



Fairhaven Select Board & Finance Joint Meeting Minutes October 6, 2022

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

Finance Committee Members Present: Chair Padraic Elliot, Vice-Chair Lisa Plante, Robert Grindrod, Jennifer Dupras, Peter Gardener, Denise Barr, Therese Szala, Linda Gallant, via Zoom, Carolyn Roberts, and Finance Director Wendy Graves.

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

Ms. Powers opened the Select Board meeting at 6:02 pm. Mr. Elliot opened the Finance Committee meeting at 6:03 pm. There was a moment of silence for Andy Green.

Select Board Action Items:

Riverside Cemetery Request to use the Town Hall Auditorium:

Ms. Powers stated the request from Riverside Cemetery Inc. for the use of the Town Hall Auditorium on Saturday, October 29, 2022. Mr. Silvia asked if both the custodial fee and rental fee be waived for this event. Mr. Frank Fostin will be covering the custodial duties.

Motion: Mr. Murphy motioned to approve the use of the Town Hall Auditorium for Riverside Cemetery Inc. on October 29, 2022, waiving the custodian and rental fee. Mr. Silvia seconded the motion. Vote passed unanimously. (5-0-0)

Permanent Polling Location:

Ms. Ellison spoke on behalf of Town Clerk, Linda Fredette. The Board of Registrar and the Town Clerk are requesting the Fairhaven Recreation Center be the only permanent polling location for the Town. It will be more efficient and easier to staff than having multiple locations.

Motion: Mr. Murphy motioned to designate and approve the Fairhaven Recreation Center, located at 227 Huttleston Avenue, as the permanent voting location for the Town. Mr. Silvia seconded the motion. Vote passed unanimously. (5-0-0)

Open Meeting Law Complaints:

The Select Board received a couple of Open Meeting Law complaints from Mr. Patrick Higgins. Ms. Powers discussed and addressed the concerns. She asked if the Board would approved the response to the complaints as outlined in the letter. (See Attachment A)

Motion: Mr. Murphy motioned to send Mr. Higgins the response to the Open Meeting Law complaint filed on September 23, 2022. Mr. Silvia seconded. Vote passed unanimously. (5-0-0)

Finance Committee Action Items:

Reserve Fund Transfer Request: Town Clerk \$1,410.80

Mr. Elliot explained the process of Reserve Fund Requests to the new members of the Finance Committee. Mr. Elliot read the transfer request from Town Clerk, Linda Fredette, for \$1,410.80, to be placed into account 001-161-00-0145 (office supplies), for banners to visibly mark precincts at the new permanent polling location in time for the election on November 8, 2022. Discussion ensued about the cost.

Motion: Ms. Plante motioned to approve the transfer of \$1,410.80 from the Reserve Fund to account 001-161-00-0145. Mr. Grinrdod seconded. Roll call vote: Padraic Elliot in favor, Jennifer Dupras in favor, Robert Grinrdod in favor, Linda Gallant in favor, Theresa Szala, Lisa Plante in favor, Denise Barr in favor, Peter Gardener in favor, Carolyn Roberts in favor. (9-0-0)

Joint Meeting Action Item:

The Select Board and Finance Committee reviewed the warrant for the Special Town Meeting to be held Tuesday, November 15, 2022. The Finance Committee reviewed, commented and questioned all articles having to do with finance, those with potential monetary implications. Many questions were asked and answered by department heads who also attended the meeting. The Select Board reviewed all the articles as well as those financially based. They addressed the tree bylaw, special officer special legislation, and citizens petitions to name a few.

Motion: Mr. Murphy motioned to adjourn the Select Board meeting. Mr. Silvia seconded. Vote passed unanimously. (5-0-0)

Motion: Mr. Grinrdod motioned to adjourn the Finance Committee meeting. Ms. Plante seconded. Roll call vote: Padraic Elliot in favor, Jennifer Dupras in favor, Robert Grinrdod in favor, Linda Gallant in favor, Theresa Szala, Lisa Plante in favor, Denise Barr in favor, Carolyn Roberts in favor. (9-0-0)

Adjourned 8:32 pm

Respectfully submitted on behalf of the Select Board Clerk. (SS)
Approved October 17, 2022

A. Open Meeting Law Response Letter



Town of Fairhaven
Massachusetts
Office of the Select Board
40 Center Street
Fairhaven, MA 02719
Tel: (508) 979-4023

September 6, 2022

Patrick Higgins
P.O. Box 290
Northport, AL 35476

RE: September 23, 2022 Open Meeting Law Complaints

Dear Mr. Higgins:

Please be advised that the Select Board (SB) has reviewed your Open Meeting Law complaints (the complaint) dated September 23, 2022 regarding the Select Board's meetings on September 6, 2022.

The SB discussed your complaints at their October 6, 2022 meeting, and hereby respond accordingly:

Executive Session Agenda Specificity: 940 CMR 29.03(1)(b) states that "meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting, and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting". The SB does feel it met the requirements of 940 CMR 29.03(1)(b). It is the understanding of the SB that M.G.L. Ch. 30A§21(a) codifies the reasons a public body may enter executive session, and the Open Meeting Law Guide and Educational Material of January 2018 by the Attorney General Maura Healey, states "Generally, a public body must identify the collective bargaining unit with which it is negotiating or the litigation matter it is discussing before entering into executive session under Purpose 3. A public body may withhold the identity of the collective bargaining unit or name of the litigation matter if publicly disclosing that information would compromise the purpose for which the executive session was called." Identifying the bargaining unit would have compromised the purpose and strategy for which the executive session was called.

Acceptance of Minutes: 940 CMR 29.11(2) states that "Minutes of all open and executive sessions shall be created and approved in a timely manner. A "timely manner" will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay." . The SB felt they met their statutory obligation by accepting the meeting minutes at the third meeting following the retreat date.

The Select Board hopes that this response has addressed your complaint and has been helpful.

Sincerely on behalf of the SB,

Stasia Powers,
Chair