



# Fairhaven Board of Selectmen

## Meeting Minutes

### June 11, 2020

**Present:** Vice-Chairman Robert Espindola, Selectman Daniel Freitas, Selectman Keith Silvia, Town Administrator Mark Rees, and Cable Access Director Derek Frates

**Present via Zoom:** Finance Director Wendy Graves, Health Agent Mary Kellogg, Town Moderator Mark Sylvia, Conservation Agent Whitney McClees, Administrative Assistant Vicki Oliveira, Cable Access Production Coordinator Erick Sa and members of the public

The meeting was videotaped on Cable Access and Zoom meeting application.

Due to changes on the Board from the recent local election Town Administrator Mark Rees, opened the meeting at 6:31 pm and read the following statement:

*“This Open Meeting of the Fairhaven Board of Selectmen is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus.”*

*In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.*

*The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.*

*Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will allow public comment related to the posted agenda items only. For this meeting, Fairhaven Board of Selectmen is convening by telephone conference/video conference via Zoom App as posted on the Town’s Website identifying how the public may join.”*

The meeting agenda was out of order to provide for the reorganization of the Board.

### **Reorganization of the Board**

Mr. Rees called for nominations from Board members:

Mr. Silvia nominated Mr. Freitas for Chairman. Mr. Freitas seconded. Vote carried. (2-1)

Mr. Rees turned the gavel over to Chairman Freitas

Mr. Silvia made a motion to nominate Mr. Espindola as Vice-Chairman. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to nominate Mr. Silvia as Clerk. Mr. Freitas seconded. Vote was unanimous. (3-0)

### **Town Administrator's Report**

Mr. Rees updated the Board:

The Planning Director has submitted a Seaport Economic Grant application to the Seaport Economic Council in the amount of \$50,000 to study the feasibility for the expansion of Union Wharf.

Mr. Rees said as part of the Phase V of the harbor dredging the top of the CAD cell dredging is complete and they will be beginning the middle dredging around public and private wharfs this week

Union Wharf: the draft plans for Union Wharf should be coming to the Town by July 15, 2020.

Mr. Rees said he recently had a meeting with Sylvia Group, the town's insurance company and the premiums are down.

Mr. Rees said the town's Veteran's Agent with the help of the cable access department will be filming a Fourth of July video celebration to be aired on July 4, 2020.

Mr. Rees said the Public Works will be continuing the hydrant flushing.

### **Committee Liaison Reports**

Mr. Espindola said he met with the Marine Resources committee where they discussed the new rules and regulations policy. The committee will be sending their recommendations to the Board of Selectmen soon.

Mr. Espindola said the Economic Development Committee has not met recently but Paul Foley, the Planning Director has been doing a lot of work.

### **Board Liaison Appointments**

The Board discussed the list of liaison appointments to Boards and Committees

Mr. Silvia made a motion to appoint Mr. Espindola as the Selectmen liaison to the Broadband Study Committee, Cable Advisory Committee, Economic Development Committee, Southeastern Regional Planning and Economic Development Committee and the Wellness Committee for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to appoint Mr. Silvia as the Selectmen liaison to the Dog Park Study Committee, as the Fair Housing Coordinator, Marine Resources Committee, and the Rogers Reuse Committee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Mr. Silvia made a motion to appoint Mr. Freitas as the Selectmen liaison to the Bristol County Advisory Board, Contract Compliance Officer, Fire Apparatus Study Committee, Historical Commission, Lagoa Friendship Pact Committee, Local Emergency Planning Committee, Millicent Library Board of Trustees, and the Sister City Committee for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0)

Mr. Silvia made a motion to appoint Mr. Rees as the Town's liaison as the Affirmative Action Officer for a one year term. Mr. Espindola seconded. Vote was unanimous. (3-0)

Mr. Silvia made a motion to appoint Paul Foley to the Southeastern Transit Authority Board for a term of one year. Mr. Espindola seconded. Vote was unanimous. (3-0)

Roll call vote to confirm all Board liaison appointments Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor.

### **Town Boards and Committee Reappointments**

The Board tabled this item to reach out to the community and see if there is an interest to serve on these committees and to check for attendance of each meeting and remove those that are not attending meetings.

Mr. Freitas made a motion to table the reappointments until the next meeting to allow residents to submit their name for consideration to a board or committee and to begin the process of checking attendance of committee members. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Request to join Economic Development Committee**

The Board decided to make the appointments at the next meeting and will invite the applicants to the next meeting.

### **Request to join the Bikeway Committee**

Mr. Espindola made a motion to postpone the Bikeway appointee. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Conservation Commission non-voting consulting members**

Mr. Rees said the Conservation Commission has the ability to create a policy to appoint volunteering non-voting consultants to their committee. Mr. Rees said this agenda item was not a voting item but only informational. (Attachment A)

### **Change of premise, Liquor Licenses – Outdoor seating**

Mr. Rees explained that a recent order by Governor Baker regarding outdoor dining for restaurants allows the local licensing authority (the Town) the authority to approve a temporary alteration of premise for restaurants who serve alcohol. This order is only in effect until

November 1, 2020 or until the pandemic is over, whichever comes first. Under the Governor's order the Board of Health does not have to sign off on these temporary changes.

Mario Ribeiro, owner of the Pasta House, told the Board he is looking to do outside dining under a tent and has already sent in the necessary paperwork.

Mr. Espindola made a motion to approve the Pasta House for a change of premise – liquor license for up to 80 seats for outside seating. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

Mr. Espindola made a motion to approve Denkev d/b/a The Bayside Lounge for a change of premise – liquor license for outside seating. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

Mr. Espindola made a motion to approve The Ice House LLC d/b/a The Ice House for a change of premise – liquor license for outside seating. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

Mr. Espindola made a motion to approve 99 Restaurant of Boston d/b/a 99 Restaurant and Pub for a change of premise – liquor license for outside seating. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

Mr. Espindola made a motion to approve Frontera of Fairhaven for a change of premise – liquor license for outside seating. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

Mr. Espindola made a motion to approve The Ferry Station d/b/a Elizabeth's for a change of premise – liquor license for outside seating. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

Marinelli, Inc. d/b/a Town Crier did not submit an application therefore no vote was taken.

Mr. Espindola said he would like to see all establishments who wish to have outside dining come forward and submit an application. Mr. Rees said he would contact the Police Department and have them do compliance checks and ask the establishments fill out an application.

### **COVID-19 Update**

Mr. Rees told the Board that Town Departments had a soft opening today with some departments being by appointment only and others are for walk-in traffic. Customers entering must adhere to social distancing guidelines and wear masks while in the building when unable to Social Distance. Mr. Rees said some of the furloughed staff from the Council on Aging and the Recreation Center have been brought back. Mr. Rees has begun the process of submitting to the State for reimbursement for the expenses related to the COVID State of Emergency. The Town has been allocated 1.4 million dollars.

Health Agent Mary Kellogg has ordered window clings for business to remind their staff and customers to frequently wash their hands and to sanitize. Ms. Kellogg stated that the protocol for Restaurants with outside dining is 6 feet back to back and has sent out the rules and regulations to all restaurants in Fairhaven. She also has safety concerns with yard sales and will start to educate the public on yard sale safety.

### **Eligibility for Retiree Health Insurance**

Mr. Rees explained to the Board that this policy would prohibit new employees who retire and are not on the health insurance ineligible for health insurance after the fact. This also prohibits Part-time elected officials from receiving health insurance, the current employees and elected officials are grandfathered under this policy. (Attachment B)

Mr. Espindola made a motion to approve the Eligibility for Retiree Health insurance and to grandfather Selectmen Silvia. Mr. Silvia seconded. Vote unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Electric Aggregation**

Mr. Espindola said the town is involved in the electric aggregation program for renewable energy/electricity. Currently there is a 10% increase in renewables in the Good Energy Contract. Mr. Espindola said the Sustainability Committee would like to see a survey to help clear up the confusion regarding the electricity aggregation and how to enroll/opt out. Mr. Espindola feels it is important to ask residents, especially the senior population, what they feel about the energy aggregation. Laura Garnder from Climate Reality Group told the Board the goal as a State are to lesson our carbon footprint. Ann Richard, Chair of the Sustainability Committee, stated that her committee is in favor of this increase. (Attachment C)

Mr. Espindola made a motion to support the survey and include the information through Social Media and the Town website. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Pride Flag at Town Hall**

Kyle Bueno met via Zoom with the Board to seek permission to fly the Pride flag over the archway at Town Hall during the month of June. Chairman Freitas reminded Mr. Bueno that at last year's Selectmen's meeting, the Board was advised by Town Counsel to be careful about allowing banners and flags on town property because it could open up for other groups that may controversial, although all of the Board members are in support of the Pride Flag, they all felt the same way as last year but would like to honor Mr. Bueno's request and start the process of a flag/banner policy. In 2019 Mr. Bueno was allowed to fly the flag for one hour outside town hall and hold a small ceremony, but because of the restrictions of COVID-19, that would not be an option this year. Board members told Mr. Bueno that the Town is not responsible for the flag in the event of any vandalism. Mr. Espindola made a motion to allow the Pride Flag to be flown at Town Hall starting June 12, 2020 until June 29, 2020 and a discussion of a flag policy at the next Selectmen's meeting. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Electric Vehicle Grant update**

Sustainability Coordinator Whitney McClees told the Board this is the second grant to help with the procurement of the electric vehicles. This grant will help cover the costs of the charging stations that go with the electric vehicles. (Attachment D) Mr. Espindola stated that this is a requirement of the Green Communities Agreement and he is in favor of this. (Attachment C) Mr. Espindola made a motion to sign the electric vehicle charging station grant. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Annual Town Meeting Preparation**

Town Counsel told the Board that there are three options for Town Meeting 1. Continuance, 2. Reduced Quorum and 3. Combining the options. Town Moderator, Mark Sylvia told the Board the reduction in the quorum size would only be until this emergency declaration is over and then the size would revert back to normal. (Attachment E) Mr. Sylvia has been consulting with various departments to do a virtual Town Meeting. Currently the Town meeting has been postponed until July 25, 2020 but the Moderator has the ability to postpone in intervals up to 30 days. Mr. Sylvia has also consulted with the Health Agent Mary Kellogg in regards to the guidelines that would need to be followed for an in person town meeting. Mr. Rees said any added expenses for a virtual town meeting are eligible for reimbursement.

Attorney Crotty noted that there has to be a designee who reports the continuance of town meeting to the Attorney General's office.

Mr. Espindola made a motion to have Mark Rees assign to the duty to whoever is appropriate of reporting to the attorney general's office the continuance of town meeting. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Modification of the FY21 Budget**

Mr. Rees reminded the Board that at their last meeting they voted to adopt a 1/12 budget to continue operations for the month of July but that vote did not include the cost of COLA and step raises that will be paid in July. Mr. Rees provided and updated spreadsheet with the new 1/12<sup>th</sup> amounts for July. Mr. Espindola made a motion to approve the 1/12<sup>th</sup> budget as modified by the Town Administrator. Mr. Silvia seconded. Vote was unanimous. (3-0)

### **FY21 Budgets**

Mr. Rees discussed with the Board whether to continue with the 1/3 budget or create a complete budget for FY21 because Town Meeting is planned for July 25, 2020 (after the first of the fiscal year). After much discussion the Board agreed they would like to continue with the 1/3 budget until the July Town meeting and there may be a better understanding of the funds.

### **Rogers School**

Mr. Rees read a memo to the Board regarding New England Preservation and Development and their timeline for the purchase and sale of Rogers School. (Attachment F) Mr. Rees explained that Mr. Mayo has defaulted on the terms of the purchase and sale and Mr. Rees suggested to the Board that the agreement be dissolved. The Board discussed the past history with Mr. Mayo and the Rogers School and will have Town Counsel draw up a letter with an exact detail of what is

needed in order to continue with the agreement. Resident Karen Vilandry called in via Zoom to request the Board dissolve their agreement with Mr. Mayo because she feels he has not complied with the terms of the Purchase and Sale since the beginning, Mr. Espindola made a motion to request that Town Counsel send a letter to New England Preservation showing proof of hiring an architectural engineering firm and a letter from his architect with a timeline. Mr. Silvia seconded. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor, Mr. Silvia in favor, Mr. Freitas in favor

### **Notes and Announcements**

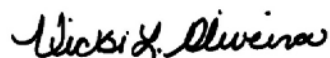
Selectman Espindola congratulated Selectman Silvia on being voted onto the Board recently.

Selectmen Silvia asked if he could have two items placed on the agenda for the next meeting.

Chairman Freitas thanked Charles Murphy Sr. for his longtime service to the Town of Fairhaven on the Board of Health and the Board of Selectmen and he thanked Jeannine Lopes for her years of service on the Board of Health.

At 9:39 pm Mr. Espindola made a motion to adjourn. Mr. Silvia seconded. Vote was unanimous. (3-0)

Respectfully submitted,



Vicki L. Oliveira  
Administrative Assistant  
(Approved 8/17/2020)

#### Attachments:

- A. Memo from Conservation Agent
- B. Updated Health Insurance Eligibility Policy
- C. Climate Reality Survey
- D. Electric Vehicle Grants memo
- E. Options for Town Meeting during COVID-19 Emergency
- F. Memo/Email/New England Preservation and Development timeline



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## Memorandum

Date: June 10, 2020

To: To Whom It May Concern

From: Whitney McClees, Conservation Agent

RE: Conservation Commission Policy Regarding Non-Voting Consultants

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On May 18, 2020, the Fairhaven Conservation Commission adopted a policy regarding non-voting consulting positions. In accordance with MGL Chapter 40, Section 8C, the Fairhaven Conservation Commission may appoint not more than three non-voting individuals to act as consultants to the Conservation Commission for terms not to exceed one year. These consulting positions shall be filled by residents of the Town of Fairhaven who have an interest in eventually serving as members of the Conservation Commission.





Town of Fairhaven  
Massachusetts  
Office of the Town Administrator  
40 Center Street  
Fairhaven, MA 02719

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

To: All Non-Union Employees  
AFCSME Council 93 "Clerical Union"  
NEPBA Local 106 "Dispatchers Union"  
NEPBA Local 64 "Police Union"  
Fairhaven Firefighters Association Local 1555 "Fire Union"  
Teamsters Union Local 59 "Water Union"  
Teamsters Union Local 59 "Sewer Union"  
AFCSME Council 93 "Highway Union"

From: Mark Rees, Town Administrator

Date: May 7, 2020

Re: Updated Health Insurance Eligibility Policy

Please be advised that the Board of Selectmen are considering adoption of the attached health insurance policy for employees and elected officials who receive a stipend. Prior to final implementation, the Board requested that the policy be distributed to you for review and comment. Please submit your comments in writing by June 1, 2020.

If you have any questions regarding this notice please contact me or Human Resources Director Anne O'Brien.

Thank you.



## Town of Fairhaven

### Health Insurance Eligibility Policy

The Town of Fairhaven, acting in accordance with the provisions of Chapter 32B of Massachusetts General Laws, hereby establishes the following policy involving health eligibility of employees and retirees, including spouses and other dependents. To the extent as allowed by Chapter 32B, the Fairhaven Board of Selectmen reserves the right to alter, modify, or eliminate the discretionary components of this policy at any time.

1. As required by Section 10 of Chapter 32B, all active employees of the Town of Fairhaven, including spouses and other dependents as defined in Section 2 of Chapter 32B, working 20 hours or more on a regular basis are eligible for Town health insurance. Per Section 7A of Chapter 32B, the current contribution rate is set by the Town at 60% (Town); 40% (Employee).
2. As required by Section 9 of Chapter 32B, qualified retirees, including spouse and other dependents as defined in Section 2 of Chapter 32B, are also eligible for Town health insurance. Per Section 9E of Chapter 32B, the current contribution rate is set by the Town at 60% (Town); 40% (Employee). To be minimally qualified, a retiree must be a member of the Fairhaven Contributory Retirement or the Massachusetts Teachers Retirement System.—Employees who choose a “lump sum” payment at the time of separation of service are not eligible to participate in the Town health insurance.
3. Any employee or retiree (along with their spouse and dependents) who was hired through April 30, 2020 will continue to be permitted to enroll in the Town health insurance as a retiree, whether enrolled in the municipal plan at the time of retirement or not.
4. New and returning employees, their spouses and/or dependents, hired on or after May 1, 2020, but who are not enrolled in the Town health insurance as of the date of their retirement shall not be allowed to enroll post-retirement.
5. Chapter 32B of Massachusetts General Law does allow discretion by the Town to allow elected officials, including spouses and other dependents, working less than 20 hours on a regular basis and also receiving a stipend to enroll in Town health insurance, as well as former and current elected officials who are retirees and are members of the Fairhaven Contributory Retirement System. By standing vote of the Board of Selectmen on [INSERT DATE], the Town no longer extends health insurance benefits to elected officials working less than 20 hours per week on a regular basis, both in their active service and in retirement. Former and current elected officials who qualified for Town or School pension or health insurance benefits as of March 31, 2019 are considered “grandfathered” and are therefore exempt from the prohibition on elected officials working less than 20 hours per week on a regular basis being eligible for Town health insurance.

Accepted by the Fairhaven Board of Selectmen on \_\_\_\_\_

6. As required by Section 9B of Chapter 32B, qualified surviving spouses, including his or her dependents as defined in Section 2 of Chapter 32B, are also eligible for Town health insurance until remarriage or death. Per Section 9D ½ of Chapter 32B, the current contribution rate is set by the Town at 60% (Town); 40% (Employee). Spouses who are divorced or legally separated from the deceased employee/retiree are not considered surviving spouses and thus, are not eligible for coverage. If at the time of death, a retiree is not a member of the Fairhaven Contributory Retirement System and, therefore, is not eligible for coverage, then neither shall the surviving spouse be eligible for coverage.
  
7. All new employees hired after July 1, 2020, will be required to sign a form acknowledging this policy within 30 days of their hire date. A copy of this acknowledgement form will be kept in the Human Resources office.

Accepted by the Fairhaven Board of Selectmen on \_\_\_\_\_



**Survey of Fairhaven Residents**

Sponsored by the Fairhaven Sustainability Committee  
and Climate Reality Massachusetts Southcoast

This survey is to gauge interest in a 10% increase in the renewable energy Fairhaven purchases.

**I. Background**

The Town of Fairhaven has joined with 22 other communities to aggregate, or jointly purchase, our electricity, saving money over time (<https://masscea.com/>). The Town has an option to voluntarily and automatically purchase 10% more renewable electricity for 2021 than the 18% the state currently requires, for a total of 28% renewables. The state required amount is increasing at about 2% per year. This Electric Aggregation Contract also automatically gives everyone the following choices:

- Opt up to 100% renewable electricity.
- Opt down to receive no additional renewable electricity above the state law requirement.
- Opt out of the aggregation program altogether.

**II. Question**

**Do you support a change in the Town’s Electric Aggregation Contract that would increase everyone’s renewable electricity purchase by 10% (from the 18% state mandated amount to a total of 28%), unless they choose to opt out?**

Please check one:  Yes  No  Don’t know

**III. Potential Impact**

- The average four-bedroom household would increase their electric bill by about \$2 per month, or \$24 per year, based on 7,000 kWh consumption, or usage, per year.
- To learn how the change would impact you, look at your electric bill and multiply your actual annual electricity consumption, or usage (shown in kilowatt hours, or kWh) by \$0.00355.
- A large, refrigerated commercial building - like a typical grocery store - could see their electricity costs increase by approximately \$650 per month or about \$7800 per year.

**IV. Why support this?**

The Fairhaven Sustainability Committee and Climate Reality MA Southcoast together advocate for this 10% increase, which would include everyone unless they choose to opt out. The Sustainability Committee and Climate Reality believe that, as a designated Green Community, Fairhaven should take action to reduce the region’s reliance on brown energy and increase our use of green energy, and that quickly increasing green energy usage can help avert the worst impacts of climate change, leading to:

- Local environmental benefits, such as limiting sea level rise, ocean warming, and storm severity.
- Jobs in the clean energy industry - New Bedford is poised to be the regional leader in offshore wind.

**V. For more information**

You can learn more about the details of the Town’s Electric Aggregation Contract and this change by visiting the Town of Fairhaven website (<https://www.fairhaven-ma.gov/sustainability-committee>)

# Renewable Energy Options in Community Electricity Aggregation

Good Energy can help your CEA include options for more new, local renewable energy, called MA Class I, in the electricity supply than required by State law. Expand access to the benefits of clean energy in your community while also supporting the growth of new renewables in our region!

## Product Options

By offering optional products, you can provide choices to suit the range of interests of your residents and businesses. All products must at least meet the State's minimum requirement for MA Class I renewable energy. In 2021, it is 18% and increases annually, reaching 35% in 2030.

- 1 **Standard Product - No Additional Renewable Energy:** All current participants will remain enrolled in the standard product.
- 2 **50% Green Optional Product:** Adds 50% additional MA Class I renewable energy in addition to the State's minimum.
- 3 **100% Green Optional Product:** Adds 100% additional MA Class I renewable energy in addition to the state minimum.

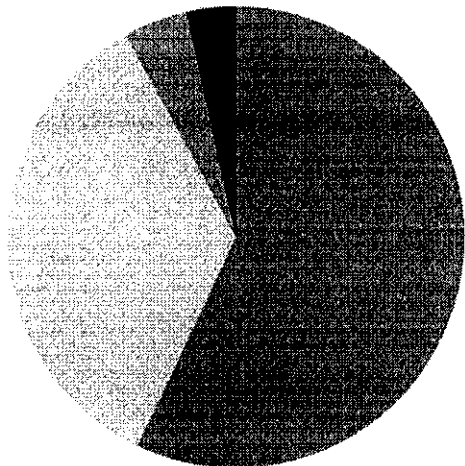
## Monthly & Annual Costs

A typical Massachusetts residential customer uses 7,500 kWh per year. The chart below illustrates the typical monthly and annual costs of the optional products compared to the standard product.

|                |                                  |                     |               |
|----------------|----------------------------------|---------------------|---------------|
| Standard       | -                                | 2021<br>18%<br>Min. |               |
| 50%<br>Option  | \$11 per month<br>\$127 per year | 2021<br>18%<br>Min. | Extra<br>30%  |
| 100%<br>Option | \$22 per month<br>\$225 per year | 2021<br>18%<br>Min. | Extra<br>100% |

## Sources of Renewable Energy

- Wind
- Solar
- Landfill Gas
- Low Impact Hydroelectric
- Anaerobic Digestion, Other Biomass, Marine



Sources for 2017 MA Class I Compliance.

MA Class I is the State of Massachusetts' term for new, local renewable energy. The renewable energy can come from the sources shown at left and it must:

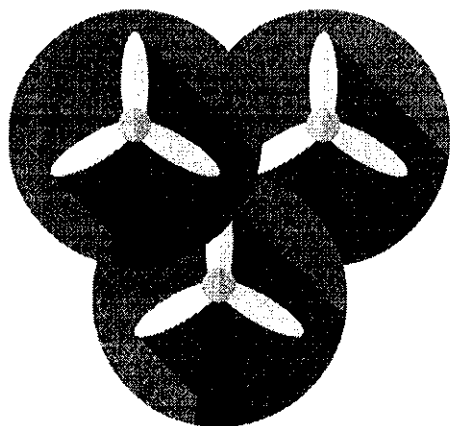
- Have started operation after 1997
- Be located within New England, New York or Eastern Canada

The State requires that every electricity supply must have a minimum percentage of MA Class I renewable energy, and that percentage increases every year. This requirement, called the Renewable Portfolio Standard, has been a major driver of the growth of renewable energy in our region. CEAs can accelerate this growth by purchasing extra MA Class I renewable energy.

## Impact of Renewable Energy

By voluntarily purchasing extra renewable energy, the CEA can stimulate demand for the construction of new renewable energy sources. New renewable energy displaces existing fossil fuel resources, reducing GHG emissions, as well as emissions of sulfur-dioxide - an ingredient for acid rain - and nitrous oxide - an ingredient for smog.

Participation in green optional products typically ranges between 1% and 5% of residential accounts. Commercial accounts may participate too, but it is primarily residential.



If all 25 of the municipalities participating in the April 2020 group offered both a 50% and 100% optional products and realized participation of roughly 2% of residential households in each product, **this would result in extra demand equivalent to more than 10 typical onshore wind turbines (1.5 MW each)**

Those 10 wind turbines would displace over 45,000 MWh of clean electricity, which would avoid:

- 29 million pounds of carbon dioxide, equivalent to taking over 2,800 vehicles off the road for one year
- 3,600 pounds of sulfur dioxide
- 6,750 pounds of nitrous oxide

Calculations based on ISO-New England emissions factors for 2017.



TOWN OF FAIRHAVEN, MASSACHUSETTS

## SUSTAINABILITY COMMITTEE

Town Hall · 40 Center Street · Fairhaven, MA 02719

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

Dear Board of Selectmen,

On Tuesday, May 19, 2020, the Fairhaven Sustainability Committee voted unanimously to support the 10 percent increase in renewables in the Good Energy Contract. We are writing to you now to request that you consider amending the Good Energy Contract to increase the baseline amount of renewables for Fairhaven.

Fairhaven has the opportunity to be a model for other Southcoast towns by leading and supporting this initiative. We are a Green Community and should continually research ways in which Fairhaven can further improve our carbon footprint. By agreeing to support this increase, we would also be helping our community in creating and sustaining locally sourced renewable energy, thereby creating more local jobs and boosting the economy.

We support the efforts of the Climate Reality Project: Massachusetts Southcoast Chapter. We met with members Laura Gardner and Jean Lawlor at our May 19 meeting and heard their thoughts and views on this issue; we agree with and support their efforts, and we hope to help them to achieve their "100% Committed by 2030" goal, for which they are striving to have 100 percent of communities, businesses, and individuals commit to 100 percent renewable electricity by 2030.

We know that you have always listened to and carefully considered the reasons why our town should move forward with green initiatives. The Committee appreciates your wisdom and efforts on this vote and looks forward to working with you to communicate to the public that this is the best way to move forward for the Town of Fairhaven.

Please let me know if you have any questions, and thank you for your time.

Sincerely,

Ann Richard  
Chair- Fairhaven Sustainability Committee



TOWN OF FAIRHAVEN, MASSACHUSETTS

## CONSERVATION AND SUSTAINABILITY DEPARTMENT

Town Hall · 40 Center Street · Fairhaven, MA 02719

### Memorandum

Date: June 10, 2020

To: Mark Rees, Town Administrator

From: Whitney McClees  
Conservation Agent and Sustainability Coordinator

RE: Electric Vehicle Grants – Cost Summary and Electric/Gas Vehicle Comparison

Below is an itemized list of costs associated with the acquisition of two electric vehicles for municipal use and the associated charging station. Due to a change in Eversource's Make Ready Program, which funds the installation of charging station, they require the installation of two charging stations, one for the two fleet vehicles and one for public access.

The Town received notification from MassDEP at the end of April that they were granting Fairhaven a second Electric Vehicles grant. This grant is through their Workplace Charging Program, which funds 60% of the cost of a public-facing electric vehicle charging station for employees. This grant would cover a portion of the cost of the second charging station needed to fulfill Eversource's requirements for the Make Ready Program. This grant still needs to be approved by the Town and documents returned to MassDEP by June 4, 2020 for countersignature. MassDEP has stated that, based on unforeseen delays due to COVID19, they will accept documents mailed on June 12, 2020.

In order to place two charging stations, Eversource indicated they cannot place them in two separate locations. Therefore both the public-facing charging station and the charging station for fleet vehicles would need to be in the same location. Currently, Eversource has assessed both the Council on Aging/Rec Center parking lot and the parking lot behind the Public Works Building next to the bike path. One location will need to be chosen by the Town.

| Item  | Cost       | Cost Covered By   |
|---|------------|---|
| Level 2 dual port EV charging equipment - municipal vehicles              | \$2,628.43 | \$2,500 - MassEVIP Fleets Grant<br>\$128.43 – Conservation/Sustainability Department Budget           |
| Level 2 dual port EV charging equipment installation - municipal vehicles |            | Eversource Make Ready Program (only if we install both charging stations)                             |
| Level 2 dual port EV charging equipment - public-facing                   | \$4,020.53 | \$1,746.06 - covered by MassEVIP Workplace Charging Grant if we accept it<br>\$2,274.47 – FY21 Budget |



|  |                     |   |
|--|---------------------|---|
| Level 2 dual port EV charging equipment installation - public-facing |                     | Eversource Make Ready Program (only if we install both charging stations) |
| 2019 Nissan Leaf – 36-month lease quote                              | \$11,550 (lump sum) | \$5,000 – MassEVIP Fleets Grant<br>\$6,550 – FY21 Budget                  |
| 2020 Chevrolet Bolt – 36-month lease quote                           | \$12,350 (lump sum) | \$5,000 – MassEVIP Fleets Grant<br>\$7,350 – FY21 Budget                  |

Total Overall Cost: \$30,548.96 not including installation of charging stations

Total Cost Currently Covered by Grant Funds or Utility Funding: \$12,500 for vehicles and one charging station, plus installation of equipment

Total Cost Covered by Grant Funds or Utility Funds if 2<sup>nd</sup> Grant Is Accepted: \$14,246.06 for vehicles and two charging stations, plus installation of equipment

Total Cost Currently Expected to be Covered by the Town: \$18,048.96 for vehicles and charging stations

Total Cost Expected to be Covered by the Town if 2<sup>nd</sup> Grant is Accepted: \$16,302.90 for two vehicles and two charging stations

**Comparison of Electric Vehicles to Gas-Powered Vehicles**

The below information will compare the all-electric Nissan Leaf to the gas-powered Nissan Rogue Sport.

Both are crossover vehicles with 116 cubic feet of interior volume according to the specifications for each vehicle.

The national lease deal for a Front Wheel Drive Rogue Sport is \$336/month for 36 months or \$12,096 in lump sum for the full 36-month lease.

The lease quote for the Nissan Leaf is \$11,500 for a 36-month lease and the grant from MassDEP provides \$5,000 of that, making the cost to the Town \$6,550. This is \$5,546 less than the cost of the 36-month lease for gas-powered vehicle.

Therefore, the total for two gas vehicles leased for 3 years would be \$24,192. The total for two electric vehicles, if we were to choose two of the same vehicle, leased for 3 years would be \$13,100. This would result in a savings of approximately \$11,092, not including fuel.

Based on numbers from the EPA, the Nissan Leaf (electric) gets the equivalent of 111 miles per gallon or \$.99 cents per 25 miles if the vehicle were to operate on gas. The Nissan Rogue Sport (gas) gets 28 miles per gallon or \$1.60 per 25 miles. The estimated cost to fill the Nisan Rogue Sport’s tank is \$26. The estimated energy cost to charge the electric vehicle would be about \$3.82 for each charge. This results in a savings of \$22.18 each time the car needs to be charged. Electric vehicles are also very low-maintenance. They do not need oil changes nor do they need brake maintenance as braking done electronically in all but emergency situations. The biggest expenses for maintenance are items like tires and windshield wipers. Electric vehicles cost less to acquire and less to operate, resulting in environmental and economic benefits.

Attached please find a spreadsheet that provides a similar analysis comparing the costs of the electric vehicles and charging stations with and without grant funding, not including the cost of installation, to the cost of two similar sized gas vehicles. As can be seen, there would be a net savings of \$15,422 over three years if electric vehicles are acquired compared to if gas vehicles were acquired.

A review of the town fleet shows that there are two vehicles that could be replaced with electric vehicles. One is the 2011 Ford Focus previously used by the Board of Health and currently in storage at the BPW and the other is a 2009 Ford Explorer used by the COA for transportation of clients. In addition, consideration could be given to providing the Conservation Agent and Sustainability Coordinator with use of one of the electric vehicles. The Agent is currently being reimbursed for her mileage, estimated to be 2000 miles annually at \$0.575/mile.

|   | Total Cost  | Grant       | Local Share |
|---|-------------|-------------|-------------|
| Electric Vehicle Charging Station ( municipal vehicles) | \$2,628.43  | \$2,500.00  | \$128.43    |
| Electric Vehicle Charging Station (public)              | \$4,020.53  | \$1,746.06  | \$2,274.47  |
| Electric Vehicle (Nissan Leaf) 36 months                | \$11,550.00 | \$5,000.00  | \$6,550.00  |
| Electric Vehicle (Chev. Bolt) 36 months                 | \$12,350.00 | \$5,000.00  | \$7,350.00  |
| Total   | \$30,548.96 | \$14,246.06 | \$16,302.90 |

Two Gas Vehicles (Rouge Sport) 36 Months  
(\$336/mo x 36 months x 2 Vehicles)

|                        |              |              |
|------------------------|--------------|--------------|
| Capital Savings (Cost) | -\$30,548.96 | -\$16,302.90 |
|------------------------|--------------|--------------|

Operational Costs

|                   |       |
|-------------------|-------|
| # of Annual Miles | 4000  |
| x years           | 3     |
| x vehicles        | 2     |
| Total Miles       | 24000 |

Cost Per Mile- Electric Vehicle

|                                     |          |
|-------------------------------------|----------|
| \$Cost per charge                   | \$3.82   |
| Miles per Charge                    | 110      |
| Cost Per Mile                       | \$0.0347 |
| Total Fuel Costs: 3 years-72K miles | \$833.45 |

Cost Per Mile - Gas Vehicle

|                                       |            |
|---------------------------------------|------------|
| \$ Gallon of Gas                      | \$2.00     |
| Miles per Gal                         | 28         |
| Cost Per Mile                         | \$0.0714   |
| Total Fuel Costs: 3 years -72 K miles | \$1,714.29 |

|                      |          |          |
|----------------------|----------|----------|
| Fuel Savings (Costs) | \$880.83 | \$880.83 |
|----------------------|----------|----------|

|   |              |              |
|---|--------------|--------------|
| Total Savings (Costs) 3 year life cycle | -\$29,668.13 | -\$15,422.07 |
|---|--------------|--------------|

|                          |             |             |
|--------------------------|-------------|-------------|
| Savings (Costs) per year | -\$9,889.38 | -\$5,140.69 |
|--------------------------|-------------|-------------|

From: Attorney Thomas P. Crotty  
To: Fairhaven Board of Selectmen  
Date: June 10, 2020

## **Options for Town Meeting during the Covid-19 Emergency**

Under several statutory amendments and emergency acts of the state legislature, the town has three new options for dealing with the impact of the public health emergency presented by the Covid-19 threat.

### **Continuance:**

**The town meeting may be continued to a later date.**

When the governor has declared a state of public emergency, the town moderator is authorized to continue a scheduled town meeting, upon consultation with the board of selectmen, and public safety or health officials. The moderator's decision is final, and does not need to be approved by any other town board or officer.

The continuance may be for a period of not more than thirty days after the originally scheduled date, but the moderator may enter into further continuance for periods of not more than thirty days at a time.

The last continuance may not be declared by the moderator more than five days after the governor's declaration of emergency is lifted, and that town meeting must be held not more than thirty days after the declaration of emergency is lifted.

This option is the result of a statutory amendment and will apply generally to any future declaration of public emergency declared by the governor. It is not unique to the Covid-19 emergency.

### **Reduced Quorum:**

**The necessary quorum at town meeting may be reduced to reflect the fact that many members may not wish to gather during the health crisis.**

The board of selectmen, acting on its own initiative, may vote to reduce the number of town meeting members that would constitute a quorum, provided, however, that the number of voters necessary to constitute a quorum shall not be less than ten per cent of the number that would otherwise be required. The board's vote must be made in consultation with, and the approval of, the town moderator. Without the moderator's approval the board's vote is ineffective.

The reduced quorum will remain in effect through the period of the governor's declaration of emergency due to the Covid-19 threat.

The reduced quorum is voided by the lifting of that declaration of emergency. If a town meeting is held after the governor's declaration of emergency is lifted, the reduced quorum will not apply.

**Remote Access:**

**The town meeting may be held by remote access, such as a Zoom meeting.**

If requested in writing by the town moderator, the board of selectmen may call for a town meeting to be held by remote access. The moderator's request to hold a remote access town meeting must be made during the period of the governor's declaration of a state of emergency due to the threat of Covid-19. The moderator's request must contain his certification that specific requirements of the state law regarding such meetings have been, or can be, complied with.

The board of selectmen is required to act on the moderator's request within ten business days (two calendar weeks) of that request. The board's decision whether or not to grant the moderator's request is final, and does not need to be approved by any other town board or officer.

The board's call for a remote access town meeting will apply only to a town meeting held during the governor's declaration of emergency, or to a town meeting continued by the moderator due to the Covid-19 emergency, under his authority as described above.

**Combining the options:**

None of the options excludes the exercise of any of the others. So, for example, the town could reschedule town meeting to a later date, and at the same time reduce the quorum, and hold the meeting by remote access. The only caveat is that each of the options has its own unique procedure for taking effect, as well as its own time limit for how long it will remain in effect. If the exercise of any combination of these options is chosen it is important to follow the process for each.

**Report to the Attorney General:**

In the event the town exercises any of these options, that must be reported to the state Attorney General, with the apparent intent that the Attorney General will ensure that the requirements of these laws have been complied with.

**Declaration and Continuance**  
**Town of Fairhaven Annual and Special Town Meeting**  
**to**  
**Saturday, July 25, 2020**

Pursuant to Massachusetts General Laws, Chapter 39, §10A, I, Mark Sylvia, Moderator for the Town of Fairhaven, do hereby declare this day of June 11, 2020 that the Town of Fairhaven Annual Town Meeting presently scheduled for Saturday, June 27, 2020 be recessed and continued. In consultation with the Board of Selectmen, Public Safety Officials, and the Board of Health, I have determined that a public safety emergency may prevent voters from attending the meeting on Saturday June 27, 2020.

The nature of the emergency is the outbreak of the 2019 novel Coronavirus ("COVID- 19"). In making this Declaration, I note that on March 10, 2020, Governor Charles D. Baker declared a state of emergency in the Commonwealth and prohibited gatherings of more than 250 people throughout Massachusetts. On March 15, 2020, the Governor reduced the number constituting a prohibited gathering to no more than 10 people. The Governor's orders explicitly exempt municipal legislative bodies (in other words, town meetings). However, turnout for town meetings regularly exceeds 10 individuals, and the exemption does not diminish the health risk to anyone attending such a meeting.

M.G.L. Ch. 39, §10A requires that I "announce the declaration of recess and continuance as far in advance of the town meeting being continued as possible."

It also requires that a town meeting recessed pursuant to this statute "shall be convened by the moderator not later than 30 days following the date and time of a town meeting previously called pursuant to a warrant. **I therefore declare that the continued date of the Annual Town Meeting shall be Saturday, July 25, 2020, at 9:00 am at the Hastings Middle School.**

M.G.L. Ch. 39, §10A further provides that I may direct further continuances of the Town Meeting for up to 30 days at a time during the Governor's declaration of emergency. It is my intention to continue to review the situation as it progresses, and to make such determinations as to whether one or more further continuances are appropriate.



Mark Sylvia  
Town Moderator

## MEMO

TO: Board of Selectmen  
FROM: Mark Rees, Town Administrator  
DATE: June 10, 2020  
RE: Rogers School Status  
CC: Thomas Crotty, Town Counsel



Paul Foley, Director of Planning and Economic Development

The Board previously agreed to re-open the purchase and sale agreement with New England Preservation and Development so as to allow the permit approval process to take place before submitting proof of financing. As part of the re-negotiation of the P&S, we requested a time line as to when the permitting process would be completed. New England Preservation and Development submitted Attachment A as a proposed time line. As shown in Attachment B, I informed Mr. Mayo, Principal of New England Preservation and Development that his time line was non-responsive and inadequate for the reasons stated in the email. Mr. Mayo then responded in Attachment C writing, in effect, that he needed to meet with Director of Planning Paul Foley and wasn't able to set up the meeting, implying that somehow Mr. Foley would determine how long it would take for a completed application for a special permit to be filed. It is not the role of the Planning Director to determine how long it will take the applicant to submit his application; that is determined by the applicant in consultation with his own engineer/architect.

How does the board wish to proceed?

Also attached for your review is a letter from Doug Brady regarding Rogers School (Attachment D) and a letter of interest from Max Isakson representing the South Coast Community Church (Attachment E).





Zachary Mayo  
27 Cherry St  
Medford Ma, 02155  
781 658 8184  
zachary.mayo88@gmail.com  
20/ May/ 2020

## **Rogers School Development Project Application Timeline**

### **Application to the Planning Department:**

Seeking approval for special permit to:

- Convert the Rogers School Building into Condominium Units
- Subdivide existing Rogers School Grounds

Application is to be submitted within 90 days of direction of Paul Foley of the Fairhaven Planning Department. No approximate/specific approval date can be determined on our behalf, as we are subject to the approval of planning and it succeeds our management.

### **Application to the Zoning Department:**

Applications to the Zoning Department (if any) are contingent on the direction and outcome of our application, in addition to our awaited approvals with the Planning Department. Application is to be submitted within 60 days of the first Planning Department Meeting.

### **Application to the Building Department:**

Seeking approval and permits for plans submitted for:

- Rogers School Building Condominium Conversion
- 4 House Plans

Applications for both are to take place within 15 days of approvals from the Planning and Zoning Departments if necessary.

**Application to Publics Works Department:**

Seeking Approval and Permits for plans submitted in regards to:

- Water and Sewer Tie-Ins
- Curb Cuts

Applications for both are to take place within 15 days of approvals from the Planning and/or Zoning Departments.



Mark Rees &lt;mrees@fairhaven-ma.gov&gt;

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**Permitting timeline.**

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**Mark Rees** <mrees@fairhaven-ma.gov>

Thu, May 28, 2020 at 9:06 AM

To: Zachary Mayo &lt;zachary.mayo88@gmail.com&gt;

Cc: Charles Murphy &lt;cmurphy@fairhaven-ma.gov&gt;, Bob Espindola &lt;selectmanbobespindola@gmail.com&gt;, Daniel Freitas &lt;dfreitas@fairhaven-ma.gov&gt;, "Thomas P. Crotty" &lt;tomcrotty@tcrottylaw.com&gt;, Paul Foley &lt;pfoley@fairhaven-ma.gov&gt;, Kristian White &lt;kwhite@fairhaven-ma.gov&gt;, Sue Loo &lt;sueloo13@yahoo.com&gt;, Michael Ristuccia &lt;mrrestoration@gmail.com&gt;, Vicki Oliveira &lt;vpaquette@fairhaven-ma.gov&gt;

Dear Mr. Mayo, I have reviewed your timeline you submitted and find it non-responsive and inadequate. The most glaring omission is the lack of date you will be submitting your completed application including stamped architectural plans to the Planning Board and Building Commissioner which is what starts the entire review/permitting process. From that date you can estimate based on advice from the Planning Director and Building Commissioner how long the various permitting processes will take place, leading up to when you anticipate construction commencing. You should also inform us what architectural/engineering firm you will be using for this project and the date you anticipate signing a contract with that firm if you haven't already done so. If you have already signed a contract with an architectural/engineering firm please forward it to me.

Sincerely

Mark

[Quoted text hidden]

--

Mark H. Rees

Town Administrator

Town of Fairhaven

Fairhaven Town Hall

40 Center Street, Fairhaven, MA 02719

(508) 979-4023

mrees@fairhaven-ma.gov

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 **Rogers School permitting schedule 5.02.2020.pdf**  
153K

6/8/2020

Town of Fairhaven Mail - Permitting timeline.

Cc: Charles Murphy <cmurphy@fairhaven-ma.gov>, Bob Espindola <selectmanbobespindola@gmail.com>, Daniel Freitas <dfreitas@fairhaven-ma.gov>, "Thomas P. Crotty" <tomcrotty@tcrottylaw.com>, Pa <kwhite@fairhaven-ma.gov>, Sue Loo <sueloo13@yahoo.com>, Michael Ristuccia <mrrestoration@gmail.com>, Vicki Oliveira <vpaquette@fairhaven-ma.gov>



In reply to your response, please see below:

Per the direction given in the May 14, 2020 email, following the Selectmen's meeting of May 11, 2020. A meeting where New England Preservation and Development, LLC was advised us to deal directly with the Town's Planner, as doing so would expedite the planning process, versus waiting for a Planning Board Meeting.

Since that time, on numerous occasions, members of New England Preservation and Development, LLC have both called and emailed the Planning office, placing a "time sensitive" correspondence. Although New England Preservation and Development, LLC was contacted by the Planning office that did not occur until after the May 21<sup>st</sup> deadline which directed New England Preservation and Development, LLC's compliance with the schedule.

As we assume that this delay and lack of communication was virus related, although New England Preservation and Development, LLC was not able to confirm specific dates, as meeting with the Planning Department, New England Preservation and Development, LLC respectfully disagrees with your assessment that our submitted timeline is non-responsive.

Referencing the submitted permit timeline, although specific dates are not listed, New England Preservation and Development, LLC did submit a timeline which complies with the Planning application will be submitted within 90 days of Town Planner approval; Zoning application within 60 days of Planning; Building and BPW 15 days after the above.

Therefore, once the initial date has been determined by Planning, one can easily determine the dates of the items listed thereafter.

We at New England Preservation and Development, LLC are looking forward to working with the Town.

I sincerely believe that we would both benefit from a face to face meeting to resolve any issues we have so that we may move forward with this project.

Respectfully,

Zachary Mayo  
New England Preservation and Development, LLC

[Quoted text hidden]

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Paul Foley <pfoley@fairhaven-ma.gov> Fri, Jun 5, 2020 at 12:56 PM  
To: Zachary Mayo <zachary.mayo88@gmail.com>  
Cc: Mark Rees <mrees@fairhaven-ma.gov>, Charles Murphy <cmurphy@fairhaven-ma.gov>, Bob Espindola <selectmanbobespindola@gmail.com>, Daniel Freitas <dfreitas@fairhaven-ma.gov>, "Thomas P. Crotty" <tomcrotty@tcrottylaw.com>, Kristian White <kwhite@fairhaven-ma.gov>, Sue Loo <sueloo13@yahoo.com>, Michael Ristuccia <mrrestoration@gmail.com>, Vicki Oliveira <vpaquette@fairhaven-ma.gov>

All,  
I will forward the email chain which is cited in this email. There is no subheading "urgent - time sensitive", there are no questions or a draft application to review. Zach has left zero phone messages in the Planning Department and as you will see from the email chain he has not responded to several offers of potential times to meet. He was asked for possible times to meet on May 21, May 27 and May 29. The statement above that "Planning application will be submitted within 90 days of Town Planner approval; Zoning application within 60 days of Planning; Building and BPW 15 days after the above" indicates to me Zach does not really understand the process. For him to put the blame on me for his delays is absurd.  
Paul

Paul H. Foley, AICP  
Director of Planning & Economic Development  
Fairhaven, Massachusetts

Town Hall, 40 Center Street  
(508) 979-4082 EXT. 122

[Quoted text hidden]

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Zachary Mayo <zachary.mayo88@gmail.com> Fri, Jun 5, 2020 at 1:23 PM  
To: Paul Foley <pfoley@fairhaven-ma.gov>  
Cc: Bob Espindola <selectmanbobespindola@gmail.com>, Charles Murphy <cmurphy@fairhaven-ma.gov>, Daniel Freitas <dfreitas@fairhaven-ma.gov>, Kristian White <kwhite@fairhaven-ma.gov>, Mark Rees <mrees@fairhaven-ma.gov>, Michael Ristuccia <mrrestoration@gmail.com>, Sue Loo <sueloo13@yahoo.com>, "Thomas P. Crotty" <tomcrotty@tcrottylaw.com>, Vicki Oliveira <vpaquette@fairhaven-ma.gov>

Paul,

I am not Blaming you for not being available in the allotted timeframe of a week.

First request after May 14th Email below  
Dated: **On Fri, May 15, 2020 at 10:21 AM**

On Thu, May 21, 2020 at 3:32 PM Zachary Mayo <zachary.mayo88@gmail.com> wrote:  
Paul,

Per my email above?

**On Fri, May 15, 2020 at 10:21 AM** Zachary Mayo <zachary.mayo88@gmail.com> wrote:

6/8/2020

Town of Fairhaven Mail - Permitting timeline.

Paul,

Hope all is well and you'r and your family have been safe through all of this. I think it would be good for You, Mike and myself to all get together, say at the school / grounds. To set a direction for the project that best suits all parties.

We are fairly available so when ever works for you.

Best Regards

[Quoted text hidden]



D

Mark Rees &lt;mrees@fairhaven-ma.gov&gt;

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**Rogers School Project**

1 message

**Bradydoug** <bradydoug@aol.com>

Thu, Jun 4, 2020 at 1:59 PM

To: Mark Rees &lt;mrees@fairhaven-ma.gov&gt;, Dans Home &lt;danfreitas@comcast.net&gt;, Charlie &lt;molife@aol.com&gt;, Bob Espindola &lt;selectmanbobespindola@gmail.com&gt;

Cc: Sue Loo &lt;sueloo13@yahoo.com&gt;

Dear Ladies and Gentlemen:

I am expressing my own concerns over the Roger project and lack of any progress or movement. There is also increased concerns among the committee members in regards to this matter. As a multimillion-dollar project which was signed off on almost a year ago, seems to have no movement on behalf of New England Preservation. Though we are told it is Zach Mayo's project we have seen no direct leadership, instead it is always Mike Ristuccia taking the questions and giving no real answers.

What I find most troubling for a multimillion-dollar project:

- 1 year later and we have had no progress in the project
- There are no deposits or any security for the town that this project will actually occur.
- We are told his partners have "deep pockets" and are completely willing to fund the project, but deadline come and go with always a reason and request for extensions and no sure clear funding source.
- We are told the day before another deadline (after an extension was already given), suddenly the day of the deadline there is this new investor who went and "sort them out to invest in the project". An e-mail from this potential investor completely inadequate and not even close to saying there is even a guaranteed financing in place.
- No engineering plans are done after a year which potentially suggests the project has no backing to pay for the plans or even start them.
- We are now told the P&S needs to be changed to get all permitting first and then provide a statement for a financier. For a multimillion-dollar project- did they not understand or know of this before they were quick to sign the P&S a year ago?
- Selectman Frietas and Town Administrator Rees specifically asked to have a conference call or pre meeting with Zach, Mike, their attorney, and their potential backer, this still has never happened and why not?
- The town was willing to swap the language of the P & S and continually asked for a meeting but no response and never happened.
- A year later of this multimillion-dollar project, Zach and Mike need to have the Selectmen (at the last meeting) suggest they speak with the Town Planner and Building Inspector. Again, a year later and Mr. Rustuccia says "that would be a good idea". Wouldn't this have already been done a long time ago for such a project?

- The Town Planner has reached out and sent several emails asking for a meeting anywhere and time to Zach, yet still no response back from anyone
- A year later and Mike is just now saying they should get on the agenda for the planning board to see what permits they need? Again, why wasn't this done long before. Is not stamped engineering and architectural plans needed to even begin such a review of the project. To this date there are not stamped plans.
- We are told the building will be listed on the historic register, yet nothing has even been done in that process either.

We should be seeing red flags starting to appear all around and be concerned. The town has been extremely generous in time lines. Much time and effort has been put in by Mark Reese in trying to try to get answers. When a time line is due or requests made by the town Instead all we hear is...we need more extensions or completely inadequate response. I am certainly well aware there would be delays in the beginning of a project to get it off the ground and with recent challenges. But the project has to begin before anyone could say there are delays to an extent of a year later?

Do we have a person representing the town's best interests in construction knowledge, qualification and experience in dealing with a project this size? Someone who will know if this is proceeding properly or just delay attempts to get more time for whatever reason? Is this actually the way a multimillion-dollar project works? Do we now need to spend more money for an independent construction advisor to direct us in appropriate procedure? Are they in over their head, reasons for the delays is acceptable or not acceptable?

I am only asking questions and not seeking judgement. The building is deteriorating, classroom floors and threshold are seriously buckling up, and as it appears it will be at least another year before we get anywhere. The goal was to save Rogers school, architecture wonder and the history. Right now, that is not happening and the deterioration of a truly abandoned building is showing. (I have attached recent pictures of the classroom floor for your review)

I look forward to your views and direction at your next selectmen's meeting.

Thank you

Doug Brady

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