

April 22, 2021

Fairhaven Board of Selectmen
40 Center Street
Fairhaven, MA 02719

Dear Chairman Freitas, Selectman Silvia and Selectman Espindola:

Due to Governor Baker's state of emergency regarding the COVID-19 pandemic, in consultation with the Town Administrator, Health Agent, Town Meeting Precinct Chairs and other town and local officials and pursuant to Chapter 92 of the Acts of 2020 (the Act) I have determined that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies.

I hereby request that the Board of Selectmen call for the Town of Fairhaven's June 12, 2021 annual representative town meeting to be held through remote participation, via web-based video and audio conferencing, specifically the Zoom platform.

I have consulted with the Town of Fairhaven's Disability Coordinator, Interim Town Administrator Wendy Graves and can confirm that the Zoom platform complies with the Americans with Disabilities Act.

I certify that I have tested the video conferencing platform on multiple occasions with the assistance of the Town's Technology Department and local Cable Access and therefore have determined that the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in the Act. Moreover, we have utilized this video conferencing platform successfully to conduct the 2020 Annual and Special Town Meetings.

I will work with all six Town Meeting Precinct Chairs, the Town Clerk, Interim Town Administrator, Town Counsel, the Superintendent of Schools, Technology Department, local Cable Access and other local officials to ensure the virtual meeting is implemented properly. We will notify all Town Meeting Members as we have done in the past and provide the necessary accessibility support and training/instruction materials.

Finally, due to the Governor's state of emergency and pursuant to the Act, I request that the Board of Selectmen, in consultation with me and with my approval, as required under the Act, prescribe the number of voters necessary to constitute a quorum for the virtual Annual Town Meeting, provided that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required. Our existing quorum is set at 100 by town bylaw. Out of an abundance of caution, and to ensure that town meeting is able to act on those articles deemed time sensitive/critical, having this mechanism available will ensure such action will be taken. Every effort will be taken to encourage maximum participation.

These remain challenging times and although great progress has been made by our citizens and at all levels of government to combat the challenges of COVID-19 it remains critical that we take every

Fairhaven Board of Selectmen
April 22, 2021
Page Two

precaution now to ensure that large government/public assemblies are able to meet in person in the future. Ensuring the continuation of governmental services and protecting the health and safety of our citizens are both critically important and are not mutually exclusive of each other. While a traditional in person town meeting following existing rules and procedures would enable us to conduct our legislative responsibilities, such an in person meeting still cannot currently be done in a safe and healthy way that ensures proper social distancing, appropriate hygiene practices and that protects town meeting members, town officials and the members of the public that may attend. A virtual meeting remains our only option. My hope is this will be the last instance of a remote town meeting.

Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Sylvia', with a stylized flourish at the end.

Mark D. Sylvia
TOWN MODERATOR

Cc: Precinct Chairs
Town Clerk
Finance Committee Chair
Interim Town Administrator
Health Agent