



FAIRHAVEN SELECT BOARD AGENDA

January 22, 2024 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. TOWN ADMINISTRATOR

1. Staffing Update
2. 40R Update: Paul DiGiuseppe
3. Department Head Updates: Recreation Center, Council on Aging, Veterans' Service
4. Union Wharf Improvement Update
5. Broadband 101 and Digital Equity Stakeholder Information Session, January 30th
6. Department Fees
7. MMA Municipal Finance Course
8. Other

B. ACTION / DISCUSSION

1. Unsheltered Family Volunteers
2. Zoning Board of Appeals: Associate Member Appointment
3. 11th Annual West Island 5K Run/Walk, use of public roads
4. Town Hall Auditorium Rental Request: New Bedford Ballet, March 9 and 10, 2024
5. Call Annual Town Meeting on Saturday, May 4, 2024
6. 2023 Select Board Annual Report submission
7. Waste Reduction and Recycling Policy
8. Financial Policy Review Committee Mission Statement
9. Economic Development Committee Mission Statement
10. 2024 Goal Setting

C. CORRESPONDENCE

1. Kizuna Winter 2023 Edition
2. MassDOT: Notice of Fairhaven's Fair Share apportionment for FY24
3. MassDEP: Notice of Diesel Fuel Release: 11 Peoples Way, Fairhaven, MA

D. COMMITTEE LIAISON REPORTS

E. PUBLIC COMMENT

F. BOARD MEMBER ITEMS

G. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting is *Monday, February 12, 2024* at 6:30 p.m.

H. EXECUTIVE SESSION

1. Pursuant to G.L. c. 30A, s. 21(a)(7) To comply with, or act under the authority of, G.L. c. 30A, s. 22, to review the minutes of Executive Session (December 18, 2023)
 - a. Approve the minutes of December 18, 2023 – Executive Session
2. Pursuant to G.L. c. 30A, § 21(a)(2) “[t]o conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel”: (Angie Lopes Ellison)

ADJOURNMENT

<https://us06web.zoom.us/j/89485993911?pwd=OFd5MzJvVnBxQkxLzdQcFRlYVM0QT09>

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

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.



Town Administrator



*Timothy Cox
Shellfish Warden/
Harbormaster*

*Town of Fairhaven
Department of Natural
Resources
Office of the Shellfish Warden/
Harbormaster*

40 Center Street Fairhaven, MA 02719

January 18, 2024

Update, Union Wharf

Construction at Union Wharf was started in November and is progressing nicely. Sheet Piles have been installed and the waler's are almost complete. Concrete floats have been delivered and will be installed within the next month. The initial start date of construction was delayed due to back ordered materials, but progress has been steady and completion is on schedule by April, 2024. This construction will bring our wharf to 90 percent updated and ensure Union Wharf be an asset to our town for many years to come.

Broadband 101 and Digital Equity Information Session

The Town of Fairhaven, in collaboration with the Massachusetts Broadband Institute (MBI), have embarked on a Digital Equity Planning project to improve broadband access, adoption, and digital literacy in the Fairhaven community. As a part of this initiative, CTC Technology & Energy will be hosting a public Broadband 101 and Digital Equity Information Session. This meeting will introduce what we've learned in the planning process to date, why broadband is critical to Fairhaven residents, a brief overview of the technological evolution of broadband including present and future needs, and forthcoming funding opportunities. We'll conclude with a Q&A session.

The session will take place Tuesday, January 30th from 6:00 p.m. to 7:15 p.m. Residents may [join online at this link](#) or can tune in to FairhavenTV.com and Channel 18 to view.

This event will be especially helpful for individuals and organizations who work with the Fairhaven community. If you want to know more about the ins and outs of digital access and think about how you can help boost digital equity in our community, we encourage you to attend this information session. For more information, please contact Derek Frates at dfrates@fairhaven-ma.gov.



Action / Discussion



Unsheltered Family Volunteers

Volunteer Application

Full Name: Amy Goyer

How long have you been a Fairhaven resident: 10+ years

What Board(s)/Committee(s) are you interested in joining, What is your reason for joining: Zoning Board of Appeals. The Board has an impact on housing, environmental concerns, economic development, and numerous other areas that directly impact the lives of Fairhaven residents. I think I have the skills to be of use on the Board.

Have you attended a meeting of this Board or Committee: No

Have you (or are you currently) served on any Town of Fairhaven Boards: No.

Interests and Qualifications: I am an attorney and home owner. I have one son in the public-school system. This Board position would allow me to learn about the zoning rules and regulations with the hope of offering a new perspective to the process and ensuring compliance with the current requirements, while learning enough to assist in the process of proposing necessary changes.

11th Annual West Island 5K Run/Walk & Kids Mile Fun Run

West Island 5K
193 Cottonwood St.
Fairhaven, MA 02719

Dear Select Board,

I am writing to obtain approval for the 11th Annual West Island 5K Run/Walk & Kids Mile Fun Run from the Select Board. My request is for the date of April 21, 2024 and for the no-fee use of Hoppy's Landing for parking on race day.

After eight years, we have raised \$85,000 for the Fairhaven High School cross country program, the 501(c)3 non-profit, Strive and Achieve, Corp and the West Island Improvement Association. To date we have provided 59 graduating seniors scholarships and other support to the FHS Cross Country program. Furthermore, Strive and Achieve raises awareness and provides opportunities for young Americans to pursue skilled labor careers throughout New England. Finally, we support of the West Island Improvement Association scholarship fund.

I have cleared the race date with the West Island Improvement Association and will again work with the Fairhaven Police Department, Fairhaven Emergency Medical Services, and Fairhaven Emergency Management team to ensure we conduct a well-organized and safe event. We are excited to organize this event for our community and look forward to your support of the 11th Annual West Island 5K Run/Walk & Kids Mile Fun Run and the no-fee use of Hoppy's Landing on April 21, 2024.

If you have any questions, please contact me at (571) 765-0910 or westisland5k@yahoo.com.

Lyle K. Drew

LYLE K. DREW

Race Director, West Island 5K
FHS Class of 1990



Town of Fairhaven
Massachusetts
Select Board

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079
Selectmen@Fairhaven-MA.gov

APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization New Bedford Ballet / Sea glass Theatre

Responsible Officer Rebecca Waskiel Tel. No. [REDACTED]

Address 2459 Purchase St New Bedford, MA 02746

Purpose of Use performance of Hansel and Gretel

Date Requested March 9, 2024 Begin Time 11:45 End Time 5:15 11 hours total
March 10, 2024 12:00 5:30

REQUESTED USE APPROVED TO AVAILABILITY:

Conditions:

REQUEST FOR AUDIO / VISUAL TECHNICIAN: YES NO

Fee will be \$100.00 (up to three hours). Each additional hour will be charged \$25.00. Additional fee will be charged once additional hour begins. Cash or Check made out to The Town of Fairhaven /Town Cable

Select Board

Police Chief/Representative

Date

Fire Department Inspection

Board of Health

Building Department Inspection

FEES (To be completed by the Office of the Select Board)

Office Use only

Rental Fee x _____ hrs. at \$ _____ hr. = \$ see attached

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

N/A Audio \$100.00 plus x _____ hrs. at \$25.00 /hr. = \$ _____

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

N/A 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 _____
Organization

Date: _____ Signed: _____
Select Board

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



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

**Leon 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

RE: Use of the Town Hall Auditorium
For: New Bedford Ballet
Dates: Saturday March 9 and Sunday March 10, 2024

The rate for a private event, tickets are being sold, is
\$150.00 per hour X 11 hours total for the 2 days = \$1650.00.
Plus, the flat rate cost of \$50 per hour for custodian, which requires a half hour before and after
\$50 X 12 hours = 600.00.
The total cost for the event, including custodian, will be \$2250.00



Town of Fairhaven
Massachusetts
Office of the Select Board and
Town Administrator
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

To: Department Heads

From: Angie Lopes Ellison, Town Administrator

Date: January 8, 2024

Re: Waste Reduction and Recycling Policy

The Town of Fairhaven would like to remind all employees of the following Recycled Procurement Policy. Your participation and support in following the guidelines below is much appreciated. Buying products made with recycled material is critical to our efforts. If we don't purchase recycled products, there is no economic motivation for manufacturers to use the raw materials that we do recycle. Additionally, the recycling industry is adding jobs daily and contributes significantly to the state's economy.

RECYCLED PROCUREMENT POLICY

MISSION STATEMENT: The Town of Fairhaven, in furtherance of its commitment to recycling, hereby declares that it will purchase items made of recycled materials whenever such products meet its quality requirements and are available at reasonable prices and terms, i.e. when the price for recycled products is within 10% of the lowest responsive virgin material bid.

1. Procurement personnel should emphasize "buying recycled" when purchasing the following items:
 - a. Paper stock (stationary, offset, copier, #10 envelopes, computer paper, etc.) containing a minimum of 20% recovered paper material and a minimum of 20% post-consumer material
 - b. Paper products (towels, napkins, toilet paper, etc.) containing a minimum of 40% post-consumer material (20% for facial tissues)
 - c. Office supplies (file folders, hanging folders, etc.) containing post-consumer material
2. When recycled products are used, reasonable efforts should be taken to label the products to indicate that they contain recycled materials.
3. When departmental stationary is printed, it should be printed on recycled paper as defined above and be labeled as such.
4. Use recycled and recyclable (no plastic windows on envelopes) paper when printing such public documents such as annual budgets, annual reports, Town Meeting warrants, forms, tax bills, etc.
5. Use recycled paper as defined above in outside print jobs whenever possible.
6. Draft and final reports prepared for the Town under contract should be on recycled paper that meets the Town's definition and be labeled as such.
7. Any copier purchased by Town departments that will be used to make more than 15,000 copies per year should have double-siding capability and the ability to use recycled paper.

Mission Statement

The Financial Policy Review Committee is an Ad Hoc Committee overseen by the Select Board, including the following members.

- Two members of the Select Board -appointed by the Select Board
- Two members of the Finance Committee –appointed by the Finance Committee
- Two members of the School Committee -appointed by the School Committee
- A Staff-member Designated by the Town Administrator

The committee has been instituted for the sole purpose of evaluating the Towns Financial Policies and recommending changes that will place the Town on a path toward the following:

- Better decision making by leadership.
- Highlighting the cost of government
- Balanced and meaningful fee policies
- The capacity to meet current and future budget and capital needs
- Financial transparency
- Promoting or sustaining the Town's credit rating
- An effective system of internal controls that ensures the legal use of financial resources.
- Cooperation and coordination with other governments and the private sector in the financing and delivery of services.

Draft policies should be presented to Select Board no later than June 1, 2024.

Check list to ensure that is included in our policies.

- Development and monitoring of General Fund and Enterprise Fund Budgets
- Capital Improvement Planning
- Long range revenue and expense forecasting
- Debt Management
- Financial Reserves (Free Cash, Stabilization Funds, Retained Earnings, others)
- Health Insurance Trust
- Other Post-Employment Benefits (OPEB) Liability
- Enterprise Fund Operations
- Grant Administration
- Investments
- Risk Management Program (Fraud prevention)
- Other elements that may be identified by this committee, the Select Board or Town Management.

Resources.

Division of Local Services, Department of Revenue, Commonwealth of Massachusetts; the Government Finance Officers Association (GFOA) and other similar organizations



Economic Development Committee

Mission Statement

FROM: The membership shall consist of five (5) at-large members with ties and experience in Fairhaven, to be appointed by the Select Board; one (1) voting representative member from the Select Board; and one voting representative from the Planning Board, to be appointed by the Planning Board. Two (2) Alternate Non- Voting members, appointed by the Select Board.

TO: The Total members for the committee will be ~~seven-five (75)~~. The breakdown of the membership shall consist of ~~six-four (64)~~ at-large members with ties and experience in Fairhaven, to be appointed by the Select Board; ~~one (1) representative member from the Select Board (non-voting)~~; and one voting representative from the Planning Board, to be appointed by the Planning Board. _

There will be two (@)exoficio members, Select Board Member and a staff liaison, that will serve as a resource, providing insights, expertise, and guidance based on their official capacity and role.



2024 Town Administrator Goals

1. Professional and Staff Development

- a. Maintain and develop processes for staff training
- b. Expand staff training to build knowledge and skills
- c. Strengthen accountability through professional development, evaluation and recognition of department heads
- d. Continue memberships in regional and national organizations (ex. MMA, MMMA, ICMA)

2. Collaboration with local and regional departments and agencies

- a. Continue to foster positive working relationships with agencies of surrounding towns in Bristol County through quarterly contact with other towns' administrators and managers

3. Financial Sustainability

- a. Promote and review grant opportunities across departments
- b. Implement best practices from Financial Policy Review Committee
- c. Centralized office supply ordering, pilot with Town Hall offices and assess results
- d. Utilize COMMBUYS as first step in purchasing
- e. Full review and assessment of fees across all departments

4. Town Committees Collaboration

- a. Update current Committee Handbook and distribute to all boards/committees/commissions with acknowledgement tracker
- b. Training resources for new board/committee/commission members (ex. OML, PRR, ethics, COI)
- c. Develop a policy regarding attendance at meetings
- d. Conduct an all board/committee/commission open house to educate on current initiatives, goals and missions of each and encourage community involvement in volunteering for open positions

5. Diversity, Equity and Inclusion

- a. Foster a Culturally Responsive and Inclusive Community
- b. Conduct a comprehensive assessment of the town's current diversity landscape, identifying areas for improvement and understanding the unique needs of the community
- c. Implement diversity and inclusion training programs for department heads and community leaders to enhance cultural competence, promote understanding, and eliminate unconscious biases.
- d. Foster partnerships with local organizations and stakeholders that focus on diversity, equity, and inclusion, working collaboratively to address community-specific challenges.



Correspondence

December 26, 2023

Dear Sir/Madam,

On behalf of the Office of Global Communications of the Prime Minister's Office, I am pleased to inform you that the Winter edition of "KIZUNA" has just been released.

KIZUNA is an official magazine that conveys various aspects of Japan, such as its people, nature, technologies, cities and regions, and its important policies, in order to deepen bonds (*kizuna*) between the country and the rest of the world.

The special feature of the 2023 Winter issue commemorates 50 years of ASEAN-Japan friendship and cooperation. Included are Prime Minister Kishida's speeches on Japan's new visions and initiatives for further cooperation; experts' views on the outlook for Japan-ASEAN relations; people-to-people exchanges in various fields; and efforts to improve maritime safety. Also covered are a digital finance platform using blockchain technology; smart agriculture for smallholder farmers; and AI-based digital tools for tackling urban poverty—Japanese technologies that could drive further development in ASEAN countries.

Please enjoy the broad range of topics that illustrate how Japan is endeavoring to promote deep ties with the rest of the world.

"KIZUNA" is also available as an e-magazine. Every week, new articles are uploaded online, and every three months, all of these articles are collected and published in e-book format. You can access the latest edition as well as back issues from the following web page:



<https://www.japan.go.jp/kizuna/>

We will continue to publish "KIZUNA" on a regular basis and would like to ask for your continued kind support. Thank you very much.

Nobuaki Iida
Counsellor
Office of Global Communications, Prime Minister's Office

To change your mailing address, stop delivery, or make other inquiries, contact:
contact@kizuna-japan.org



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbits-Nutt, Secretary & CEO



2023 DEC 19 A 12:30

BOARD OF SELECTMAN
TOWN OF FAIRHAVEN

December 11, 2023

Angeline Lopes Ellison
Town Administrator
40 Center St.
Fairhaven, MA 02719

Dear Angeline Lopes Ellison,

We are pleased to announce that under the new administration of Governor Maura Healey and Lieutenant Governor Kim Driscoll, a total of \$100 million for Fiscal Year 2024 has been allotted from the Fair Share Amendment to support local infrastructure across the Commonwealth's 351 cities and towns.

Passed by voters in 2022, the Fair Share Amendment requires that revenue raised by the 4% surtax on taxable income over \$1 million be spent on public education and transportation. This apportionment continues to demonstrate the Administration's support in strengthening municipal partnerships and providing financial resources that support transportation improvements at the local level.

This letter certifies that your community's Fair Share apportionment for Fiscal Year 2024 is \$263,332.00.

The Fair Share Amendment funds will be distributed to communities using two formulas. The first \$50 million will be distributed using the traditional Chapter 90 formula based on local road mileage (58.33%), population (20.83%), and employment (20.83%). The other \$50 million will be distributed using a formula based on each municipality's share of road mileage.

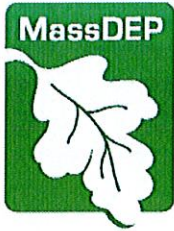
This apportionment will automatically be incorporated into your existing Chapter 90 contract with MassDOT with no further action by the municipality. Apportionments for all communities are available online at www.mass.gov/chapter-90-program. Please note that the bill enacting these funds has been signed; the funds are now available for municipal use.

We look forward to working with you in the coming year to continue the success of our municipal partnerships.

Sincerely,

Maura Healey
Governor

Kim Driscoll
Lieutenant Governor



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Maura T. Healey
Governor

Rebecca L. Tepper
Secretary

Kimberley Driscoll
Lieutenant Governor

Bonnie Heiple
Commissioner

December 28, 2023

Werner Enterprises
Attn: Joel Butler
14507 Frontier Road
Omaha, NE 68138

RE: **FAIRHAVEN - BWSC**
Release Tracking Number: **4-0030111**
Diesel Fuel Release
11 Peoples Way
NOTICE OF RESPONSIBILITY

Sent via email only to: jbutler@custard.com

**THIS IS AN IMPORTANT NOTICE.
FAILURE TO TAKE APPROPRIATE ACTION IN RESPONSE
TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Mr. Butler:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E or Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both Chapter 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of OHM.

REASON FOR THIS NOTICE

On December 26, 2023 at 2:38 PM, MassDEP received a report from Fairhaven Fire Department of a release of oil at the above referenced location. A release of diesel fuel, likely to be greater than the Reportable Quantity of 10 gallons, impacted a paved parking lot after a saddle tank on a vehicle was punctured. Pursuant to 310 CMR 40.0311(4), this release requires notification to MassDEP within two (2) hours of obtaining knowledge, and pursuant to 310 CMR 40.0412(1) this release requires that an Immediate Response Action (IRA) be conducted.

Chapter 21E and the MCP require the performance of response actions to prevent harm to health, safety, public welfare and the environment which may result from this release and govern the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing

and/or remediating the release at this property. For purposes of this Notice of Responsibility (NOR) the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by the Chapter 21E and the MCP unless clearly indicated otherwise.

STATUTORY LIABILITY

MassDEP has reason to believe that you (as used in this Notice, "you" and "your" refers to Werner Enterprises), as the current owner of the equipment from which the release of oil occurred, are a Potentially Responsible Party (PRP) with liability under M.G.L. c. 21E §5, for response action costs. Section 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c. 21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties. Pursuant to M.G.L. c. 21E and the MCP the term disposal site means anywhere OHM has come to be located.

MassDEP encourages parties with liability under M.G.L. c. 21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions.

You may be liable for up to three (3) times all Response Action Costs incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

By taking prompt actions you may also avoid the imposition of, the amount of or reduce certain annual compliance assurance fees payable under 310 CMR 4.00.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

If you are a responsible party and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the Department in writing of your inability in accordance with MGL c. 21E, subsection 5(e), and 310 CMR 40.0172. If you assert or demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the Department's response action costs and 310 CMR 40.0172 provides you with a limited defense to the Department's assessment of civil administrative penalties.

Please refer to M.G.L. c. 21E for a complete description of potential liability.

ORALLY APPROVED IMMEDIATE RESPONSE ACTION

As outlined above, and pursuant to 310 CMR 40.0412(1), this release requires that an IRA be conducted. At the time of oral notification to MassDEP, the following response actions were approved as an IRA:

- Continued assessment.
- Deployment of absorbent/containment materials.

All Remediation Waste generated must be properly stored/handled and disposed as soon as possible and, in all cases, within 120 days from the date of generation per 310 CMR 40.0030.

ADDITIONAL ACTIONS REQUIRED

Additional submittals are necessary relative to this notification including, but not limited to, a written IRA Plan, IRA Completion Statement and/or a Permanent or Temporary Solution Statement. **The MCP requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of initial notification.**

Specific approval is required from MassDEP for the implementation of most IRAs pursuant to 310 CMR 40.0420. Release Abatement Measures (RAMs) may not be conducted until a RAM Plan is submitted pursuant to 310 CMR 40.0443. Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

In addition to oral notification, 310 CMR 40.0333 requires that a completed Release Notification Form (BWSC-103) be submitted to MassDEP within sixty (60) calendar days of **December 26, 2023**.

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or perform the necessary response actions to address this release/threat of release. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals

by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>. MassDEP has no LSP of Record listed for this release.

Unless otherwise provided by MassDEP, potentially responsible parties (PRPs) have one year from the initial date of notification to MassDEP of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this release is **December 26, 2024**.

This release shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with Chapter 21E and the MCP. The MCP requires persons undertaking response actions to address a release to submit to MassDEP a Permanent Solution Statement prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved relative to the release.

If you have any questions relative to this Notice, please contact Andrew L. Jones at the letterhead address, at andy.jones@mass.gov or at 508-965-5388. All future communications regarding this release must reference the following Release Tracking Number: **4-0030111**.

Sincerely,



Dan Crafton, Chief
Emergency Response Section
Bureau of Waste Site Cleanup

C/AU

ec: Board of Health
Board of Selectmen
Fire Department

DEP-SERO - Data Entry



Committee Liaison Report

Bob Espindola Committee Liaison Report 1-17-2024

The BROADBAND STUDY COMMITTEE. I was asked to meet with a representative of CTC, the consulting company the Town has been working with on Digital Equity issues, to answer questions about the status of the Broadband grant originally planned for the Fairhaven Housing Authority and about the status of the Town with respect to the Municipal Light Plant designation.

CTC is due to complete a report in the coming weeks and they want to include mention of those efforts in their report.

I explained that the FHA project has been withdrawn and the Town is considering an alternate proposal for an Economic Development project in the business district.

I also explained that the formation of the Municipal Light Board is on hold pending decision on whether the Town, if it were to advance to building a Town wide Fiber project, if it would be built and operated under an Enterprise Fund model.

The BROADBAND COALITION is due to meet on January 25th. Plans are underway to coordinate a visit from Gigi Sohn on February 14th. Her Bio, from the Benton Institute says "Sohn is one of the nation's leading public advocates for open, affordable and democratic communications networks. For nearly thirty years, she has worked across the country to defend and preserve the fundamental competition and innovation policies that have made broadband Internet access more ubiquitous, competitive, affordable, open and protective of user privacy. In addition to her position at Benton, Gigi is the Executive Director of the [American Association for Public Broadband](#)." The Coalition is looking for a site to host Ms. Sohn locally for a hybrid meeting.

LIVABLE STREETS COMMITTEE met on Thursday, January 18th. Update will be provided during the Select Board meeting.

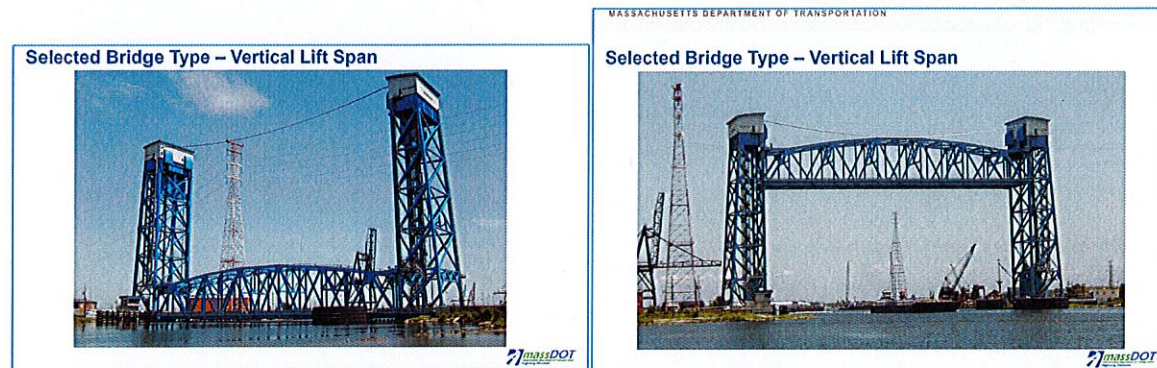
The Committee, along with the South Coast Bikeway Alliance, promoted participation by the cycling community at the Mass DOT meeting on January 9th. I attended the meeting, and note that several other Town Representatives were in attendance, including Director of Planning & Economic Development, Paul Diguiseppe, Harbor Master Tim Cox, Will Gardner from the Liveable Streets Committee and fellow board member Keith Sylvia.

There were many comments about the importance of ensuring that the bridge design includes separated bike and pedestrian facilities. Members of Mass DOT, after hearing similar comments along those lines from many people at the meeting, confirmed that their design would include provisions for that. That was the first time that Mass DOT committed to that.

The full presentation from the meeting can be found at the following link and here are a few slides from that presentation.

<https://www.mass.gov/doc/massdot-public-information-meeting-presentation-new-bedford-fairhaven-1924/download>

Examples of Vertical Lift Bridge




Rendering of Vertical Lift Bridge on existing roadway

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION 32

Selected Bridge Type – Vertical Lift Span

- Tower height above roadway: ~190 feet
- Proposed two opening heights: 80 feet – daily and 138 feet - maximum
- 76-foot-wide bridge
 - 4 lanes of traffic with railing separated sidewalks on either side



massDOT

Next Steps



25% Design Level
Submission and
Approval

2024



75% Design Level
Submission and
Approval



100% Design Level
Submission and
Approval



Construction
Project
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Construction

2027

It's not too late to comment ...

How to Stay Involved

- Email: MassDOTMajorProjects@dot.state.ma.us
- Visit project website
 - <https://www.mass.gov/new-bedford-fairhaven-swing-bridge-reconstruction> or use QR Code
- Visit MassDOT for information on hearings
 - <https://www.mass.gov/massdot-highway-design-public-hearings>
- Write to Carrie Lavalley, P.E. Chief Engineer
MassDOT
10 Park Plaza
Boston, MA 02116
Attention: Major Projects, PROJECT FILE NO. 612557



New Bedford Harbor Superfund Project Update.

I attended a virtual meeting on January 17th hosted by the EPA regarding the New Bedford Harbor Superfund Project.

For anyone interested, the EPA will post the presentation is posted at the following link and the New Bedford Government Access will have the full recording of the meeting.

<https://www.epa.gov/new-bedford-harbor>



Executive Session