepared by Ms. Morey. Accordingly, the Board hereby finds as follows:

1. The Town's Standards of Conduct and Harassment Policy apply to both employees and volunteers. See Exhibit 6, §1.0. Mr. Lavalette violated the Town's Standards of Conduct and Harassment Policies by, among other actions, repeatedly referring to Ms. DuBois as a "tenant" at the property she owns, even after he was corrected on this issue on several occasions by Mr. and Ms. DuBois. These comments reasonably were interpreted by Ms. DuBois as racially derogatory. Section 12-6 of the Town

of Fairhaven Standards of Conduct (Exhibit 6) requires employees, including volunteer board members, to provide excellent service to residents by being ethical, positive, inclusive and helpful. Section 12-1 of the same Standards of Conduct provides in relevant part that:

The Town of Fairhaven expects all employees to conduct themselves and Town business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations...Employees are prohibiting from engaging in any conduct that could reflect unfavorably upon the Town...Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner that in no way discredits the Town, public officials or fellow employees.

Mr. Lavalette's behavior did not align with these standards. Mr. Lavalette's conduct as outlined in this section further violates the *Town of Fairhaven Boards and Committees Handbook* (v. 3) (hereinafter, "B&C Handbook"), which provides in relevant part that "...swearing, profanity, disparaging remarks, malicious gossip, slander, etc., both during a meeting and in other settings is behavior unbecoming of a Town official and will not be tolerated." Exh. 8, p. 15 (emphasis added).

2. Mr. Lavalette violated the Town's Harassment Policy, the Standards of Conduct Policy and the B&C Handbook (p. 15) by using the term "Orientals" to describe former town residents and making derogatory racially stereotypical references to the height of people of Asian descent.

3. Mr. Lavalette violated the Town's Harassment Policy and Standards of Conduct by referring to his external reproductive organs in a conversation about official Town business with a resident against whom he had threatened fines.

4. Mr. Lavalette violated the Town's Harassment Policy and Standards of Conduct by his threatening behavior in dealing with Ms. and Mr. DuBois on their property and telling Ms. DuBois that she needed to stop complaining about him to Town officials.

5. Mr. Lavalette violated the Town's Harassment Policy, Standards of Conduct and the B&C Handbook (p. 15) by stating that Ms. DuBois and the Town Administrator were trying to play the "Black card" in complaining about his inappropriate behavior. The Harassment Policy prohibits unwelcome conduct based on race, including racially derogatory comments.

6. Mr. Lavalette violated the Town's Harassment Policy and Standards of Conduct by his threatening behavior towards Ms. DuBois during the incident on May 28, 2023, when Mr. Lavalette intentionally sprayed Ms. DuBois and her vehicle with a milky white substance from a tank affixed to his vehicle, without cause or justification. The Board finds this conduct to be threatening, intimidating and highly inappropriate behavior by a Town official.

7. Even though Mr. Lavalette's violative conduct occurred primarily in his role of Conservation Commissioner, the Board finds that the racially offensive remarks, the abuse of his authority in a threatening manner toward residents (including Ms. DuBois, Dr. Kale and Ms. Murphy), and his repeated violation of the Town's Harassment Policy, Standards of Conduct and the B&C Handbook are completely unacceptable behavior by any Town representative and constitute reasonable cause for the Board to remove Mr. Lavalette from his role as Historical Commissioner for the Town. Whenever a person represents the Town as a Town employee or as a volunteer member of a board or committee, or holds multiple such roles or positions, he or she is obligated at all times to comply with the Harassment Policy, Standards of Conduct, B&C Handbook and other applicable policies, in whichever roles the person is performing for the Town at the time. The Board is not required to treat each person's role for the Town as a separate silo, because in whichever role or function they are performing, they are at all times a representative of the Town as a whole, albeit in separate capacities. The Board can and should consider all relevant conduct in deciding whether continued service for the Town in any capacity should be permitted, particularly where the conduct is of a serious or egregious nature such as occurred here.

For the foregoing reasons, and for other reasons set forth in the testimony and documents admitted at the hearing, the Select Board voted 4-0³ by roll call vote after the close of the hearing on August 7, 2023 as follows:

³ As previously noted, on July 10, 2023 Board member Keith Silvia voluntarily recused himself publicly from this matter and did not participate at all in the hearing, deliberations, or vote based on his prior and ongoing business dealings with Mr. Lavalette. The remaining four Board members voted for removal at the August 7, 2023 meeting.

Mr. Espindola moved to remove Mr. Lavalette from representing the Town and from the Historical Commission pending a draft decision to be approved. Ms. Powers seconded. Roll Call vote, Mr. Espindola in favor, Ms. Powers in favor, Mr. Murphy in favor and Mr. Correy in favor.

The Board hereby adopts this report as its written decision of removal of Gary Lavalette from the Historical Commission, such removal to be effective immediately. This decision will be filed with the Town Clerk.

FAIRHAVEN SELECT BOARD

LEON E. CORREY III, CHAIR

STASIA POWERS, CLERK

CHARLES K. MURPHY, SR., VICE-CHAIR

ROBERT J. ESPINDOLA, MEMBER

Dated: August 21, 2023

DRAFT

Paul DiGiuseppe

PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

I am passionate about focusing on projects that lead to meaningful results, especially economic development. I work with the community to attract, develop and retain businesses and employees.

EMPLOYMENT HISTORY

Director of Economic and Community Development

TOWN OF MIDDLEBOROUGH, ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT,
Middleborough, MA, 2022-Current

The Department provides economic and community development programs.

- Helping to activate Downtown by initiating the formation of a Downtown management association, spearheading the release of the new Downtown branding, providing funding and business resources to property and business owners, updating the Downtown website to promote businesses and ways to get around, and providing listing information for sites currently for lease or sale.
- Helping to attract new development and business by creating and publishing a vacant land inventory as well as data needed to attract development and connecting with commercial developers and realtors.
- Helping existing businesses by publishing business and funding resources whose focus is to help businesses be more sustainable.
- Improving public outreach and engagement by hiring a communication specialist who is focused on promoting cultural events, executing a comprehensive outreach strategy, and using innovative engagement techniques which allows us to collect extensive stakeholder feedback.

Director of Planning and Economic Development

TOWN OF NORTON, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, Norton, MA,
2018-2022

The Department provides planning and economic development functions as well as supports the Economic Development Commission, Planning Board, and Zoning Board of Appeals.

- Helped to redevelop the former Reed and Barton Mill site by obtaining \$200,000 in state funding to assess contamination and \$300,000 from MassWorks grant to extend sewer to site. Outreach efforts resulted in a developer who is in the process of taking ownership of the site. Worked with the new owner to successfully rezone the property.
- Successfully received \$70,000 in grant funding which was used to update the Town Master Plan. The plan focuses on how land is used, mobility, economic development, capital investments, and housing. The plan is being implemented including by revisions to the zoning bylaw to promote economic development.
- Helped towards the revitalization of the Village Center which has led to new development and helping existing businesses. Efforts include the adoption and implementation of the Norton Village Center, Local Rapid Recovery, and Parking Management plans. Implementation efforts include the adoption of Village Center Core rezoning which will create a vibrant village center through design standards and increased entitlements. Received grant funds for a placemaking plan and used ARPA funds to hire a consultant who helped form a business association.
- Work closely with applicants needing Planning Board approval for various projects.

Principal Planner

**PLANNING AND ZONING DEPARTMENT, COMPREHENSIVE PLANNING DIVISION
CITY OF AUSTIN, Austin, Texas, 2006-2017**

The Planning and Zoning Department provides planning, preservation, and design services to make Austin a sustainable and resilient city.

- Adoption and implementation of the award-winning Imagine Austin Comprehensive Plan by helping write various sections of the plan; editing the entire plan; designing public meetings that resulted in extensive public feedback; facilitating group exercises; making presentations to boards, commissions, and community groups; and developing implementation strategies including for economic and cultural tourism.
- Adoption of the Central West Austin Neighborhood Plan due to writing the plan, stakeholder and media relations, data collection, inter-departmental coordination, public presentations to the City Council and Planning Commission, and strategic planning.
- Supervised up to five planners and a public information officer which included setting expectations, promoting creativity, assigning tasks, working collaboratively, signing timesheets, leave requests, and conducting employee evaluations.

Regional Planning Administrator

**OFFICE OF COMPREHENSIVE PLANNING,
FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, Tallahassee, Florida, 1994-2000; 2004-2006**

The Florida Department of Community Affairs was the state agency charged with oversight of the State of Florida growth management policies.

- Ensured compliance with the State of Florida growth management provisions that sought the protection of environmental resources, transportation infrastructure, affordable housing, and prevention of urban sprawl.
- Supervised five planners who reviewed local government comprehensive plans and large-scale developments to ensure compliance with growth management provisions. Managed work assignments, conducted staff evaluations, set expectations, and had responsibility for all decisions made by our team.
- Initiated the creation of several initiatives that provided technical assistance to local governments including grant management, coordination, and education services.

Senior Planner

COMPREHENSIVE & ENVIRONMENTAL PLANNING DIVISION,

TALLAHASSEE – LEON COUNTY PLANNING DEPARTMENT, Tallahassee, Florida, 2000 — 2002

This is a joint city and county planning department that provides comprehensive planning, urban design, mobility, and environmental services.

- Ensured compliance with the comprehensive plan and state growth management policies by reviewing and writing amendments to the comprehensive plan, researching issues, and developing staff analyses and recommendations. Analysis included impacts to neighborhood compatibility, traffic impacts, natural resources, and utilities.
- Reviewed site plans and subdivision plans throughout Tallahassee and Leon County.
- Presented to the Tallahassee City Commission, Leon County Board of County Commissioners, Planning Commission, and community organizations

EDUCATION

FLORIDA STATE UNIVERSITY, Tallahassee, Florida

Master of Public Administration, 1992

RHODE ISLAND COLLEGE, Providence, Rhode Island

Bachelor of Science, 1988

Major: *Political Science and Public Administration*



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 MAGGIE ROCHA - PUBLIC INFORMATION OFFICER

August 13, 2023

Incident # 23-2639

16:15

At approximately 4:15 yesterday afternoon, an ambulance was dispatched to an address in the north end of town for a report that a child had drowned. While our ambulance and an engine responded for additional support, we received via radio transmission from off-duty Firefighter/Paramedic Jesse Lacerda that he was on scene and CPR was in progress. Not shortly after that transmission did we receive another update describing that the condition of the patient had improved, and the child was now breathing.

Both the child and a parent were subsequently transported by this department to St. Luke's Hospital where the child received further evaluation.

Our department commends the actions of Firefighter Lacerda, an Army veteran, who not only was adjacent to where the incident was occurring, but took immediate action in taking over CPR for a family member. All actions of those on scene prior to the first responders are most also acknowledged and contributed to the outcome. Our prayers are with the family and the patient.

SELECT BOARD'S MEETING

Liquor License
MONDAY, August 21, 2023
@ 6:30 PM

**Transfer of a Restaurant/All Alcohol License
(Formerly Elisabeth's Restaurant)**

Application submitted by:

**OEA Restaurant Group, Corp.
d/b/a OLIVIA'S RESTAURANT
1 Middle Street
Fairhaven, MA 02719
Brandon Roderick, Manager**

TOWN OF FAIRHAVEN

Notice, is hereby given, under Chapter 138 of the Massachusetts General Laws that, OEA Restaurant Group, Corp., d/b/a Olivia's Restaurant, 1 Middle Street, Fairhaven, MA, Brandon Roderick, Manager, has applied for A Transfer of Restaurant/All Alcoholic Beverages License.

The described premise consists of, 1,477 Sq. Ft., 2 floors. The main floor includes a bar, dining room, open kitchen, 2 bathrooms, dish area with prep and walk-in cooler, with egress on the west, north and south sides of the building. The basement layout includes general storage, a walk-in cooler, locked liquor storage and a bulk head for deliveries.

A hearing will be held at a Select Board's Meeting, Fairhaven Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA on Monday, August 21, 2023 at 6:30 PM.

FAIRHAVEN SELECT BOARD

Leon E. Correy, III, Chair
Charles Murphy, Sr.
Stasia A. Powers
Keith Silvia
Robert Espindola



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

APPLICATION FOR A TRANSFER OF LICENSE

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):

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

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

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

RECEIVED
 JUN 18 2:20 PM '13



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

RECEIVED
 JUL 18 P 12:02

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The petitioner is applying for a license transfer from Ferry Street, LLP D/B/A Elisabeth's Restaurant to OEA Restaurant Group, Inc. D/B/A Olivia's Restaurant. The concept of Olivia's is a full service neighborhood restaurant and bar focusing on New American cuisine using fresh ingredients including locally sourced seafood, greens, grains, and talent. The seating plan includes a 12 person bar with 48 seats in the dining room with a capacity of 80 persons.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	§12 Restaurant	All Alcoholic Beverages	Annual

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

The licensed premises consists of 2 floors. The main floor includes a bar, dining room, open kitchen, 2 bathrooms, dish area with prep and walk-in cooler, with egress on the west, north, and south sides of the building. The basement layout includes general storage, a walk-in cooler, locked liquor storage, and a bulk head for deliveries.

Total Sq. Footage	<input type="text" value="1477"/>	Seating Capacity	<input type="text" value="58"/>	Occupancy Number	<input type="text" value="80"/>
Number of Entrances	<input type="text" value="2"/>	Number of Exits	<input type="text" value="3"/>	Number of Floors	<input type="text" value="2"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Douglas Buker"/>	<input type="text" value="Partner"/>	<input type="text" value="100"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
 - On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;
 - Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Brandon Roderick"/>	<input type="text" value="2570 Acushnet Avenue New Bedford, MA 02745"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text" value="President"/>	<input type="text" value="100"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

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 checked="" type="checkbox"/> Transfer of License | <input checked="" 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 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 |

"VOTED: To authorize
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
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, For Corporations ONLY
A true copy attest,

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)



Town of Fairhaven

Select Board

Proclamation

E 5

WHEREAS, Deirdre Healy served the Fairhaven community as one of the original founders of the Fairhaven Sustainability Committee for sixteen years including several years as the Chair of the committee. She worked tirelessly to advance the mission of the committee, “To study, recommend and facilitate actions and systems that will educate and engage the community and lead to the responsible consumption of resources and the implementation of life sustaining practices in order to create a healthy environment and future for our community”; and

WHEREAS, Deirdre Healy helped plan Fairhaven’s Eco/Energy Fairs; and

WHEREAS, Deirdre Healy worked with students of UMASS Dartmouth who served as interns assisting with sustainability initiatives in Fairhaven; and

WHEREAS, Deirdre Healy helped create the Environmental Green Flag Project to educate and honor schools with community gardens and green projects in the classroom. The project also provided green eco-friendly topic books to schools for their library and classrooms; and

WHEREAS, Deirdre Healy worked with others to help Fairhaven gain designation as a “Green Community” within the Commonwealth of Massachusetts; and

WHEREAS, Deirdre Healy partnered with the Town’s Conservation/Sustainability Screening Committee to hire the Town’s first Conservation/Sustainability Agent.

NOW, THEREFORE, BE IT RESOLVED the Fairhaven Select Board hereby joins with the Sustainability Committee in honoring Deirdre Healy for her many years serving the Fairhaven community and tireless support of eco-friendly initiatives. Passed and proclaimed and...

Given under our hands and seal on this day, The Sixth Day of February, in the year of our Lord Two Thousand and Twenty-Three.

Leon E. Correy III

Charles K. Murphy, Sr.

Stasia Powers

Keith Silvia

Robert J. Espindola

Proposed Changes to Name and Charge for Bikeways Committee

Proposed Name

We request that the Select Board change the name of our committee to the **Fairhaven Livable Streets Committee**.

Proposed Charge

We request that the Select Board change the charge of our committee to the following:

The mission of the Fairhaven Livable Streets Committee (LSC) is to make our town the most bicycle and pedestrian-friendly community on the Southcoast. We will do this by:

- *Encouraging **alternative modes of transportation** throughout town*

and

- *Further increasing the **safety and accessibility** of our streets for all users through improved facilities, design, and safety education*
-

Rationale

While much of the focus of this committee was previously on the bike path, our committee sees the need to expand the scope of our work. The completion and expansion of the Phoenix Rail Trail has increased both recreational cycling and active transportation in general in Fairhaven. Building on this success, we would like to work toward a future where all of Fairhaven's streets and neighborhoods are as safe and as accessible as possible for all users, including kids, the elderly, disabled people.

Livable streets are streets that are not only safe, they're comfortable for and inviting to pedestrians. They're economically productive. They are unique places that reflect the people who live on them. Both longtime residents and newcomers alike acknowledge that this town is truly special— for its people, natural resources and visible history. We're not Anytown USA, just an exit or just a place to drive through on the way to somewhere else. As the Livable Streets Committee, we hope to build on what's great about Fairhaven, while improving our streets for the benefit of all.

The above-proposed changes are rooted in Transportation Goal 1 of Fairhaven's Vision 2040 Master Plan, which reads that **Fairhaven will become a bicycle and pedestrian-friendly community by expanding existing bicycle and pedestrian facilities.**

Approach

If this proposal is approved by the Select Board, the Livable Streets Committee will take a bottom-up approach in pursuing our charge. Our core strategy will be to identify the most pressing needs and challenges of Fairhaven residents using our streets and then implement the quickest and most cost-effective ways to address those challenges in the short term. This short-term work will inform and augment larger, more long-term improvements of pedestrian, bike and other transportation facilities in Fairhaven. We will do this work under the direction of the Select Board and in partnership with the Planning Department and the Board of Public Works.



Event Request

Request for use of the Town Hall Auditorium on Friday, August 25, 2023 from 6:00-9:00 p.m. from The Shepherd Center for the Performing Arts to host a “Short Film Soirée”.

As a 501c3 the applicant is asking for a waiver of fees.

**Submitter: Alyssa Botelho
Bryon H. Knight
The Shepherd Center for the Performing Arts**

**CC'd to: TH Facilities Manager
Cable Access Director
TA**

Dear Select Board,

We, Alyssa Botelho and The Shepherd Center for the Performing Arts, would like to host a "Short Film Soirée" on Friday, August 25th, 6-9PM, in the Fairhaven Town Hall auditorium to celebrate the work of local filmmakers, raise money for the production of my upcoming short film, "Sweet Freedom", and to provide a night of arts & entertainment for our community!

The Shepherd Center for the Performing Arts is a non-profit organization dedicated to supporting the arts in Fairhaven and surrounding areas. Recent events include providing music for Fairhaven's 4th of July Parade and a fundraiser concert at the Unitarian Church. The president, Bryon Knight, is the owner of Fairhaven Frets.

At this event, we would like to screen a collection of short films made by local filmmakers. With the theme of the night being historical fiction, guests will be invited to dress up (either in historic costume, "Old Hollywood", or Black Tie). In addition, there will be live atmospheric music by local musicians, refreshments (waters, candy, popcorn) provided by the Rotary Club and Fairhaven Improvement Association, and raffle basket prizes.

Raffle basket prizes will be provided by beloved local business (Dorothy Cox Chocolates, The Black Whale, New Bedford Harbor Tours, and The Baker, to name a few). To ensure we are following all rules on raffles, I have spoken with the Town Clerk. Raffle tickets will be a *suggested* donation of \$1/ticket. All funds raised will go directly to the making of "Sweet Freedom" to compensate cast, crew members, secure locations, equipment, costumes, food, lodging, and more.

Please let me know if you have any questions. If you approve, I hope to see you there!

Thank you for consideration and support!

Alyssa Botelho



TOWN OF FAIRHAVEN

40 CENTER STREET
FAIRHAVEN, MA 02719

APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization The Shepherd Center for the Performing Arts, Inc.
 Responsible Officer Byron Knight Tel. No. [REDACTED]
 Address 21 Harbor Walk Mattapoisett, MA 02739
 Purpose of Use Short film screening
 Date Requested August 25, 2023 Begin Time 6pm End Time 9pm

REQUESTED USE APPROVED TO AVAILABILITY:

Conditions:

Select Board

Police Chief/Representative (if applicable)

Date

Fire Department Inspection (if applicable)

Board of Health (if applicable)

Building Department Inspection (if applicable)

FEES (To be completed by Select Board Office)

Request waived as 501c3

Rental Fee x _____ hrs. at \$ _____ hr. = \$ _____ (min \$150)

Plus, refundable security deposit in the amount of the rental fee = \$ _____

Custodian x _____ hrs. at \$ _____ hr = \$ _____

Police x _____ hrs. at \$ _____ hr = \$ _____

TOTAL FEES = \$ _____

I have received \$ _____ in fees and security deposit for the use of the Town Hall Auditorium on behalf of
Town of Fairhaven from The Shepherd Center for the Performing Arts, Inc.
Organization

Date: 8/7/23

Signed: [Signature]
For Select Board

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



**Town of Fairhaven
Massachusetts
Select Board**

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
Fax: (508) 979-4079
selectboard@Fairhaven-MA.gov

Release and Indemnification Agreement

In consideration of the rental from the Town of Fairhaven ("Town") of the Town Hall and or Town Hall Auditorium, the undersigned hereby releases and forever discharges the Town and its officers, agents and employees from all suits, claims and demands of any nature whatsoever, including for negligence, which he or she or his or her heirs or assigns may ever have for any personal or bodily injury, death or property damage arising out of, related to or resulting from, in whole or in part, the use of the premises as described above.

The undersigned further agrees, for him or herself and his or her heirs and assigns, to defend and indemnify the Town and its officers, agents and employees against all such suits, claims and demands by any third party, including invitees and others, and to save them forever harmless therefrom.

If any damage to the Town Hall and or Town Hall Auditorium or any equipment or appurtenance therein, results from any act or neglect of the undersigned, its agents, guests, licensees or invitees, The undersigned shall be liable therefore and shall upon demand, reimburse the Town for all costs and expenses of such repairs and damages.

The undersigned hereby acknowledges that he or she has read and understands this release and Indemnification, and that if he or she is signing on behalf of another person or entity, he or she is authorized to do so and that such other person or entity intends to be fully bound hereby.

Signature:

Bryon A. Knight

Printed Name:

Bryon A. Knight

Date:

8-7-23

Before me:

Alyssa Betts
Witness Signature

Chapter 50. Meetings

Part 2. Televising Board Meetings

[Adopted 5-4-2019 STM by Art. 8]

§ 50-10. Broadcast/recording/remote public participation required.

[Amended 6-14-2021 ATM by Art. 56]

All meetings of Town boards, commissions and committees shall be broadcast live and/or recorded for future broadcast over the local cable television network and online viewing as well as allow virtual remote participation via a live online platform such as Zoom or similar service unless emergency, operational or technical conditions suspend the requirements hereof, as determined by the Town Administrator, for broadcasts over the public access and government channels or the School Superintendent for broadcasts over the education channel. Members of the public may participate with comments if allowed by the chair of the committee.

Operational conditions shall be limited to staff availability. Operational suspension for any other reason must be approved by the Select Board for public access or government access and by the School Committee for Education channel prior to the meeting notice being posted.

§ 50-11. Notice requirement.

Notice of all such meetings shall be posted in accordance with the requirements of the Open Meeting Law, MGL c. 30A, and shall contain the date, time and place of such meeting and a listing of topics that the Chair reasonably anticipates will be discussed at the meeting. Any Open Public Meeting that will not be broadcast live and/or recorded in accordance with this bylaw shall contain a prominent note on the official meeting notice stating "This meeting will not be recorded by Government Access channel and will not be available for viewing at a later date".

§ 50-12. Scheduling conflicts.

If there is a scheduling conflict with the use of a meeting room, the Town Administrator for municipal property or the School Superintendent for school property or their designees shall have the discretion to determine which board shall have use of the room.

§ 50-13. Compliance with Open Meeting Law.

Nothing contained in this bylaw shall be so construed as to conflict with the requirements of the Open Meeting Law, MGL c. 30A.

§ 50-14. Failure to comply.

A violation of this bylaw or a failure to comply with this bylaw shall not be grounds for challenging or invalidating any actions taken at any meeting of a Town board, committee or commission.



Correspondence

Monday, August 21, 2023

- Invitation to recognition ceremony for the Fairhaven Acushnet Youth Baseball team
- Community Preservation Committee FY24 CPA Project Funding Appropriation and Grants Awarded: Fairhaven Housing Authority and Town Hall Facilities
- Open Meeting Law Complaint Response 2023 – 129 from Attorney General's Office
- KIZUNA Magazine: Summer edition

Tue, Aug 15, 2023

Good Morning,

The Acushnet Board of Selectmen's Office is hosting a recognition ceremony for the Fairhaven Acushnet Youth Baseball teams who won the league championships. We are creating citations to present to the boys. The ceremony is planned to happen before the BOS meeting that day on **August 22, 2023**. There is not an exact time that has been confirmed, but the recognition portion should be 30 minutes or so **between 4 PM and 6 PM**. Please let us know if your Board would like to be involved. Have a great rest of your day!

Best regards,

Sydney Viveiros

Admin. Assistant to the Town Administrator and Board of Selectmen

Town of Acushnet

P: (508) 998-0200 x4200



Community Preservation Committee

F 2

Town Hall · 40 Center Street · Fairhaven, MA 02719

Telephone (508) 979-4082

July 26, 2023

Janet E. Falone
Fairhaven Housing Authority
275 Main Street
Fairhaven, MA 02719

Re: FY24 CPA Project Funding Appropriation and Grant Agreement

Project Name: Exterior Brick Re-pointing and Balcony Correction/Restoration at Dana Court

Project Location: Dana Court, 180 Adams Street.

Project Description: Repairs to the exterior building brick work including balconies where they meet the brick.

Grant Amount: \$75,000

Dear Janet,

Congratulations to the Fairhaven Housing Authority on being a recipient of Community Preservation funds (CPA funds) in FY24. Your effort and cooperation during this year's project selection process helped secure overwhelming support at the Annual Town Meeting for the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that this project is worthwhile and now they expect that it will be executed as approved.

The approved repairs are to be based on the Cost Estimate submitted with the original CPC FY24 Project Application, dated September 29, 2022 and shall follow the recommendations outlined in the Capital Planning System project reports included with this application.


Before you move forward with the project, please pay close attention to the following important instructions and funding conditions including the execution of this Grant Agreement by signing below.

1. CPA funding for your project is available immediately following your signature agreeing to the conditions below in this grant agreement. Please remember that CPA funds shall be disbursed only if they are consistent with the approved project scope, and after:
 - o Receipt by the Town contact person of an invoice by you for payment (or reimbursement) for completed services, including a narrative and back-up documentation and invoices for the work completed by the contractor(s) who performed the work;
 - o Receipt by the Town contact person of a project status update;
 - o The CPA Chair verifies that the expenditures are consistent with the approved project.
 - o Verification that all local bylaws and Town financial policies have been met.

RECEIVED
2023 AUG -8 P 12:21
TOWN OF FAIRHAVEN MA

2. **Contact Person:** The Town contact person assigned to your project is Jeff Lucas, Chair of the Community Preservation Committee. All necessary documentation and communication with the Town regarding this project shall be directed to the Chair at jefluc101@gmail.com and (508)-971-1306 or to the Planning and Economic Development Department at (508)-979-4082 ext. 9109.
3. **Compliance with Laws and Agreement:** The recipient understands and agrees that projects funded through this Award are made pursuant to and must comply with the requirements of the Community Preservation Act, M.G.L. c. 44B. and with all requirements of this Grant Agreement.
4. **Permits and Licenses:** It is the obligation of the Recipient to obtain all permits and licenses necessary for implementation and no local permit or license is waived by the CPA Grant.
5. **No Liability of Town:** By making this award, the Town does not accept any liability whatsoever for any acts, omissions or errors associated with the Project. Nothing in this Grant Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Grant Agreement. The recipient agrees to indemnify and defend the Town from all claims, suits or demands, and costs and expenses, including attorney's fees resulting from the Project.
6. **Community Preservation Act Awareness:** Upon commencement of the Project, Recipient agrees to post, in an appropriate location mutually acceptable to the parties, a temporary sign stating that the Project was funded through the Town of Fairhaven's Community Preservation Act Program.
7. **Return of Remaining Funds:** Upon completion of the Project, any funds granted to the recipient under this Grant Agreement and not yet expended shall be returned to the Town Community Preservation Fund.
8. **Changes:** Any significant changes to the project as limited herein shall require CPC approval. Please contact the Chair at jefluc101@gmail.com and (508)-971-1306 or the Planning and Economic Development Department at (508)-979-4082 ext. 9109 to help determine whether a change is significant and if it is necessary to schedule an appointment with the CPC.

Please notify the contact person when work on the project has commenced, periodic updates concerning the progress of your project and upon completion. Upon full completion of the project, please certify completion in writing with a summary of the work completed so that we can add it to the gallery of community preservation projects completed with the assistance of CPA funds.

Awardee Signature:  Date: 8/3/23

The Community Preservation Committee looks forward to the contribution that your project will make to the quality and preservation of the Town of Fairhaven.

Thank you,

Jeff Lucas, Chair of the Community Preservation Committee

cc: Select Board
Planning Director
Town Accountant



Community Preservation Committee

Town Hall · 40 Center Street · Fairhaven, MA 02719

Telephone (508) 979-4082

July 26, 2023

Kevin Fournier
Town Hall Facilities Manager
40 Center Street
Fairhaven, MA 02719

Re: FY24 CPA Project Funding Appropriation and Grant Agreement

Project Name: Town Hall Repairs – Windows

Project Location: Fairhaven Town Hall, 40 Center Street

Project Description: Repairs to the double-hung windows and an evaluation of the stained-glass windows.

Grant Amount: \$200,000

Dear Kevin,

Congratulations to the Town Hall Repairs Committee on being a recipient of Community Preservation funds (CPA funds) in FY24. Your effort and cooperation during this year's project selection process helped secure overwhelming support at the Annual Town Meeting for the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that this project is worthwhile and now they expect that it will be executed as approved.

The approved repairs are to be based on the Fairhaven Town Hall Restoration Study conducted by J. M. Booth Associates, Inc., dated September 27, 2022 and shall retain the original appearance of the Town Hall, including the dimension of details and materials, to the highest degree possible. The repairs approved by the CPC are related to the following items in the study: Sealants & Caulking, Doors & Frames, Wood Windows, and Painting.

Additionally, the funds awarded are to also be used to evaluate the state of the acrylic panels on the stained-glass windows and the windows themselves, in order to make more informed decisions for the eventual replacement of the panels and any possible future repairs to the windows. The conservator chosen should conduct this evaluation by following all industry standards and guidelines for the preservation of leaded and stained-glass windows.

Before you move forward with the project, please pay close attention to the following important instructions and funding conditions including the execution of this Grant Agreement by signing below.

1. CPA funding for your project is available immediately following your signature agreeing to the

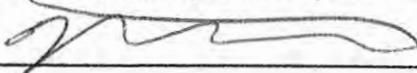
conditions below in this grant agreement. Please remember that CPA funds shall be disbursed only if they are consistent with the approved project scope, and after:

- Receipt by the Town contact person of an invoice by you for payment (or reimbursement) for completed services, including a narrative and back-up documentation and invoices for the work completed by the contractor(s) who performed the work;
 - Receipt by the Town contact person of a project status update;
 - The CPA Chair verifies that the expenditures are consistent with the approved project.
 - Verification that all local bylaws and Town financial policies have been met.
2. Contact Person: The Town contact person assigned to your project is Jeff Lucas, Chair of the Community Preservation Committee. All necessary documentation and communication with the Town regarding this project shall be directed to the Chair at jefluc101@gmail.com and (508)-971-1306 or to the Planning and Economic Development Department at (508)-979-4082 ext. 9109.
 3. Compliance with Laws and Agreement: The recipient understands and agrees that projects funded through this Award are made pursuant to and must comply with the requirements of the Community Preservation Act, M.G.L. c. 44B. and with all requirements of this Grant Agreement.
 4. Permits and Licenses: It is the obligation of the Recipient to obtain all permits and licenses necessary for implementation and no local permit or license is waived by the CPA Grant.
 5. No Liability of Town: By making this award, the Town does not accept any liability whatsoever for any acts, omissions or errors associated with the Project. Nothing in this Grant Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Grant Agreement. The recipient agrees to indemnify and defend the Town from all claims, suits or demands, and costs and expenses, including attorney's fees resulting from the Project.
 6. Community Preservation Act Awareness: Upon commencement of the Project, Recipient agrees to post, in an appropriate location mutually acceptable to the parties, a temporary sign stating that the Project was funded through the Town of Fairhaven's Community Preservation Act Program.
 7. Historic Preservation: The Community Preservation Act requires rehabilitation work on historic properties to comply with the Secretary of the Interior's Standards for Rehabilitation. A copy of these standards is included with this letter.
 8. Return of Remaining Funds: Upon completion of the Project, any funds granted to the recipient under this Grant Agreement and not yet expended shall be returned to the Town Community

Preservation Fund.

9. Changes: Any significant changes to the project as limited herein shall require CPC approval. Please contact the Chair at jefluc101@gmail.com and (508)-971-1306 or the Planning and Economic Development Department at (508)-979-4082 ext. 9109 to help determine whether a change is significant and if it is necessary to schedule an appointment with the CPC.

Please notify the contact person when work on the project has commenced, periodic updates concerning the progress of your project and upon completion. Upon full completion of the project, please certify completion in writing with a summary of the work completed so that we can add it to the gallery of community preservation projects completed with the assistance of CPA funds.

Awardee Signature:  Date: 8/8/23

The Community Preservation Committee looks forward to the contribution that your project will make to the quality and preservation of the Town of Fairhaven.

Thank you,

Jeff Lucas, Chair of the Community Preservation Committee

cc: Select Board
Planning Director
Town Accountant

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



THE COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF THE ATTORNEY GENERAL
 ONE ASHBURTON PLACE
 BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
 ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

August 8, 2023

OML 2023 – 129

Leon E. Correy III
 Select Board Chair
 40 Center Street
 Fairhaven, MA 02719

By email only: selectboard@Fairhaven-MA.gov

RE: Open Meeting Law Complaint

Dear Mr. Correy:

This office received a complaint from Patrick Higgins on June 21, 2023, alleging that the Fairhaven Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on June 8, 2023, and you responded to the complaint, on behalf of the Board, by letter dated June 21, 2023.¹ The complaint alleges that the Commission failed to accept minutes for the meeting held on April 18 in a timely manner.

We resolve this matter by **informal action**, in accordance with 940 CMR 29.07(2)(a), after reviewing the original complaint, the Board’s response to the complaint, the complaint filed with our office requesting further review, and the notices, minutes, and video recordings of the Board meetings held on April 18, May 1, May 6, May 15, May 31, and June 5.² We find that the Board violated the Open Meeting Law in the way alleged.

The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). The meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). “Timely manner” means “within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay.” See 940 CMR 29.11; OML 2018-48.³ Whenever possible,

¹ Unless otherwise noted, all dates in this letter refer to 2023.

² Video recordings of these meetings may be found at: <https://livestream.com/fairhavenlive/events/7191980>

³ Open Meeting Law determinations may be found at the Attorney General’s website, <https://www.mass.gov/the-open-meeting-law>.

we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133.

The complaint alleges that the Board did not approve the minutes of the meeting held on April 18 within the later of 30 days or three meetings as required by the Open Meeting Law. Here, the Board held meetings on April 18, May 1, May 6, May 15, and June 5. The Board also held a joint meeting with the Finance Committee on May 31. The Board approved the April 18 minutes during the meeting held on June 5. The Board asserts that this approval was timely because the June 5 meeting was its third regular meeting after April 18. The Open Meeting Law defines “meeting” as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” G.L. c. 30A, § 18. The Open Meeting Law does not include an exception to the definition of “meeting,” for purposes of calculating timely approval of meeting minutes, for meetings that are held jointly by two or more public bodies. See OML 2021-177, n. 4 (finding a public body’s joint meeting with other town public bodies was a meeting of the public body for the purpose of calculating timely approval of meeting minutes); see also OML 2019-115 (“single topic” meetings and meetings not “normally scheduled” constitute “meetings” for purposes of calculating timely approval of meeting minutes); OML 2021-169. As such, the Board’s approval of the minutes of its April 18 meeting on June 5, which was its fifth meeting and more than 30 days thereafter, was untimely.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

Assisted by Bethany Salah, Legal Intern

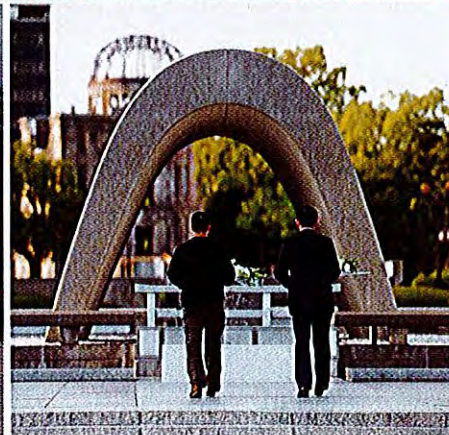
cc: Patrick Higgins – By email only: patrick@openmeetinglawenforcer.com
Town Clerk – By email only: churley@fairhaven-ma.gov

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

KIZUNA

Summer
2023

Linking Japan and the World



G7 Hiroshima Summit
Investing in Global Health Solutions



JAPAN GOV
THE GOVERNMENT OF JAPAN

Committee Liaison Report – Bob Espindola – August 20th, 2023

Broadband Study Committee is scheduled to meet on

Ms. Ellison informed me this past week that she does not have the bandwidth to help with the procurement work required to advance the Fairhaven Housing Authority project forward at this time.

With the grant deadline fast approaching (September 30th) we will need to find outside sources to assist with the process or risk losing the \$250K grant from the State. We are working on alternatives.

The Massachusetts Broadband Coalition is scheduled to meet on August 24th and is making an effort to have a member of the State Attorney General's office speak to the group and answer questions about Anti-Trust laws and fair competition as relates to the lack of competition most municipalities in Massachusetts face with regard to internet service providers.

The coalition is also planning to schedule a representative of non-profit group OpenCape to learn about the pilot projects they have built on Cape Cod.


OpenCape

[Business](#) | [Residential](#) | [Services](#) | [About](#) | [Privacy](#) | [Accessibility](#)






Barnstable County Complex
3195 Main Street
Barnstable, MA 02630
508-362-2224

[Newsletter Signup](#)

OpenCape owns, operates and maintains a state-of-the-art 100% fiber optic network that provides reliable and affordable broadband internet access for businesses, healthcare providers, educational institutions and municipalities across Cape Cod, the Islands, Southeastern Massachusetts and Rhode Island. The Barnstable based non-profit has also launched several residential fiber internet pilots on Cape Cod, with the goal of supporting and fostering community led initiatives to connect homes across our region and help bridge the digital divide.

© 2023 OpenCape Corporation

Coalition members are endorsing an effort to simplify the permitting process for Broadband projects the way many other states have through the following message to legislators ...

Members of the Massachusetts Broadband Coalition write urging passage of S.2133, "An Act to establish standards for the pole attachment process to facilitate the construction of broadband networks." Construction of broadband networks requires access to utility poles. This legislation reforms the outdated, inefficient process of utility pole access in the Commonwealth, and will accelerate and expand the impact of private and public broadband investment to the benefit of Massachusetts consumers and businesses.

Broadband is critical infrastructure for education, healthcare, commerce, entertainment, and employment. To meet the increased demand for connectivity, particularly in unserved and underserved residential areas, it is imperative to implement faster, more efficient processes to attach broadband facilities to poles, while maintaining safety and reliability standards. Adopting One Touch Make Ready ("OTMR"), as codified in this legislation, will dramatically improve conditions for building broadband networks, while

still ensuring the safety of workers and the public.

OTMR is in use in every New England state, except for Massachusetts. In Massachusetts, the pole attachment application and make-ready process can take years to complete. The other New England states process pole applications, from application to service of customers, in three to six months. The needless delay places the Commonwealth at a competitive disadvantage for attracting crucial investment for broadband network construction. OTMR makes both private and public investment more potent and is a dramatic improvement on Massachusetts' current inefficient system.

Passage of S.2133 will help bring broadband construction in the Commonwealth into parity with the other states in the region, attracting more private investment, and ensuring public broadband funds have maximum intended impact. The result will be better broadband service to the citizens and businesses of the Commonwealth.

SRPEDD Commission The

SRPEDD Commission met on July 26th. One of the things that was hi-lighted at the meeting



was the Commonwealth of Massachusetts Vehicle Census (MVC) program. According to the MassDOT, the MVC is the first state-level dataset in the nation that joins vehicle-level odometer readings with vehicle attributes and registration transactions. This project, developed by MassDOT, uses information collected during vehicle inspection history (RMV). MassDOT says “this resource is aimed at allowing policymakers, researchers and other stakeholders understand state and local trends in vehicle usage and ownership”

The data is able to be filtered by State, by Metropolitan Planning region and by individual Community and can be filtered by vehicle type, vehicle use and fuel type, etc. The link below takes you to the website and the screenshots below show examples of the types of reports that can be generated from the data.

to miles driven per vehicle type,

<https://geodot-homepage-massdot.hub.arcgis.com/pages/massvehiclecensus>

5.3bn

Total Annual VMT (Commercial Fossil Fuel)

74.2M

Total Annual VMT (Commercial Hybrid)

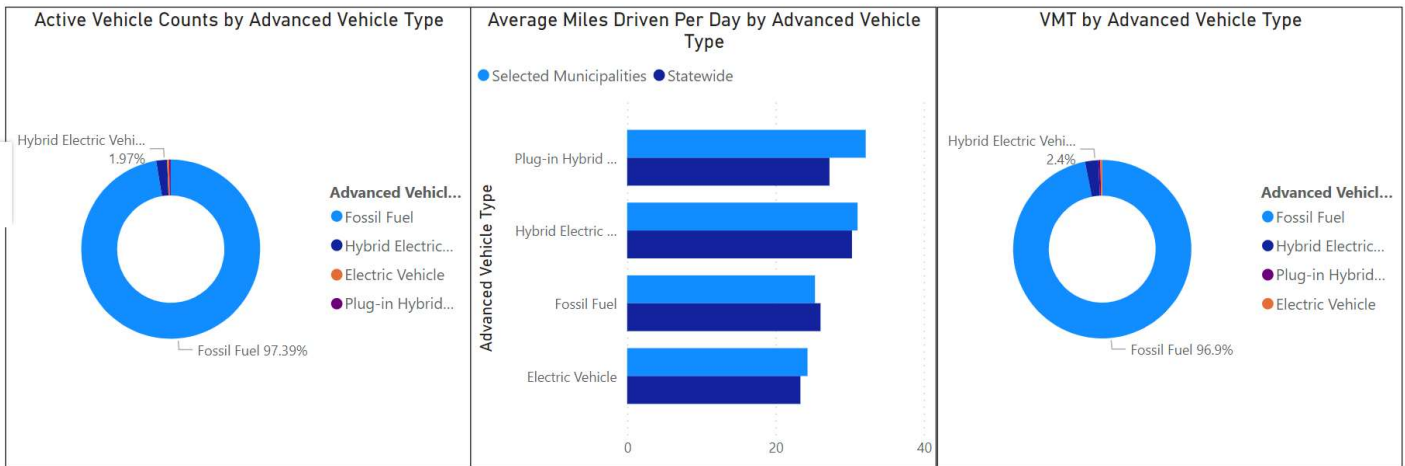
4.9M

Total Annual VMT (Commercial Zero-Emission)

VehicleType	Commercial	Municipal	Passenger	State	Total
Passenger	3,480,504,934.7	195,587,127.5	46,211,365,499.3	121,090,992.3	50,008,548,553.8
Truck	1,736,182,538.1	39,999,140.8	642,757.3	6,682,454.5	1,783,506,890.7
Bus	151,954,880.5	3,063,674.3	63,048.0	53,978,498.3	209,060,101.1
Motorcycle		514,254.6	181,106,643.8	227,467.0	181,848,365.4
Ambulance	27,729,545.1	5,847,873.8	23,955.8	20,244.6	33,621,619.3
Auto-Home	590,940.0	12,210.6	27,454,403.9	2,455.5	28,060,009.9
Equipment	8,174,926.9	557,078.5	33,691.3	86,639.5	8,852,336.2
Camper	13,524.4	25,762.5	6,178,839.6		6,218,126.5
Fire Truck		5,243,957.6	204,024.1	27,744.9	5,475,726.6
Low Speed		191,939.8	585,052.7	33,487.9	810,480.4
Total	5,405,151,289.6	251,043,019.8	46,427,657,915.9	182,149,984.5	52,266,002,209.9

Filter Matrix by Fuel Class

All



329,687

Total Count (Commercial Fossil Fuel)

3,085

Total Count (Commercial Hybrid)

VehicleType	Anonymized	Commercial	Municipal	Passenger	State	Total
Passenger		219,659	30,446	4,751,834	12,372	5,014,311
Truck		97,937	13,299	115	2,213	113,564
Motorcycle			719	90,206	79	91,004
Bus		12,523	515		2,623	15,661
Auto-Home			6	7,664	3	7,673
Camper			3	6,532		6,535
Equipment		1,808	930		105	2,843

Filter

All

Two other SRPEDD related news items;

- 1 SRPEDD received a grant from Mass Broadband Institute for conducting a “Digital Mapping” study. The two attached slides explain what this is about. This exercise is short term, scheduled to be completed by the end of the summer.

Why participate in digital equity planning?

- Digital Equity Planning is a Key facet of the Infrastructure Investment and Jobs Act
- By prioritizing digital equity planning
 - Identify gaps in community digital access
 - Create meaningful strategy for Broadband Equity Access Deployment



What is Asset Mapping?

- Creating and inventory of all available community resources
- It doesn't necessarily involve actual maps!
- It looks at:
 - Who is already working on this topic?
 - What resources are already available?
 - What connection can we make?
- Asset mapping will play a key component in the digital equity planning process



- 2 SRPEDD has interviewed and recommended a local person to fill the Digital Equity Fellowship position that I have reported on in the past so things are on track with that effort.

Fairhaven Bikeway Committee. The Bikeway Committee meeting scheduled last month and, among other things, discussed making a recommendation to change the mission statement in an effort to expand the committee impact beyond the bike path. The Committee has requested time on the Select Board agenda to explain and seek approval of the Select Board.