



# FAIRHAVEN SELECT BOARD

## Agenda

Monday, November 21, 2022

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

FAIRHAVEN TOWN CLERK  
RCVD 2022 NOV 17 PM 8:52

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

Join Zoom Meeting

Log on: <https://us06web.zoom.us/j/82843682318?pwd=eEVmOEtzL1cxbkN5Z2l6ZnE1UWw1dz09>

or call 1-929-205-6099

Meeting ID: 828 4368 2318

Passcode: 040219

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

### A. MINUTES

1. Approve the minutes of November 7, 2022 – Open Session
2. Approve the minutes of November 7, 2022 – Executive Session
3. Approve the minutes of November 14, 2022 – Open Session

### B. TOWN ADMINISTRATOR REPORT

1. Staff Updates
2. REMINDER - Town Hall closed to public – Staff Training Day, December 8, 2022
3. PERAC – Public Employee Retirement Administration Commission – Actuarial Evaluation 2022
4. Financial Summary
5. Other

### C. COMMITTEE LIAISON REPORTS

### D. ACTION ITEM:

1. Proclamation Vote: Dorothea Machado
2. Assessors: tax rate presentation and set rate
3. Dedication of Spring Street Fire Station
4. Town Administrator evaluation process

### E. PUBLIC COMMENT

### F. BOARD MEMBER ITEMS

### G. NOTES AND ANNOUNCEMENTS

1. The next **regularly** scheduled meeting of the Select Board is **Monday, December 5, 2022** at 6:30 p.m. in the Town Hall Banquet Room

### ADJOURNMENT

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

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

October 8, 2022

Angie Lopes Ellison  
Town Administrator  
Town of Fairhaven  
40 Centre Street  
Fairhaven, MA 02719

Dear Ms. Lopes Ellison:

Enclosed please find the Actuarial Report of the Fairhaven Retirement System as of January 1, 2022. We request notice of receipt of this report from the retirement system, and we will retain one copy for filing as a public record.

This actuarial report was compiled by the Public Employee Retirement Administration Commission under the direction of John Boorack, M.A.A.A., F.C.A., E.A.

If you have any questions or comments on the report, please feel free to contact Mr. Boorack at (617) 666-4446, ext. 935.

Sincerely,



John W. Parsons, Esq.  
Executive Director





# Fairhaven Retirement System

## Actuarial Valuation

January 1, 2022



**PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION  
COMMISSION COMMONWEALTH OF MASSACHUSETTS**

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# 1. INTRODUCTION & CERTIFICATION

This report presents the results of the actuarial valuation of the Fairhaven Contributory Retirement System. The valuation was performed as of January 1, 2022 pursuant to Chapter 32 of the General Laws of the Commonwealth of Massachusetts. The actuarial assumptions used in this valuation are the same as those used in the January 1, 2020 valuation except the investment return assumption was reduced from 7.15% to 7.0% and the mortality assumption was modified to reflect a more current mortality improvement scale.

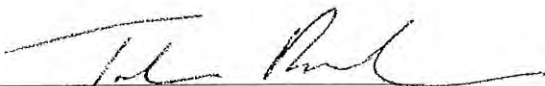
This valuation was based on member data as of December 31, 2021, which was supplied by the Retirement Board. Such tests as we deemed necessary were performed on the data to ensure accuracy. Asset information as of December 31, 2021 was provided in the Annual Statement for the Financial Condition as submitted to this office in accordance with G.L. c. 32, ss. 20(5)(h), 23(1) and 23(2)(e). Both the membership data and financial information were reviewed for reasonableness, but were not audited by us.

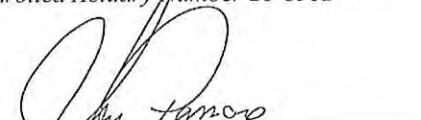
This report was prepared by PERAC for the exclusive use of the Fairhaven Retirement Board, its staff and its auditors. The report was performed to determine the funded status of the System and the contribution requirements to ensure that System assets along with the contributions are sufficient to provide the prescribed benefits. Use of this report by other parties may not be appropriate and may result in mistaken conclusions because of the failure to understand applicable assumptions, methods or the inapplicability of the report for purposes other than those intended. PERAC should be asked to review any statement to be made based on the results presented in this report. PERAC will accept no responsibility for any such statement made without its prior review.

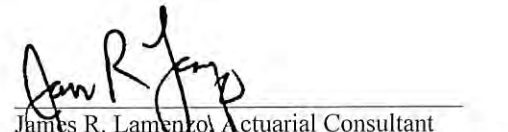
Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as plan experience differing from that anticipated by the economic or demographic assumptions, changes in economic and demographic assumptions, and increases or decreases expected as part of natural operation of the methodology used for these measurements such as additional contribution requirements based on the plan's funded status and changes in plan provisions or applicable law. As part of this valuation, we have not performed an analysis of the potential range of future measurements.

We, the undersigned actuaries, are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained in this report. In our opinion, the actuarial assumptions used in this report are reasonable, are related to plan experience and expectations, and represent our best estimate of anticipated experience under the system. We believe this report represents an accurate appraisal of the actuarial status of the system performed in accordance with generally accepted actuarial principles and practices relating to pension plans.

Respectfully submitted,  
Public Employee Retirement Administration Commission

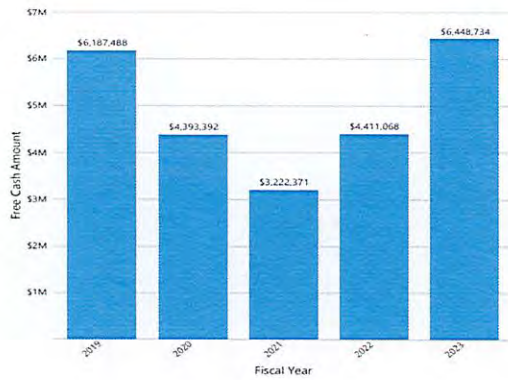
  
John F. Boorack, Actuary  
*Member of the American Academy of Actuaries  
Fellow of the Conference of Consulting Actuaries  
Enrolled Actuary Number 20-8562*

  
John W. Parsons, Esq.  
*Executive Director*

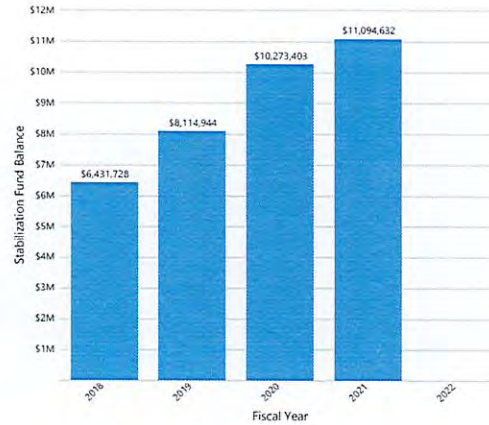
  
James R. Lamengo, Actuarial Consultant  
*Member of the American Academy of Actuaries  
Associate of the Society of Actuaries  
Enrolled Actuary Number 20-4709*

September 30, 2022

**Certified Free Cash**



**Stabilization Fund Balance**



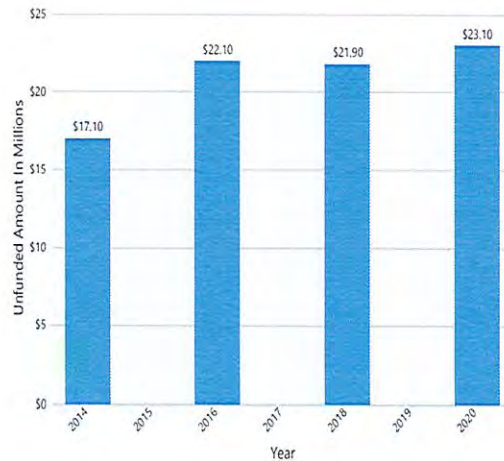
**Certified Free Cash**

- Policy – maintain a balance of 5% of the GF Operating Budget.
- Free cash = remaining balance from prior year, turn backs from budgets, local receipts vs actual, cherry sheet above the recap, RE & PP above the recap, and tax title collected.

**Stabilization Fund Balance**

- Policy – maintain a balance of at least 7% of the GF Operating budget.
- Includes General Stabilization & Capital Stabilization.
- Increased Capital Stabilization:
- FY18 \$1.8M
- FY19 \$1.2M
- FY20 \$1.9M
- FY21 \$0

**Unfunded Pension Liability**

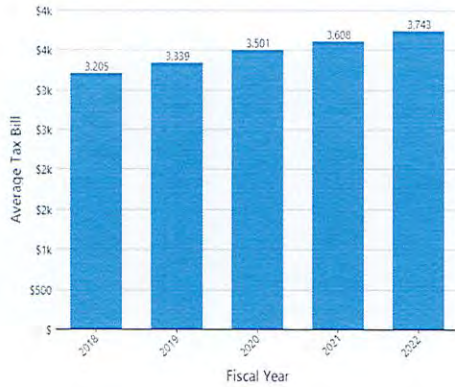


**Unfunded Pension Liability**

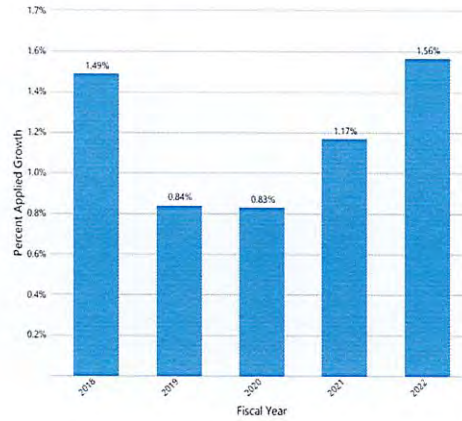
- As of January 1, 2022 will be 83.7% funded.
- FY30 will be the last full pension payment.
- FY31 the Town will be funding OPEB, which has a balance of \$50,508,968 as of June 30, 2022.



### Average Single Family Tax Bill



### New Growth as a % of Prior Year Tax Levy



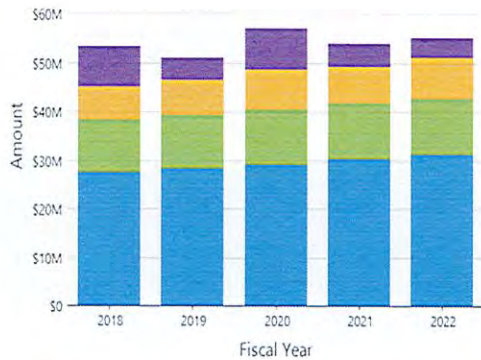
#### Average Single Family Tax Bill

- Calculation (total value for residential / total residential parcels X tax rate).
- The average has increased consistently each year.

#### New Growth as a % of Prior Year Tax Levy

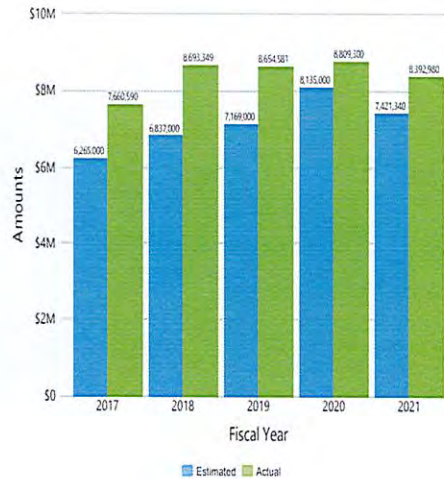
- Based on new buildings and additions.
- FY18 personal property revaluation increase by \$9.9M valuation.
- FY22 valued marina docks, piers, racks and slips this year (\$8M valuation)

### Revenue by Source



Revenue Source	2018	2019	2020	2021	2022
Tax Levy	27,795,589	28,658,494	29,352,673	30,465,633	31,496,394
State Aid	10,684,457	10,909,338	11,367,997	11,491,038	11,561,598
Local Receipts	6,837,000	7,169,000	8,135,000	7,421,340	8,333,000
All Other	8,091,645	4,452,698	8,347,032	-4,615,113	3,842,008
<b>Total Receipts</b>	<b>53,408,692</b>	<b>51,189,530</b>	<b>57,202,702</b>	<b>53,993,124</b>	<b>55,232,999</b>

### Local Receipts – Estimates vs



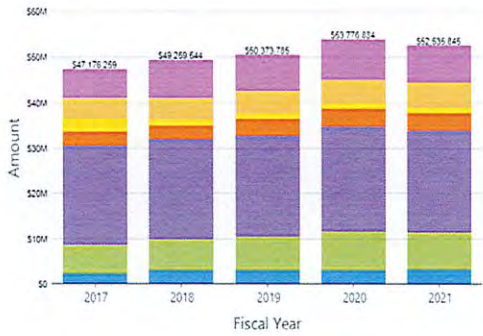
#### Revenue by Source without Enterprise & CPA Funds

- All Other dipped in FY19 & FY21

#### Local Receipts – Estimates vs Actuals

- The Town has been consistently conservative estimating local receipts.
- Local Receipts dipped in FY21 due to COVID.
- Tax Possession Sale netted \$1.4M in FY22

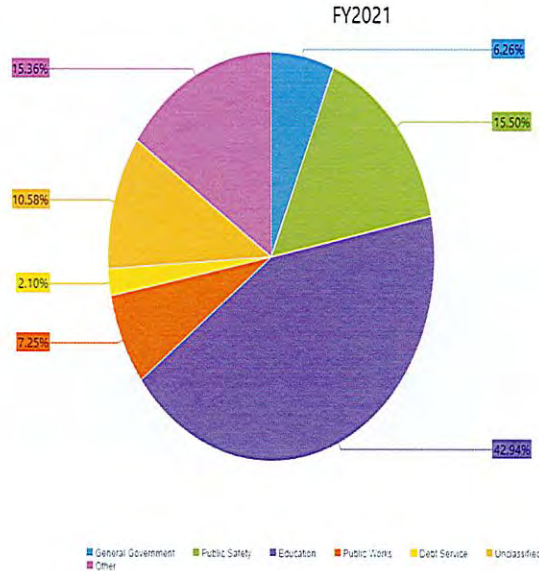
### General Fund Expenditures



■ General Government    ■ Public Safety    ■ Education    ■ Public Works  
■ Debt Service    ■ Unclassified    ■ Other

Fund	2017	2018	2019	2020	2021
General Government	2,488,758	3,144,962	3,228,225	3,269,581	3,290,503
Public Safety	6,102,542	6,796,318	7,210,431	8,318,528	8,142,215
Education	22,126,801	22,138,605	22,354,315	23,262,618	22,559,856
Public Works	3,022,612	3,064,485	3,678,193	3,886,076	3,811,341
Debt Service	2,866,942	1,189,255	1,173,342	1,126,351	1,104,528
Unclassified	4,458,525	4,720,215	4,908,465	5,205,551	5,557,242
Other	6,110,079	8,205,504	7,820,814	8,708,179	8,070,160
<b>Fiscal Year Totals</b>	<b>47,176,259</b>	<b>49,259,544</b>	<b>50,373,785</b>	<b>53,776,884</b>	<b>52,535,845</b>

### General Fund Expenditures by Function



■ General Government    ■ Public Safety    ■ Education    ■ Public Works    ■ Debt Service    ■ Unclassified  
■ Other

#### General Fund Expenditures

- See graph

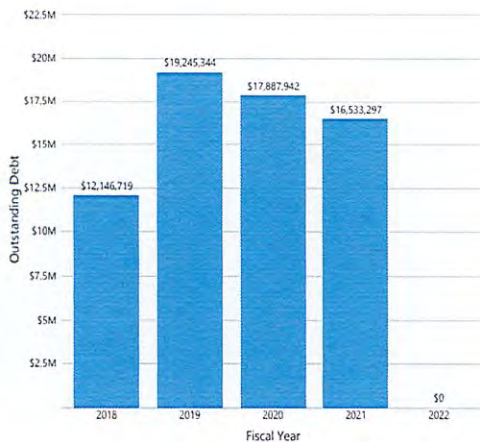
#### General Fund Expenditures by Function

- See pie chart

#### Outstanding Long-Term Debt

- FY19 Sewer Project & Ladder Truck borrowed \$8.3M.
- FY20 East Fairhaven-MSBA debt paid off.
- FY21 Woods School refinanced.

### Outstanding Long-Term Debt





## **Committee Liaison Report – Bob Espindola – November 21st, 2022**

### **Broadband Study Committee.**

Ms. Ellison and I set up a date to meet to review Broadband issues associated with the Fairhaven Housing Authority project and to meet with DPW Superintendent Vinnie Furtado as we talked about during our last Select Board meeting. The meeting date will be on November 29<sup>th</sup>.

As a follow up to Select Board member Corey's suggestion that I would have a conflict of interest if our Board was to choose to appoint ourselves to serve on a Municipal Light Board as part of our Select Board duties. I explained that the suggestion was related to my role on and with the Broadband Study Committee. The Attorney of the Day for the State Ethics Commission said that she was "perplexed" by the suggestion and that there absolutely would not be any conflict of interest if I were to be appointed (along with other Board members) to an MLP Board because in both cases, I have been and would continue to be acting in what I believe to be the best interest of the community.

### **Fairhaven Bikeway Committee**

Amy Roderick, Chair of the Fairhaven Bikeway Committee and I will be meeting with Ms. Ellison soon to review some of the concerns raised by the Bikeway Committee and to discuss ways to, potentially, make the types of improvements that the Committee is looking for. We have been waiting for this meeting to take place until after the Special Town Meeting.

### **Southeastern Regional Planning and Economic Development District (SRPEDD)** SRPEDD

normally meets the last Wednesday of the month and, traditionally, with the Thanksgiving holiday, SRPEDD does not hold a November meeting.

**Southeastern Mass. Metropolitan Planning Organization (SMMPO).** The SMMPO met on November 15<sup>th</sup>. Two highlights from that meeting were that SMMPO approved the FFY 2023-2027 Transportation Improvement Plan Adjustment for the New Airport Express Bus Service from the Mansfield MBTA Station and members reviewed the schedule for the upcoming years Regional

Transportation Plan Update (see schedule attached).

## Transportation Improvement Program Development Timeline



**October-December**

*Collect information on approved projects from Communities, and MassDOT. Identify new projects and request project schedules.*



**December-February**

*Use SMMPO Evaluation Criteria to Evaluate Projects. Host presentations for new projects under consideration for funding. Discuss funding scenarios with the JTPG & SMMPO.*



**March**

*JTPG selects final project lists for programming and recommends to the SMMPO based on project readiness, cost estimates, evaluation results and other planning priorities and*



**April**

*TIP released for a public comment period. Incorporate public, municipal and state feedback.*



**May**

*TIP Endorsed by the SMMPO.*



**Town of Fairhaven****Massachusetts****PROCLAMATION**

Whereas: **Dorothea Machado** served her country in the Navy during WWII after completing six weeks of training at the U.S. Basic Naval School in Bronx, New York, and subsequently stationed at the Submarine Base in New London, CT and at the Army/Airforce Headquarters at the Pentagon in Washington D.C. (1942-1944) where she was involved in critical security work; and

Whereas: **Dorothea Machado** paved the way for women in the service by her stellar example in the WAVES (Women Accepted for Volunteer Emergency Services) long before women were allowed to go to war zones. She earned a rating of Seaman 1<sup>st</sup> Class and then Yeoman 3<sup>rd</sup> Class. Moreover, through her diligence and sharp intelligence, she earned the respect of all those around her; and

Whereas: **Dorothea Machado** participated in the 1991 the *Honor Flight* arranged by the U.S. Department of Defense to acknowledge and celebrate service members who secured our freedom. She was flown on a VIP charter to our nation's capital and escorted to the National World War II Memorial and other sites where she and other veterans, many in their 90's, were heartily applauded; and

Whereas: **Dorothea Machado** completed her degree at Suffolk University and traveled extensively throughout Europe to see firsthand the war's aftermath and the rebuilding effort underway. She brought the skills she acquired and an expansive worldview back to her hometown of Fairhaven where she continues to be a positive influence on her community; and

Whereas: **Dorothea Machado** maintained her life-long civic participation, walking well into her 90's in Fairhaven's Veteran's Parade until Covid postponed the parades. Now, at the age 99 she walks almost daily at the Council on Aging and inspires those much younger than herself with her self-sufficient, can-do spirit:

Now, therefore, we the undersigned do hereby proclaim our sincere appreciation to

**Dorothea Machado**

For her civic engagement and for the example she has consistently modeled to all our citizens by championing a better world for her country and her community.

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FAIRHAVEN SELECT BOARD  
CLASSIFICATION HEARING FY 2023





# Four Votes are taken

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Tax Rate Shift

Residential Exemption

Open Space

Small Business Exemption



[This Photo](#) by Unknown Author is licensed under [CC BY](#)

# How is a tax rate set?

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When the budget to operate the Town is finalized by the Select Board and Town Meeting, all receipts (actual and estimated) except for real estate and personal property taxes are subtracted.

In Fiscal Year 2023, the final budget was \$69,192,357 and the receipts totaled to \$36,407,067 leaving \$32,785,290 to be raised by real and personal property tax.

Taxable valuation for FY23 is \$2,900,600,435

Dividing the taxable value into the monies to be raised by RE & PP tax makes a single rate of \$11.30 per thousand of value.



# How is the Tax Rate split to give relief to the Residential Class of properties?

---

The total residential class valuation was 86.24% of the total taxable valuation and the Commercial, Industrial and Personal Property total valuation was 13.76%.

With a single tax rate, each class raises the proportional share of the amount of money to raise (known as the levy)

That means for FY23 the Residential class would raise 86.24% of the levy (\$32,785,290) and the Commercial, Industrial, Personal Property classes would raise the balance.

To “split the rate” giving the residential class some relief, the Town historically has voted to give the maximum allowed shift to the Commercial, Industrial and Personal Property classes.



## How is the “shift” calculated?

---

In this example of FY23 tax rates, the Commercial, Industrial and Personal Property classes (CIP), being 13.76% of total taxable value would have raised \$4,511,256.

Voting the max shift of 1.75% changes the amount of levy raised by the CIP classes to \$7,894,698 ( $\$4,511,256 \times 1.75$ ), an increase of \$3,383,442.

That increase to CIP is subtracted from the amount of levy to be raised by the residential class from \$28,274,034 (as a single rate) to \$24,890,592 ( $28,274,034 - 3,383,442$ )

Taxable values of each class stay the same so the rate to raise the levy is what changes




## Result of Tax Shift

---

Total Residential Value divided into the total levy portion the Residential Class raises (expressed “per thousand of value”)

$$\$24,890,592 / \$2,501,382,209 = \$9.95$$

Total CIP Value divided into the total levy the CIP raises (again expressed “per thousand of value”)

$$\$7,894,698 / \$399,218,226 = \$19.78$$


# Impact of Tax Shift

---

Residential Tax examples:

<b>Value</b>	<b>At the single rate</b>	<b>At the adopted Shift</b>	<b>Savings</b>
\$200,000	\$2,260.00	\$1,990.00	\$270.00
\$300,000	\$3,390.00	\$2,958.00	\$432.00
\$400,000	\$4,520.00	\$3,980.00	\$540.00
\$500,000	\$5,650.00	\$4,975.00	\$675.00





# What If ... Scenario Worksheet

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CIP Shift	Res Factor	Res rate	Comm rate	Ind rate	Pers prop rate
1.7000	0.8883	10.04	19.21	19.22	19.21
1.7100	0.8867	10.02	19.33	19.33	19.33
1.7200	0.8851	10.00	19.44	19.44	19.44
1.7300	0.8835	9.99	19.55	19.55	19.55
1.7400	0.8819	9.97	19.67	19.67	19.67
1.7500	0.8803	9.95	19.78	19.78	19.78

# Tax Differences on Shift Options

SHIFT %	RESIDENTIAL RATE	CIP RATE	AVE. RES. VALUE	RESIDENTIAL TAX	AVE COMM/IND VALUE	TAX	RESIDENTIAL DIFFERENCE	C/I DIFFERENCE
1.75	\$ 9.95	\$ 19.78	\$ 394,058	\$ 3,920.88	\$ 1,090,044	\$ 21,561.07	0	0
1.74	\$ 9.97	\$ 19.67	\$ 394,058	\$ 3,928.76	\$1,090,044	\$ 21,441.16	\$ 7.88	\$ (119.91)
1.73	\$ 9.99	\$ 19.55	\$ 394,058	\$ 3,936.64	\$1,090,044	\$ 21,310.36	\$ 15.76	\$ (250.71)
1.72	\$ 10.00	\$ 19.44	\$ 394,058	\$ 3,940.58	\$1,090,044	\$ 21,190.45	\$ 19.70	\$ (370.62)
1.71	\$ 10.02	\$ 19.33	\$ 394,058	\$ 3,948.46	\$1,090,044	\$ 21,070.55	\$ 27.58	\$ (490.52)
1.70	\$ 10.04	\$ 19.22	\$ 394,058	\$ 3,956.34	\$1,090,044	\$ 20,950.64	\$ 35.46	\$ (610.43)



# Open Space Discount

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There is no property within the Town that is classified as Open Space so the vote should be no.

# Residential Exemption

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This exemption is given to all owner-occupied properties...the property being used by the owner as his or her domicile.

The calculation is taking the total residential class valuation and dividing by the number of parcels that class reflects and getting an average residential value.

The vote is to take from 1 – 35% of the average residential value and that is subtracted, to all qualified properties, from the taxable value.



In FY23, the Average Residential Value was \$394,058 ( $\$2,501,382,209 / 6,347$ )  
The Selectboard has the ability to choose a value exemption of up to 35% of the average.  
THERE IS A REVERSE IMPACT that should be taken into account and that is the  
Residential tax rate increases “paying for” the residential exemption so not to impact any  
other class of property.

Example:

The impact at a 20% vote and a 30% vote:

Assumption/guesstimate – 4,500 of the residential properties are eligible (owner  
occupied properties)

20% of \$394,058 = \$78,812 (rounded)

4,500 X \$78,812 = \$354,654,000

30% of \$394,058 = \$118,217 (rounded)

4,500 X \$118,217 = \$531,976,500

Total Residential Value – Total value Residential exemption = new Taxable Residential  
Value

$\$2,501,382,209 - \$354,654,000 = \$2,146,728,209$

$\$2,501,382,209 - \$531,976,500 = \$1,969,405,709$

It was established that the Residential Class is going to raise \$24,890,592 – that does not  
change.

At 20% the new Residential Tax Rate would be  $\$24,890,592 / 2,146,728,209 = \$11.59$

At 30% the new Residential Tax Rate would be  $\$24,890,592 / 1,969,405,709 = \$12.64$

Example of impact

<b>Original Value</b>	<b>No Exemption</b>	<b>20% Res Exemption</b>	<b>30% Res Exemption</b>
\$200,000 –	\$1,990.00	\$1,404.56	\$1,033.74
\$300,000 –	\$2,985.00	\$2,563.57	\$2,297.74
\$400,000 –	\$3,980.00	\$3,722.57	\$3,561.74
\$500,000 -	\$4,975.00	\$4,881.57	\$4,825.74
\$600,000-	\$5,970.00	\$6,040.57	\$6,089.74

The higher the assessed value – the higher the tax even with the exemption. This happens around the \$550,000 assessed value and up in this example.






## Residential Exemption Caution

---

In order to adopt this exemption, the Assessors Department will need at least a 10-month lead-time as the administration of this exemption is a complicated process of determining what accounts would be eligible. There is an application process that must be completed prior to the Town adopting any % of exemption. Any residential exemption that is not pre-determined and applied for after the billing will come out of the Overlay Account. Any deficit of the overlay account **MUST** be raised in the following year which will take from the overall budget limits of that year.



# Small Business Exemption

---

The small business exemption is similar to the residential exemption. The Select Board can vote a percent up to 10 to exempt property value. The qualifying businesses must have property valued \$1 million and under AND have fewer than 10 employees.

The amount of total value exempted from all qualifying properties is then subtracted from the total assessed value of all CIP properties, which in turn will increase the CIP tax rate.





Town of Fairhaven  
Massachusetts  
BOARD OF ASSESSORS  
40 Center Street  
Fairhaven, MA 02719

Ronnie Manzone, Chair  
Pamela K. Davis, MAA, Member  
Ellis B. Withington, Member

Daniel Lane, Principal Assessor  
Phone: (508) 979-4023

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

November 21, 2022

TO: Select Board

FROM: Board of Assessors

Subject: Tax Rate Classification

As required by law, the Select Board must vote on the minimum residential factor, residential exemption, Open space (the Town currently does not have Open Space property) and the small business exemption. We have provided examples of the CIP (Commercial, Industrial & Personal Property) shifts for the residential exemption in the attached spreadsheet. Our recommendation is to adopt a shift of 1.75 which would be a vote of 88.03 which is the minimum residential factor.

For Fiscal Year 2023, this will result in a small rate decrease in both rates as illustrated below:

FY2023 Residential Property	\$9.95 / 1000
FY2022 Residential Property	\$10.22 / 1000
FY2023 CIP Property	\$19.78 / 1000
FY2022 CIP Property	\$20.39 / 1000

The average single-family home value for FY2023 is  $\$394,058 \times \$9.95 / 1000 = \$3,920.88$

The average single-family home value for FY2022 was  $\$366,206 \times \$10.22 / 1000 = \$3,742.63$

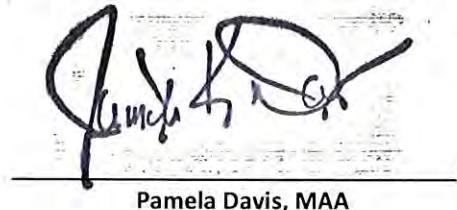
(What would happen if we went to a single tax rate? If we went to a single tax rate, the tax rate would be \$11.30/1,000 for all property. The average residential value of \$394,058 would result in a bill of \$4,452.85 vs the \$3,920.88

Board of Assessors:  


Ronnie Manzone, Chair



Ellis Withington



Pamela Davis, MAA



TOWN OF FAIRHAVEN			
RESIDENTIAL	COMMERCIAL	TAX RATES	
<u>YEAR</u>	<u>SINGLE RATE</u>	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>
1985	24.00		
1986	17.46		
1987	16.97		
1988	18.05		
1989	19.31		
1990		8.64	11.13
1991		9.63	12.26
1992		10.73	12.91
1993		12.01	14.44
1994		12.40	14.90
1995		12.90	15.62
1996		13.35	16.09
1997		13.28	16.01
1998		13.74	16.52
1999		14.52	17.39
2000		15.14	18.13
2001		15.14	18.17
2002		13.96	17.13
2003		11.82	17.65
2004		10.93	17.62
2005		8.35	16.66
2006		8.12	16.09
2007		7.92	15.61
2008		7.86	15.67
2009		8.30	16.51
2010		8.89	17.87
2011		9.56	19.3
2012		10.27	20.63
2013		10.77	21.58
2014		11.50	23.21
2015		12.15	24.50
2016		12.18	24.45
2017		12.04	24.27
2018		11.75	23.76
2019		11.67	23.47
2020		11.06	22.04
2021		11.29	22.53
2022		10.22	20.39
2023		9.95	19.78







# Dedication of Spring Street Fire Station

— 2022 —

**JOHN ROGERS JR.  
MEMORIAL FIRE HOUSE**



# Dedication of Spring Street Fire Station

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Long time Fairhaven Call Firefighter for over 40 years

Former Director of EMA, (Civil Defense)

Chair- Fairhaven fire apparatus study Committee that plans and purchases our Fire Dept. Fire Apparatus

Member of the Fairhaven Protecting Society that over sees the antique apparatus and museum

Lead caretaker of Fairhaven's antique fire apparatus ensuring their maintenance and safe operation

John donated countless hours and money out of his own pocket to make sure that these trucks continued to operate for parades and all special town events



To: Fairhaven Select Board  
From: John Clifford, Labor Counsel  
CC: Angeline Lopes-Ellison, Cameron Durant  
Re: Performance Review Process – Town Administrator  
Date: November 17, 2022

This memo is intended to provide general guidance regarding the process to conduct a performance review of the Town Administrator. The process for a public body to conduct a performance review is governed by the Massachusetts Open Meeting Law (OML), General Laws, c. 30A, §§18-25. Generally, discussions regarding the professional competence or performance of an employee by a public body must be done in open session. The process of discussing the Town Administrator's performance is also governed by the employment agreement between Angie and the Select Board. The specific language is as follows:

**Section 5. Performance Evaluation**

Within ninety (90) days after the commencement of this Agreement the Select Board and the Town Administrator shall define the goals and performance objectives, and the Town Administrator's role in the attainment of such goals and objectives, which they determine necessary for the proper operation of the Town and attainment of the Employer's policy objectives. The Town Administrator shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. The Town Administrator shall prepare and submit for the Select Board's approval a written document summarizing said goals and objectives which shall be signed by both parties.

During each December of the term of this Agreement, the Select Board shall review and provide feedback regarding the performance of the Town Administrator. During said review, the Select Board will also consider the Town Administrator's future goals and objectives.

There are a number of aspects of this process that are confusing and awkward, mainly because of the Open Meeting Law requirements. The OML does not make it easy for a board to have candid conversations with their employees about performance. That notwithstanding, a number of our clients have adopted the review process described below and found it productive.

I recommend that the Select Board formally vote to approve the process below, along with the performance instrument, as a start to this process.

1. The Select Board vote in open session to approve the performance review process for the Town Administrator.
2. A copy of the performance review instrument will be distributed to the individual members of the Select Board and the Town Administrator.



3. The Town Administrator should complete a self-assessment and distribute that to the Board members.
4. Each Board member should fill out the performance review instrument. Board members are advised that the assessment performed by individual Board members are not a public record unless that individual assessment is discussed in open session. Each of your individual performance assessments should be preserved as confidential personnel records.
5. It is highly recommended that each Board member set up a one-on-one meeting with the Town Administrator to discuss her performance and any specific concerns that the Board member may have identified as part of this process. These meetings should take place prior to the public discussion of the performance review.
6. Board members should each send their review document directly to Cameron Durant. Cam will compile the results into one document that represents the consensus of the Board. (Note: You are each permitted to review the individual assessments done by other Board members, but not until after the Board holds a public meeting to discuss the Town Administrator's performance. More on that below.)
7. Cam Durant will compile the results of the individual assessments and distribute a consensus document reflecting the findings. (Some of our clients do not have an HR Director and have had me compile the results and draft the consensus document. I will assist Cam in performing this task if needed.)
8. The Chair should schedule an open meeting discussion of the Town Administrator's review while the consensus document is compiled. The consensus document should be distributed to the Select Board and Town Administrator in advance of the open session discussion of that document. (Please note that the individual forms completed by Board members cannot be distributed to the rest of the Board until after the public discussion. Sharing of Board members' individual assessments prior to public discussion has been deemed by the Massachusetts Supreme Judicial Court as "deliberation" outside of a meeting, in violation of General Laws, c. 30A, §§18, 20. *Boelter v. Select Board of Wayland*, SJC 12353)
9. During the open meeting discussion, Board members may generally state their comments regarding the Town Administrator's performance, however, reference to their individual performance assessment or reliance on that document during discussion renders the individual assessment a public record subject to disclosure.



10. No public comment should be allowed during this discussion. This is an opportunity for the Select Board to evaluate the professional competence of the Town Administrator. Members of the public may have opinions on this subject, but those opinions would not be based on a comprehensive professional assessment of your employee's performance, and would only serve to undermine the legitimacy of this process.
11. The Select Board should formally vote to adopt the consensus review after discussion. The consensus compilation review document is a public record subject to disclosure upon request. It is not unheard of for towns to put the consensus document on the town website.

As part of this process you may wish to consider updating the goals and objectives. Those goals and objectives would presumably form the basis for next year's performance review.

As noted, this process is confusing and awkward in many respects. That being said, conducting performance reviews is a key part of maintaining a healthy working relationship with your Town Administrator. It also provides key information when it is time to consider renewing the Town Administrator's contract.

If you have any questions or concerns regarding this process, please feel free to contact me.

Sincerely,

s/s John J. Clifford

John J. Clifford, Esq.  
BBO#630769  
Clifford and Kenny, LLP



# Town Administrator Evaluation

## December 2022

<p><b>Section 1:</b> Agreed upon Goals and Objectives</p>	<p><b><u>Goal 1: Human Resources Improvements</u></b></p> <p>To strengthen the Town's Human Resources operation in ways that will enhance employee productivity, create an atmosphere of mutual respect and team work, develop an equitable and competitive compensation and benefits plan, and foster employee accountability for job performance.</p> <ul style="list-style-type: none"> <li>• Present Personnel Rules and Regulations for Select Board approval from which an Employee Hand book will be written. All town employees will be provided training on these new personnel documents</li> <li>• Continue to work with Department Directors on developing succession and cross training plans for key employees</li> <li>• Develop a training program for employees and volunteers on conflict of interest, sexual harassment, cyber security, official communications, and other laws, policies and regulations as appropriate and necessary</li> </ul> <p>Ensure that the functions of human resources department are fully put into place consistent with town bylaws</p>	<p><b><u>Goal 2: Financial Sustainability</u></b></p> <p>Establish long term financial sustainability for the Town by adherence to approved financial policies regarding reserve levels, balanced budgets and capital financing, financial forecasting, controlling fixed costs (pension, OPEB, Health Insurance) and augmenting revenues (tax base expansion, grants, user fees).</p> <ul style="list-style-type: none"> <li>• Develop a monthly Executive Summary Report of Key Financial Indicators available to the Select Board.</li> <li>• Review town's financial policies in consultation with DOR, Auditors and Financial Advisor</li> <li>• As part of the FY23 operating budget process review the adequacy of department staffing levels to ensure department mission is accomplished and to leverage grant opportunities.</li> <li>• Continue to implement best practices for cash management at department level with an emphasis on improving customer service and internal controls.</li> <li>• Develop and implement a comprehensive plan for the use of state and federal covid relief funds consistent with regulations.</li> </ul>	<p><b><u>Goal 3: Inter and Intra Governmental Cooperation</u></b></p> <p>Identify and advance opportunities for cooperation between Town departments, Fairhaven Public Schools, neighboring municipalities, non-profit organizations and regional governments as ways to improve services and reduce costs.</p> <ul style="list-style-type: none"> <li>• Review possible ways that the town and school building maintenance can be made more efficient and effective, by applying for Community Compact Grant to study feasibility of establishing a consolidated facility management operation.</li> <li>• Determine the feasibility of establishing a regional Police/Fire 911 Public Safety Answering Point</li> <li>• Study the feasibility and necessity of a Revenue Sharing Agreement with Fairhaven Public Schools</li> <li>• Consistent with state regulations, develop and implement a program of electronic scanning of paper records (or eliminate as appropriate) with the intent to create virtual Town Hall, free up office space and reduce fire risks</li> </ul>
<p>Far Exceeds Expectations – 5</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>

**Town Administrator Evaluation  
December 2022**

Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**



## Town Administrator Evaluation December 2022

Section 2: Knowledge, Skills, and Professional Development	1.Maintains knowledge of current developments affecting the practice of local government management	2. Willing to try new ideas to supplement or stretch resources and improve the management of services and programs. Shows originality in approaching problems, creates effective solutions, and is able to visualize the implications of various alternatives	3 Exercises fair and unbiased professional judgment in providing services and arriving at decisions	4. Anticipates and analyzes problems to develop effective approaches for solving them
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### COMMENTS

## Town Administrator Evaluation December 2022

<b>Section 3: Core Responsibilities:</b> Staffing, personnel, financial, and management relations	1. Is successful at recruiting and retaining competent personnel and appointees for town and ensures the fair and equitable treatment of employees	2. Encourages heads of departments to make decisions within their jurisdictions with minimal manager involvement, yet maintains general control of operations; provides the right amount of communication to the staff. Instills confidence and promotes initiative through to promote their program rather than restrictive controls for their programs while still monitoring operations at the department level	3. Directs the preparation of a balanced budget that provides services at levels consistent with elected body policy and direction. Makes the best possible use of available funds, conscious of the need to operate the organization in an efficient and effective manner	4. Monitors the budget to ensure that funds are spent correctly. Budget is prepared in a readable and easy-to-understand format. Keeps the elected body apprised of major financial issues affecting the organization	5. Motivates and communicates well with staff. Exhibits a loyal, cooperative attitude towards co-workers and the organization.	6. Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**



## Town Administrator Evaluation December 2022

<b>Section 4: Leadership, Board Relations, and Personal Qualities</b>	1. Energetic and willing to spend the time necessary to do a good job, has good initiative, and is a self-starter	2. Seeks and accepts constructive criticism of work. Demonstrates appropriate diplomacy and restraint in professional relationships. Demonstrates ability to work well with individuals and groups	3. Maintains high standards of ethics, honesty and integrity in all professional matters.	4. Conducts self in an impartial manner toward the SB. Refrains from criticism of SB members and actions of the Board
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### COMMENTS



## Town Administrator Evaluation December 2022

Section 5: Community Relations and Communications	1. Provides the boards and committees with information (written and/or verbal) concerning matters of importance to the organization in a timely fashion and provides equal information to all members without prejudice	2. Writes in a clear and concise manner, using terms and styles that are easily understood by the intended reader.	3. Speaks in a clear, distinct and understandable manner.	4. Is approachable, accessible, available, and responsive to the community, and displays diplomacy and tact when responding to others	5. Cooperates with neighboring communities and the county. Cooperates with other regional, state, and federal government agencies	6. Meets with and listens to members of the community to discuss their concerns, and strives to understand their interests
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**