



FAIRHAVEN SELECT BOARD
Meeting Minutes
September 18, 2023

FAIRHAVEN TOWN CLERK
RCUD 2023 OCT 12 AM 11:06

Present: Select Board Chair Leon Correy, Select Board Vice-Chair Charlie Murphy, Select Board clerk Stasia Powers, Select Board member Keith Silvia, Select Board member Bob Espindola and Town Administrator Angie Lopes Ellison

Also Present: Board of Health Chair Kevin Gallagher, Board of Health member Justine Frezza, Health Agent Dave Flaherty and Heather White of Petrini & Associates

Mr. Correy called to order the Select Board meeting at 6:30 p.m.

Motion: Mr. Espindola motioned to enter Executive Session joint with the Board of Health pursuant to G.L. c. 30A § 21 (a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (6 Evergreen Street) and to return to open session. Ms. Powers seconded. Roll Call vote Mr. Espindola in favor, Ms. Powers in favor, Mr. Murphy in favor, Mr. Silvia in favor and Mr. Correy in favor. The motion passed unanimously (5-0-0).

The Select Board, Town Administrator, Board of Health, Health Agent and Atty. White exited the banquet room for Executive Session at 6:33 p.m.

The Select Board, Town Administrator, Board of Health, Health Agent and Atty. White returned to the banquet room at 6:53 p.m.

Mr. Correy made a point of note for the record regarding the full agenda asking everyone to be direct and to the point on all matters before the Board.

MINUTES:

Motion: Mr. Espindola motioned to accept the September 13, 2023 minutes of the Select Board and Finance Committee. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Acceptance of the Executive Session minutes of August 7, 2023 was tabled

TOWN ADMINISTRATOR REPORT:

Ms. Ellison updated the Board on:

- David Braga has resigned from all Town Boards both appointed and elected. The vacancy on the Planning Board will be a joint appointment with the Select Board and the Planning Board. The vacancy on the Historical Commission is an open vacancy. Both are listed on the Volunteer Opportunities page on the Town website.
- Unipay update: all Town Hall departments have been updated for access and Ms. Ellison thanked interim Treasurer Lisa Rose for her work on this issue.
- Short-Term Rentals (STR) review and enforcement is moving forward. The Building Commissioner has taken this task on and will receive a stipend for the work. The first step is to have all STRs register with the Town, Town Bylaw allows for 120 STRs.
- Revenue Projections are being prepared with the work of a consultant. George Samia will be working with the Finance team on FY25 forecasting and revenue projections.

Motion: Mr. Espindola motioned to take agenda item F1 out of order. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Board of Health (BOH) Appointment (joint with the BOH)

Ms. Powers recused herself and left the banquet room at 7:04 p.m.

The candidates who submitted volunteer applications were called on to address the Board

Dr. Barbara Acksen addressed the Board and reviewed her background, qualifications and interest in being appointed to the Board of Health.

Mr. Brian Meneses next addressed the Board and reviewed his background, qualifications and interest in being appointed to the Board of Health.

Ms. Charlene Holtzman was not present to speak to her application.

Motion: Mr. Silvia motioned to appoint Brian Meneses to the Board of Health until the Town Election in April 2025. Mr. Murphy seconded. Roll Call vote Mr. Silvia in favor, Mr. Murphy in favor, Mr. Espindola in favor, Mr. Correy in favor, Ms. Frezza in favor and Mr. Gallagher in favor. The motion passed unanimously (6-0-1). Ms. Powers abstained.

Ms. Powers returned at 7:12 p.m.

Motion: Mr. Espindola motioned for a recess due to technical issues. Mr. Murphy seconded. The motion passed unanimously (5-0-0).

The Board returned from recess at 7:19 p.m. Mr. Correy apologized for the technical issues and asked everyone to be to the point and hold remarks to two minutes due to the full agenda tonight.

Sewer Borrowing:

Lisa Rose, interim Treasurer addressed the Board regarding the borrowing authority note for the Sewer Treatment Plant Upgrade (*Attachment A*). Ms. Ellison added that Town Meeting members voted to borrow the funds and the next step in the process is to go out to bid for the borrowing.

Motion: Mr. Espindola motioned to approve the Sewer borrowing as presented. Ms. Powers seconded. The motion passed unanimously (5-0-0)

Transfer of Restaurant/Liquor License: from Elisabeth's Restaurant to OEA Restaurant Group, Corp. d/b/a Olivia's Restaurant

This item was continued from the August 21st agenda. Owner Brandon Roderick addressed the Board and explained the concept for the location.

Motion: Mr. Espindola motioned to approve the transfer of the restaurant/liquor license from Elisabeth's Restaurant to OEA Restaurant Group, Corporation doing business as Olivia's Restaurant. Ms. Powers seconded. The motion passed unanimously (5-0-0)

TOWN ADMINISTRATOR REPORT (continued)

Ms. Ellison continued her updates:

- Staffing: After extensive interviewing and testing for Police Chief, Daniel Dorgan has been named to be the successor to Chief Myers. He will begin to train for the position during the next several months with Chief Myers.
Sergeant Dorgan briefly addressed the Board and the Board congratulated Sgt. Dorgan.
- Restructuring of the Finance Department. Ms. Ellison announced the following promotions: Anne Carreiro as the Assistant Town Administrator of Finance, Pamela Bettencourt as Collector, Lisa Rose as Treasurer and Joanne Correia as Principal Assessor.

The Board asked about budgetary impacts of this restructure. Ms. Ellison explained there is no significant change and referred the Board to the handout (*Attachment B*) that illustrates the current structure and proposed structure.

PUBLIC HEARING

The Public Hearing for the application for a repair license at 164 Sconticut Neck Road, proposed name: Sconticut Neck Auto, LLC opened at 7:34 p.m.

Applicant Brian Westgate addressed the Board regarding his application for the repair license.

Ms. Ellison added a point of information regarding the application and advised the Board that while the application has been in process, the owner was made aware by the Building Commissioner that an environmental device would be required due to changes in code.

Building Commissioner Randy Bassett joined via zoom at 7:38 p.m. and advised the Board that he has not received any updates from the owner as of now.

Matthew Mocha addressed the Board, stated he is the owner and that his mother got a quote for the device needed. He further stated that he thought the license would be grandfathered and the work would be on concrete and did not understand the need for the device.

Mr. Silvia said he understood the Building Commissioner advised him to complete only the cars on the lift but he had been working on multiple cars.

Mr. Westgate said he was told by the Board that he could work on any cars on the lot. When asked, Mr. Westgate could not say who on the Board or how this was communicated to him and that he did not have it in writing from the Board or anyone. Ms. Ellison added that when asked, the office told Mr. Westgate what Mr. Bassett had advised that only the cars on the lift could be completed, which was about three cars.

Public Comment:

No Public Comment was received

Motion: Mr. Espindola motioned to approve the license pending code verification and following code compliance set by the Building Commissioner with a time to be determined by the Building Commissioner. Ms. Powers seconded. The motion failed (2-3-0). Mr. Silvia, Mr. Correy and Mr. Murphy opposed.

Ms. Ellison recommended the applicant and owner work with the Building Commissioner and then come back and apply again. They cannot operate at all.

The Public Hearing for the application for a repair license at 164 Sconticut Neck Road, proposed name: Sconticut Neck Auto, LLC closed at 7:51 p.m.

Motion: Mr. Espindola motioned to take agenda items F4, F5 and F6 out of order. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Commission on Disability appointment

Chair of the Commission on Disability Marcus Ferro addressed the Board in support of the appointment of Cara Viveiros. He further stated that the state regulations do not have a residency requirement. Atty. White confirmed this.

Motion: Mr. Espindola motioned to appoint Cara Viveiros to the Commission on Disability for a term to end May, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Historical Commission appointment

Mr. Correy read the application from Kari Tyler. No discussion was had.

Motion: Mr. Espindola motioned to appoint Kari Tyler to the Historical Commission for a term to end May, 2025. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Community Preservation Committee appointment

Mr. Correy read the application from Roger Marcoux. No discussion was had.

Motion: Mr. Espindola motioned to appoint Roger Marcoux to the Community Preservation Committee for a term to end May, 2024. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Liquor License Review Hearing

The liquor license review hearing for Fourth and Long, Inc. d/b/a Rasputin's Tavern was opened at 8:01

P.M.

Mr. Correy stated that the Board is holding a hearing on alleged violations by Fourth and Long, Inc. d/b/a Rasputin's Tavern of its liquor license, common victualler license, applicable laws and an agreement between Rasputin's and the Town dated July 31, 2019. The Tavern is located at 122 Main Street. The purpose of this hearing is to determine whether Rasputin's has committed the alleged violations and, if so, to determine the penalties to be imposed. Following the hearing the Board will issue a written decision setting forth its determination.

The alleged violations:

Mr. Correy advised the Board they will hear from the Police Department first. Chief Myers presented a report compiled by Lt. David Sobral that recapped the alleged violations over the last four years since the agreement signed July 31, 2019. The concern is safety and compliance with the department. The owner Mr. Cebula has become combative which has caused officers responding to calls at Rasputin's to be concerned for their safety. (*Attachment C*)

Mr. Correy asked anyone who will be speaking or testifying to step forward to be sworn in. He then swore in those who stepped forward.

Lt. David Sobral addressed the Board. He stated he has been with the Fairhaven Police Department for forty years. He reviewed the report and summaries of the alleged violations (*Attachment C*). He explained that the security plan is not being followed and there is no working relationship with Rasputin's. It is common for officers to be sent to these types of establishments at closing time to help clear the area and to maintain the peace. This is done not just at Rasputin's.

Atty. White asked Lt. Sobral to confirm these were his reports and to read the list of twenty-seven alleged violations into the record, which he did.

Attorney Tyler Henseler representing Rasputin's addressed the Board and stated his objections to the process included being prepared to cross examine what was read into the record and that the Alcoholic Beverages Control Commission (ABCC) case law regarding "totem pole hearsay" or triple hearsay due to the preparation of reports. He further stated that he objects for the record under MGL c. 138 under triple hearsay or totem pole hearsay. Atty. Henseler stated he would like to ask questions about the reports without waiving any rights.

Atty. Henseler questioned Lt. Sobral about items in the reports and stated an objection under totem pole hearsay to each item Lt. Sobral offered testimony to.

Atty. White advised the Board that this is not a court hearing and is not subject to the same rules as a court

hearing, the Board can accept or reject any of the testimony if they choose.

Sergeant Michael Bouvier was questioned about items in the report he observed and responded to. Atty. Henseler stated objections under totem pole hearsay to items in the report from Lt. Kevin Kobza (not present) and Officer Andrew Dillon (not present).

Atty. Henseler spoke to each of the alleged violations and stated they violate due process due to the age of the alleged violations, stale records, no witnesses to refute the testimony and no opportunity to collect fresh evidence. He referenced cases to cite his objections for the record. Atty. Henseler further stated that the alleged violations are also simple misunderstandings that Mr. Cebula has rectified and one is an allegation of underage drinking and that individual is an employee who was in training and her actions were not observed inside.

Atty. Henseler questioned Liam Mullen who is listed in the report regarding May 7, 2023 events. Mr. Mullen stated he was dropped off in the parking lot and did not enter Rasputin's. Atty. White asked Mr. Mullen why he was there to which he stated he parked his car there, was going to go in but didn't.

Atty. Henseler requested the removal of the alleged violations as a violation of his client's due process and asked for each of the alleged violations to be treated as a first notice of progressive discipline.

The Board asked questions regarding the security plan, cameras, whether third party reports are admissible in court, process for providing notice, hours of operation and the security plan from the July 31, 2019 agreement.

Atty. White summarized for the Board regarding hearsay that it is up to the Board to determine what is relevant and reliable including what is reasonably inferred from the police. Everything in the report is subject to review in this hearing. Lt. Sobral explained that his summaries are taken from the police reports and actual calls to the police department.

Public Comment:

No Public Comment was received

The Board asked if the 2019 agreement can be amended. Atty. White referred to the schedule of penalties and that the Board can amend the license and impose additional conditions. Atty. Henseler stated Rasputin's is open to discuss.

The liquor license review hearing for Fourth and Long, Inc. d/b/a Rasputin's Tavern closed at 9:30 p.m.

The Board asked questions to Atty. White as to the timeline of addressing the alleged violations. Atty. White advised the Board they could continue the hearing to have time to review the material and then return to deliberate it in a public meeting.

Motion: Mr. Espindola motioned to continue the hearing and deliberation to the next Select Board meeting. Ms. Powers seconded. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT (continued)

Ms. Ellison continued her updates:

- Haunted Halloween will take place on Thursday, October 26, 2023 from 5:00 to 8:00p.m.
- Household Hazardous Waste collection day will be Saturday, October 28, 2023
- The School Committee has a vacancy due to the resignation of Kyle Bueno. Applications can be submitted to the Select Board; the vacancy has been posted on the volunteer list. This will be a joint appointment with the Select Board and School Committee at a future meeting.
- The hydrant flushing has been completed by the Public Works, kudos to them for their efforts undertaking this project.
- A citizen's petition in response to Article 22 from the Annual Town Meeting in May, 2023 was

received. The petition has no ask or request for action to take, was in the name of a business and not a resident, written to the Sustainability Committee to reconsider the article. It was referred to the Sustainability Committee.

- Ms. Ellison referred to the chart distributed earlier showing the proposed composition of the Finance Team and associated financials (*Attachment B*). She explained the challenges in municipal hiring in the area of finance and this proposal reflects the option of promoting from within. There are additional plans to review the clerical structure and utilize a floater position, cross trained for peak times covering multiple departments. This work will be done with the Human Resource Director Cam Durant. Anne Carreiro will be the Assistant Town Administrator of Finance, Pam Bettencourt will be promoted to the Collector and Lisa Rose will be promoted to the Treasurer.

Discussion ensued on the number of positions, what department budget the wages and salaries will come from, the process for approval of positions by the Select Board under the Special Acts, request for clarification of roles and responsibilities of the Board and Town Administrator and if there is an impact to the balances on the handout given tonight that would require any year-end transfers. Ms. Ellison explained that year-end transfers may be needed for wherever we may need to pull from.

Ms. Ellison expressed concern about how her predecessors handled budget and personnel issues compared to how her decisions are being reviewed and questioned. Anne Carreiro (via zoom) advised the Board that each of the salary line items and balances were reviewed for the handout given tonight (*Attachment B*). Ms. Carreiro added that she is certifying free cash and once that is completed will be moving to month over month reports for the percent to budget.

Committee/Board Fair

A suggestion was made by Jessica Fidalgo to have the Town Committees, Boards and Commissions set up information tables to encourage the public to ask questions and get involved.

Motion: Mr. Espindola motioned to empower Ms. Ellison to work with the Chair and Ms. Fidalgo to schedule a Committee/Board Fair at Town Hall. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Use of Town Hall: Manjiro Festival, Saturday, October 7, 2023

Lt. Sobral addressed the Board regarding the event request for roads to be blocked around Town Hall; he has spoken with Gerry Rooney on the details of the event. Mr. Rooney has also been advised to reach out to public works for additional needs.

Motion: Mr. Espindola motioned to approve the use of Town Hall and surrounding streets for the Manjiro Festival on Saturday, October 7, 2023, applicant to contact police, fire, BPW and other departments for specific needs. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Fairhaven Turkey Trot, Thursday, November 23, 2023, 8:00a.m. - 9:30a.m.

Lt. Sobral reviewed this request and advised the Board of his recommendations for detail officers.

Motion: Mr. Espindola motioned to approve the Fairhaven Turkey Trot on Thursday, November 23, 2023 from 8:00a.m. to 9:30a.m., applicant to contact police, fire and BPW for specific needs. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Financial Policy Review Committee

Ms. Ellison explained that the suggestion for a Financial Policy Review Committee came out of the Select Board retreat. The composition of this committee would be two Select Board members, two Finance Committee members, two from the School Committee and the Assistant Town Administrator of Finance.

Discussion ensued on representation of other departments on the committee and this will be discussed at a future

meeting.

Motion: Mr. Espindola motioned to create a Financial Policy Review Committee and to appoint two members of the Select Board, two members of the Finance Committee, two members of the School Committee and the Assistant Town Administrator to this committee. The Select Board members will be Ms. Powers and Mr. Espindola. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Mr. Espindola asked about the role of George Samia. Ms. Ellison stated that Mr. Samia is a retired Finance Director and an Assistant Town Administrator and is well regarded in his field.

Select Board Meeting Dates: October 2023 and calendar year 2024

Mr. Correy reviewed the current schedule and suggested the Board reschedule the October 2nd and October 16th meetings to October 23, 2023 and for the calendar year of 2024 move the Select Board meetings to the second and fourth Mondays each month. Ms. Ellison added that in reviewing other board's meetings, the Select Board and BPW were on the same dates so the suggestion was made to move to the second and fourth each month.

Motion: Mr. Espindola motioned to reschedule October 2, 2023 and October 16, 2023 Select Board meetings to October 23, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to set the Select Board meetings in the calendar year 2024 on the second and fourth Mondays each month, if it falls on a holiday the meeting would be on the Tuesday. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Meeting Posting Policy Update

Ms. Ellison advised the Board this item was carried over from the previous agenda. The Board follows the Open Meeting Law for posting of meeting agendas and the Town Bylaws covers the recording of meetings.

Discussion ensued whether the Board felt it was appropriate to add to the policy or update the bylaw. The Board tabled this item.

Broadband Review

Mr. Espindola handed out a presentation (*Attachment D*). The suggestion was made to move this item to a future meeting and ask the Broadband Study Committee Chair to attend. Ms. Ellison had been authorized previously to request a one-year extension to the FY2022 Community Compact-Municipal Fiber Grant.

Motion: Mr. Espindola motioned to authorize Mr. Espindola and Mr. Powers, Chair of the Broadband Study Committee and Ms. Ellison to work with the Metropolitan Area Planning Commission to identify opportunities for consulting services at no cost to the Town beyond the existing grant for the purpose of ensuring the grant funds are expended. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Bylaw Change: Chapter 198 Zoning § 198-26 Sign Regulations

Mr. Espindola explained that he had previously requested this to review the bylaw based on complaints on the proliferation of yard sale and commercial business signs placed around Town. Ms. Ellison recommended that Mr. Espindola speaks with the Chair of the Planning Board to see if they can take this item up.

Motion: Mr. Espindola motioned to authorize Mr. Espindola to talk to the Planning Board Chair on taking up this item. Ms. Powers seconded. The motion passed unanimously (5-0-0).

COMMITTEE LIAISON REPORTS

Mr. Espindola reported on:

Broadband Study Committee and the Massachusetts Broadband Coalition (*Attachment E*)

Ms. Powers reported on:

The Library roof repairs are moving forward

Mr. Murphy reported on:

The Manjiro Festival is Saturday, October 7, 2023 and the delegation from Japan will have a farewell dinner on Sunday, October 8, 2023 at the Unitarian Church

Mr. Silvia reported on:

At the Marine Resources Committee meeting Mr. Cox provided an update on the Union Wharf project and thanked Mr. Cox and his son for their quick response this weekend with an emergency situation.

Mr. Correy reported on:

Broadband Study Committee is working with Massachusetts Broadband Institute on a broadband survey, the link is on the Town Website for those who can participate.

PUBLIC COMMENT

Jay Simmons, 14 Oxford St. commented on a recent appointment request to meet with the Town Administrator and the Conservation Agent on past Conservation Commission issues and he would like to have a Select Board member join this meeting. Ms. Ellison asked for clarification of the question and advised Mr. Simmons that the Conservation Commission can be added to an agenda to discuss with the Select Board and recommended Mr. Simmons meet with her to get an understanding of what the concerns are. Mr. Simmons said his understanding was that it would be to review past and how to move forward and he wanted to know if a Select Board member would be available as a liaison.

BOARD MEMBER ITEMS

Mr. Correy reminded everyone to review the volunteer opportunities and thanked those who were involved with the back to school event, special thanks to Fairhaven Barbershop, Tommy Silvia, Jessica Fidalgo, Gloria and Company.

Mr. Correy also advised the Board that he received a response from the State Ethics Commission regarding the recent complaint against him and they have taken no action, he thanked them for reviewing and investigating the matter.

Meeting adjourned at 10:53p.m.

Respectfully submitted on behalf of the Select Board clerk (ah)

ATTACHMENTS:

- A. Sewer Borrowing**
- B. Finance Team Restructure**
- C. Liquor License Review Hearing: Rasputin's Tavern**
- D. Broadband Review - Robert Espindola**
- E. Committee Liaison Report - Robert Espindola**

Approved on October 11, 2023



Sewer Borrowing

Monday, September 18, 2023

Town of Fairhaven
Massachusetts

\$2,090,000.00
Bond Anticipation Note
Municipal Purpose

Dated: September 26, 2023

Due: September 26, 2024

Certificate and Covenant as to Tax-exempt Status of Notes / Non-arbitrage Certificate

We, the Treasurer and Select Board of the Town of Fairhaven, Massachusetts (the "Issuer"), certify and covenant on behalf of the Issuer as follows in connection with the issuance of its Notes (the "Notes") described above and the exclusion of interest thereon from gross income for federal income tax purposes under the Internal Revenue Code of 1986 as amended (the "Code"):

1. The Issuer will take all lawful action necessary to comply with requirements of the Code that must be satisfied subsequent to the issuance of the Notes in order that interest on the Notes be or continue to be excluded from gross income for federal income tax purposes.

2. The Notes were sold to Newburyport Five Cents Savings Bank on September 12, 2023 (the "Sale Date"). No other governmental obligations which are expected to be paid out of substantially the same source of funds as the Notes have been or will be sold within the 31-day period beginning 15 days before the Sale Date pursuant to the same plan of financing as the Notes.

3. On the closing date, the Note proceeds, \$2,090,000.00 will be deposited to the Issuer's account and applied as follows:

New money projects costs	\$2,090,000.00
Payment of refunded notes	\$ 0.00
Total	\$2,090,000.00

4. New money Note proceeds, if any, will be used for the purpose of paying costs of the projects being funded by the Notes. The Issuer reasonably expects that at least 85% of the Note proceeds will be spent to pay costs of the projects within three years from the dated date. The Issuer has already incurred or within six months after the dated date will incur a binding obligation to one or more unrelated parties involving an expenditure of not less than 5% of new money Note proceeds. Completion of the projects and allocations of Note proceeds and investment proceeds to costs of the projects will proceed with due diligence. New Money Note proceeds allocable to paying costs of the projects held in the Issuer's account, and investment proceeds earned thereon, will be invested without regard to yield during the period ending on the third anniversary of the dated date.

5. By private placement, or by competitive bids meeting the requirements of Treasury Regulations 1.148-1(f)(2)(iii), as applicable, the issue price of the Notes is \$2,090,000.00, which represents the price at which the Notes were sold to the purchaser. The yield on the Notes has been calculated by UniBank Fiscal Advisory Services, Inc. to be 4.950% and is reported on the IRS Form 8038-G to be filed for the Notes, a copy of which is attached.

6. Investment proceeds earned on the amounts in the Issuer's account will be commingled with substantial tax and other revenues of the Issuer and are expected to be expended for operating or other expenses of the Issuer within six months after deposit of the investment proceeds therein. All such investment proceeds will be treated as expended when so commingled.

7. The Issuer will not loan more than 5% of the Note proceeds to one or more nongovernmental persons. The Issuer has not allowed and will not allow more than 10% of the Note proceeds and investment proceeds of the Notes or the projects funded by the Notes to be used directly or indirectly by any nongovernmental person in any trade or business, other than as a member of the general public, and has not allowed and will not allow more than 5% of the Note proceeds and investment proceeds or more than 5% of the projects to be so used to the extent such use is unrelated or

disproportionate to the governmental uses thereof. A nongovernmental person will be treated as "using" the Note proceeds or the projects to the extent the nongovernmental person the nongovernmental person borrows the Note proceeds; uses any portion of the projects as owner, lessee, service provider, operator or manager; acquires the output of the projects; or enters into any other arrangement that provides a special legal entitlement or special economic benefit to a nongovernmental person.

As of the dated date, the Issuer certifies that there are no contracts or other arrangements for the use, operation or management of any component of any one or more of the projects funded by the Notes by any party other than a governmental unit. The Issuer will not enter into any contract or other arrangement after the dated date for the use, operation or management of any component of the projects by any party other than a governmental unit.

8. As of the dated date, to the extent applicable, the Issuer reasonably expects that the aggregate issue price of tax-exempt bonds (other than (i) current refunding bonds to the extent the amount thereof does not exceed the outstanding amount of the obligations to be refunded thereby and (ii) qualified private activity bonds) issued and to be issued by or on behalf of the Issuer during the current calendar year will not exceed \$5,000,000 except by the lesser of (i) \$10,000,000 or (ii) the aggregate face amount of bonds, in either case attributable to financing the construction of public school facilities, as provided in Section 148(f)(4)(D)(vii) of the Code. In addition, the Issuer certifies that it has the power to impose or to cause the imposition of taxes of general applicability which, when collected, may be used for the general purposes of the Issuer. The Issuer's power to impose or cause the imposition of such taxes is not contingent on approval by any other governmental unit. No entity has been or will be formed or availed of by the Issuer for the purpose of avoiding the volume limitation described above.

9. To the extent applicable, the Issuer hereby covenants to comply with the requirements of the Code pertaining to the rebate requirement and yield restriction. The Issuer covenants to, and will, pay any rebate requirement or yield reduction payment due with respect to the Notes within sixty days of the maturity date of the Notes.

10. The Issuer hereby covenants for the benefit of the owners of the Notes to file with the Municipal Securities Rulemaking Board notices of the occurrence of events described in paragraph (b)(5)(i)(C) of S.E.C. Rule 15c2-12 with respect to the Notes, if deemed material by the Issuer.

11. The Notes are hereby designated as "qualified tax-exempt obligations" for the purposes of Section 265(b) of the Code. We certify that the reasonably anticipated amount of tax-exempt obligations, including the Notes, that will be issued by the Issuer and all subordinate entities during the current calendar year will not exceed \$10,000,000.

Dated: September 26, 2023
I, the undersigned Treasurer
hereby certify that, as required
by the Code, I have this day
filed Form 8038G, a copy of
which is attached, with the
Internal Revenue Service.

Treasurer

Select Board

Revised 02/15/18

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FAIRHAVEN
ANTICIPATION SERIAL LOAN
Municipal Purpose

No. 1657-1

\$2,090,000.00

Date of Issue: September 26, 2023

For Value Received, the inhabitants of the Town of Fairhaven by their Treasurer hereto duly authorized by votes of said Town passed on July 25, 2020, and October 21, 2020 and Chapter 44, Sections 8(14) and 8(6), of the General Laws promise to pay to Newburyport Five Cents Savings Bank or order upon presentation and surrender thereof at Newburyport Five Cents Savings Bank, 21 Storey Avenue Attn: Loan Servicing - Municipal, Newburyport, MA 01950, the sum of

TWO MILLION NINETY THOUSAND DOLLARS (\$2,090,000.00)

on September 26, 2024, with interest at the rate of 4.950 percent per annum, payable at maturity calculated on the basis of a numerator using 30 days and a denominator using a 360 day year (30/360).

Countersigned and Approved

Signed

Majority of

Treasurer

the

Town of _____

Select Board

Town Seal

To be affixed here

I certify that this note was countersigned and approved by the Select Board in my presence.

Date

Town Clerk

The Commonwealth of Massachusetts
Department of Revenue, Boston

I hereby certify that this note appears to have been duly issued in accordance with the provisions of Chapter 44 of the Massachusetts General Laws per the attached Director of Accounts Approval Letter.

Municipal Purpose Loan

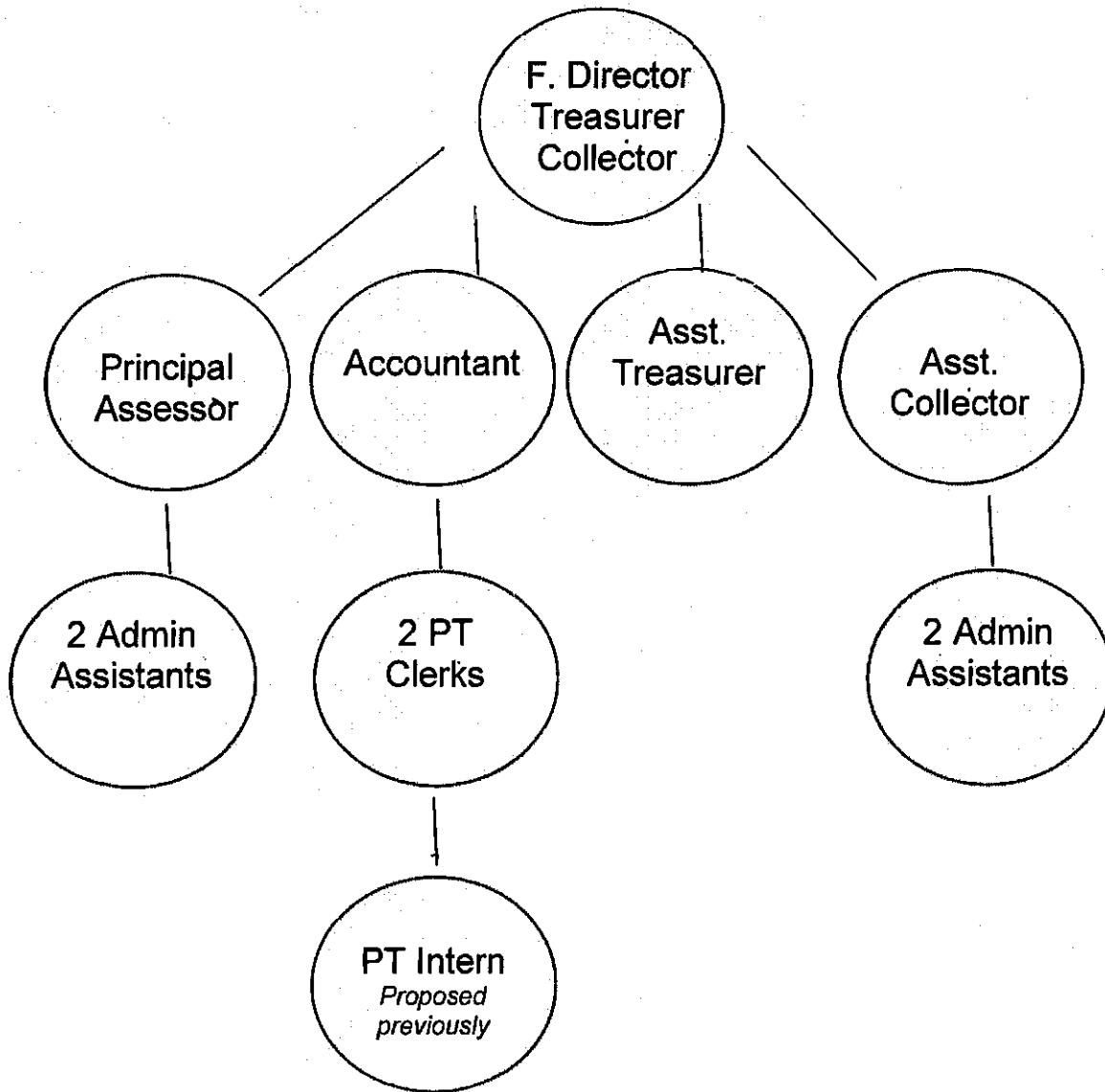
Town of Fairhaven

This attachment must be included with all Municipal Purpose Loans issued through the State House Note Program.
 (A municipal purpose loan is one which combines two or more authorizations for different purposes in one loan.)

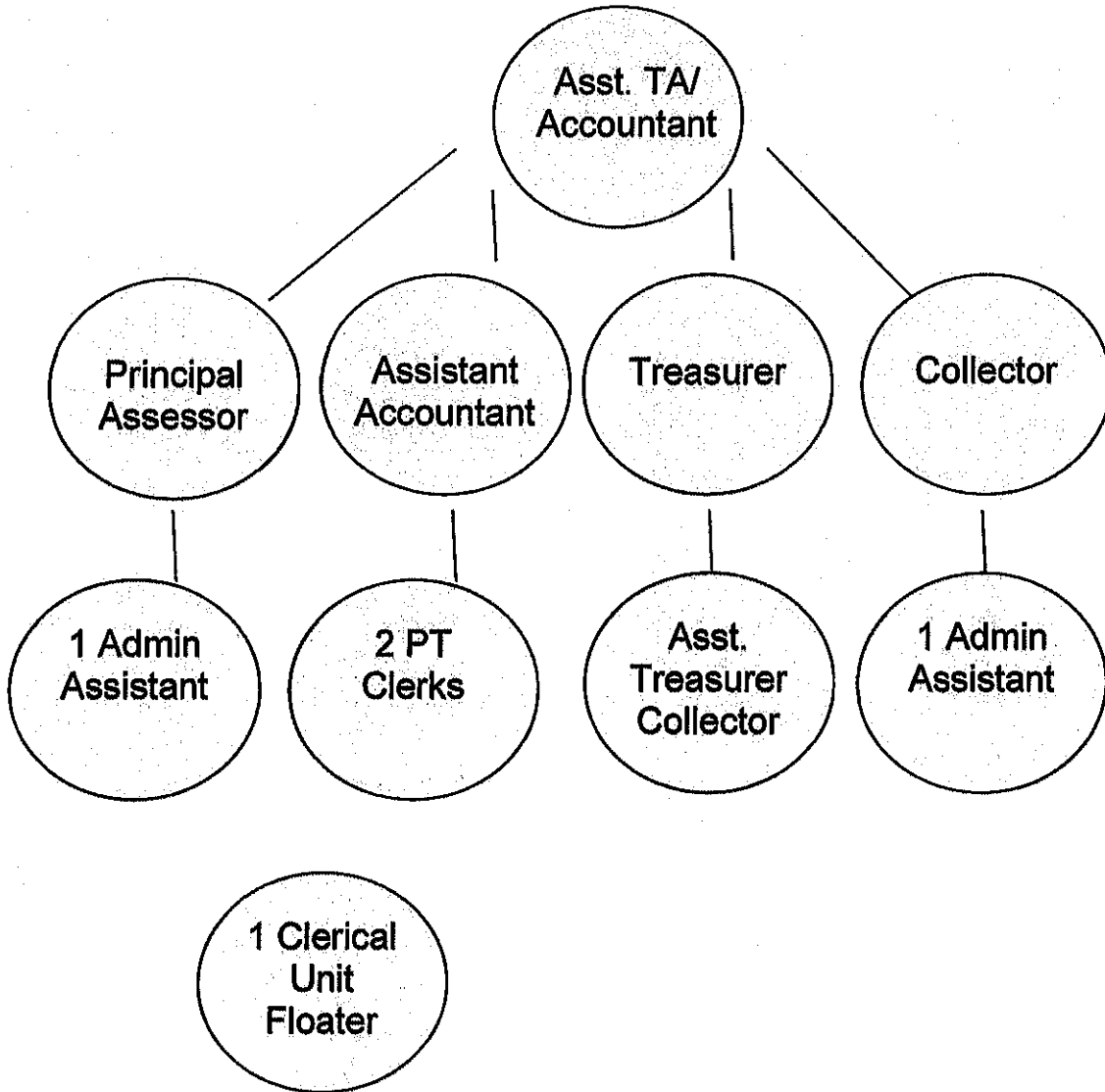
Date	Date 2	Article #	Purpose	Amount Authorized	Previous New Issues	Paydowns This Issue	This Issue New	This Issue Renewal	Unissued Balance
7/25/2020		10	Sewer Treatment Plant Improvement	\$2,000,000.00	\$500,000.00	\$0.00	\$1,500,000.00	\$0.00	\$0.00
10/21/2020		16	Water Meter Reading System	\$1,500,000.00	\$500,000.00	\$0.00	\$590,000.00	\$0.00	\$410,000.00
Totals				\$3,500,000.00	\$1,000,000.00	\$0.00	\$2,990,000.00	\$0.00	\$410,000.00
Carry these figures over to the Clerk/Secretary's Certificate				Must Equal Line 3	Must Equal Line 4	Must Equal Line 5	Total of these columns must equal line 6		Must equal Line 7

Note: Amount Authorized minus Previous New Issues minus This Issue New will equal Unissued Balance.
 (Revised: May 1997)

Former Finance Team Composition



Proposed Finance Team Composition



Proposed Finance Team Costs		Job Title	Dept	Annual Wages	Longevity	Sick Leave Bonus	Sick Leave Buy-Back	Stipend/Other	Total Compensation
	Asst. TA/Accountant	Accountant		\$ 132,039.00	\$ 1,400.00	\$ 400.00	3,028.73	4,000.00	\$ 140,867.73
	Accounts Payable II	Accountant		\$ 26,162.24	\$ 405.00	\$ 400.00	725.00		\$ 27,692.24
	Accounts Payable I	Accountant		\$ 13,703.04					\$ 13,703.04
	Assistant Accountant	Accountant		\$ 52,088.40		\$ 500.00			\$ 52,588.40
	Collector	Collector		\$ 84,760.00	\$ 1,550.00	\$ 500.00	1,966.00		\$ 88,776.00
	Admin Assistant	Collector		\$ 46,082.40		\$ 500.00			\$ 46,582.40
	Admin Assistant	Collector		\$ 41,787.20		\$ 500.00			\$ 42,287.20
	Treasurer	Treasurer		\$ 86,881.00	\$ 1,850.00	\$ 500.00		2,500.00	\$ 91,731.00
	Principal Assessor	Assessor		\$ 78,707.20	\$ 450.00	\$ 400.00			\$ 79,557.20
	Admin Assistant	Assessor		\$ 43,206.80		\$ 400.00			\$ 43,606.80
	Board of Assessors	Assessor							\$ 21,500.00
	Assistant Tr./Coll	Treasurer		\$ 52,088.40					\$ 52,088.40

\$657,505.68 \$ 5,655.00 \$ 4,100.00 5,719.73 6,500.00 \$ 700,980.41
Patriot Properties \$ 10,000.00
\$ 710,980.41

Budgeted Finance Team Co		FY24	Job Title	Dept	Annual	Longevity	Sick Leave	Sick Leave Buy-Back	Stipend/Other	Total
	Finance Dir. TR. Coll									\$ 110,629.00
	Assistant Treasurer		\$ 61,131.00		\$ 1,850.00	\$ 500.00			2,500.00	\$ 65,981.00
	Assistant Collector		\$ 66,830.00		\$ 1,550.00	\$ 500.00	1,966.00			\$ 70,846.00
	Admin Collectors		\$ 39,858.00			\$ 500.00				\$ 40,358.00
	Admin Collectors		\$ 47,757.00			\$ 500.00				\$ 48,257.00
	Accountant		\$ 104,997.88		\$ 1,400.00	\$ 400.00	3,028.73	1,000.00		\$ 110,826.61
	Account Payable Clerk II		\$ 23,802.48		\$ 405.00	\$ 400.00	724.75			\$ 25,332.23
	Accounting Intern		\$ 13,185.12							\$ 13,185.12
	Principal Assessor		\$ 13,271.44							\$ 13,271.44
	Assessor Admin		\$ 91,122.72			\$ 400.00				\$ 91,522.72
	Assessor Admin		\$ 44,764.30		\$ 450.00	\$ 400.00				\$ 45,614.30
	Board of Assessors		\$ 41,929.76			\$ 400.00				\$ 42,329.76
	Board of Assessors		\$ 21,410.00							\$ 21,410.00

FY24 Salary Appropriation \$ 699,563.18
And Wage Reserve \$ 17,000.00
Total \$ 716,563.18
Savings of \$ 5,582.77

**Town of Fairhaven - General Fund
FY 2024 Wage Reserve Detail:**

Salary Reserves:

Public Safety (Police & Fire)	\$	569,000.00
Non-Union (2% COLA & Wage Adjustments updated from 2018)	\$	155,000.00
Clerical (Wage Review Study for Job Descriptions)	\$	37,000.00
Town Clerk (Request for Salary & Election Stipend Increase)	\$	34,000.00
Facility Manager (Additional Salary)	\$	30,000.00
Finance Director (Salary Increase - Step Up)	\$	17,000.00
Election Workers (Salary Increase)	\$	8,000.00
Total	\$	850,000.00

Comparable Community Notes

Assistant TA/Accountant

Marion

Norwell is Finance Director

Split Tr/Coll over 5,000 Population

Ashfield

Holyoke

Palmer

Westhampton

Holland

Warren

Wakefield

Rockland

**SUMMARY OF 2020 YEAR OF CALLS FOR SERVICE/INCIDENTS AT
RASPUTIN'S TAVERN**

- 1) 7/19/2020 0150 CALL FOR SERVICE: C/P LARGE GATHERING OUTSIDE THE BAR HAD TO BE DISPURSED, NO ISSUES.
- 2) 7/25/2020 0148 CALL FOR SERVICE: C/P LARGE GATHERING OUT FRONT OF BAR, FIREWORKS LIT IN THE STREET. INCIDENT REPORT DOCUMENTED.
- 3) 7/26/2020 0139 CALL FOR SERVICE: C/P MONITORING THE CLOSURE OF THE BAR AT 2AM.
- 4) 8/8/2020 0106 CALL FOR SERVICE: DISTURBANCE LOUD NOISE. M/C'S PLAYING MUSIC UPON ARRIVAL TO THE BAR, LARGE GROUP WAS DISPURSED INCIDENT REPORT DOCUMENTED.
- 5) 8/8/2020 0119 CALL FOR SERVICE: MV CRASH, PATRON INSIDE BAR NOTIFIED HIS MC WAS STRUCK BY A VEHICLE LEAVING THE FRONT AREA OF THE BAR. INCIDENT REPORT DOCUMENTED.
- 6) 8/9/2020 0156 CALL FOR SERVICE: C/P MONITORING THE CLOSURE OF THE BAR. LARGE GATHERING IN PK LOT WAS DISPURSED.
- 7) 8/23/2020 0132 CALL FOR SERVICE: DISTURBANCE AND ALTERCATION OUTSIDE BAR AND PK. LOT. INCIDENT REPORT DOCUMENTED.
- 8) 9/8/2020 2051 CALL FOR SERVICE: COVID COMPLIANCE CHECK OF THE BAR.
- 10) 9/9/2020 2001 CALL FOR SERVICE: COVID COMPLIANCE CHECK OF THE BAR.
- 11) 10/28/2020 2200 CALL FOR SERVICE: DISTURBANCE TWO UNWANTED PATRONS CAUSING ISSUES. INCIDENT REPORT DOCUMENTED.
- 12) 10/28/2020 2251 CALL FOR SERVICE: COVID COMPLIANCE CHECK OF THE BAR. INCIDENT REPORT DOCUMENTED.
- 13) 11/25/2020 2206 CALL FOR SERVICE: GENERAL SERVICES

LARGE GROUP OF PATRONS IN FRONT OF RASPUTINS.
PARTIES MOVED VEHICLE FROM NO PARKING ZONE AND
LARGE GROUP DISPURSED.

RESPECTFULLY SUBMITTED,

LT David R. Sobral
LIEUTENANT DAVID R. SOBRAL #019
FAIRHAVEN POLICE DEPARTMENT

**SUMMARY OF 2021 YEAR OF CALLS FOR SERVICE/INCIDENTS AT
RASPUTIN'S TAVERN.**

- 1) 1/2/21 0039 CALL FOR SERVICE: LOUD DISTURBANCE
- 2) 1/8/21 2212 CALL FOR SERVICE: UNWANTED PERSON
- 3) 3/8/21 0243 CALL FOR SERVICE: GENERAL DISTURBANCE
- 4) 4/4/21 2320 CALL FOR SERVICE: UNWANTED PERSON/ PC/REPORT
- 5) 4/4/21 0205 CALL FOR SERVICE: INTOXICATED FEMALE AT MV
- 6) 4/7/21 0313 CALL FOR SERVICE: PAST ASSAULT & BATTERY/REPORT
- 7) 4/11-4/23/21 CALL FOR SERVICE: MULTIPLE CALLS / C-P AT CLOSING
- 8) 5/11-5/16/21 CALL FOR SERVICE: MULTIPLE CALLS C-P AT CLOSING
- 9) 5/21/21 2119 CALL FOR SERVICE: UNWANTED MALE PARTY
- 10) 5/27/21 0010 CALL FOR SERVICE: OWNER OF BAR BITE BY PATRONS
DOG, OWNER POSSIBLE PROVOKED DOG PRIOR TO BEING BITTEN
- 11) 6/5/21 0159 CALL FOR SERVICE: OFFICER MONITORING C-P CLOSING
- 12) 6/6/21 2055 CALL FOR SERVICE: UNWANTED PERSON/ ISSUES IN PAST
- 13) 6/26/21 0156 CALL FOR SERVICE: MONITORING CLOSING OF BAR C-P
- 14) 6/30/21 0208 CALL FOR SERVICE: MONITORING CLOSING OF BAR/ 18-
20 PATRONS LEAVING BAR MALE PARTY YELLING, ALL DISPERSED
- 15) 7/28-9/2 21 CALL FOR SERVICES: MULIPLE CALLS FOR C-P
MONITORING THE CLOSING OF THE BAR. ON SEVERAL OCCASSIONS
SEVERAL DISTURBANCES LARGE AND SMALL GROUPS YELLING
AND LOITERING CAUSING DISTURBANCES OUTSIDE THE BAR AND
WITHNIN THE NEIGHBORHOOD.
- 16) ~~9/7/21 0042 CALL FOR SERVICE: GENERAL DISTURBANCE, ASSAULT &
BATTERY, ARREST OF FEMALE PARTY, ALSO UNDER AGE
CONSUMPTION OF ALCOHOL WITHIN THE BAR.
INVESTIGATION/REPORT ALSO FURTHER CRIMINAL CHARGES
BROUGHT AGAINST MALE PARTY.~~
- 17) 9/12/21 0155 CALL FOR SERVICE: MONITORING C-P CLOSING OF BAR
- 18) 9/24/21 1855 CALL FOR SERVICE: INTOXICATED MALE ATT. TO GET
INTO VEHICLE TO LEAVE.
- 19) 9/24/21 2132 CALL FOR SERVICE: DISORDERLY PERSON/MALE
REMOVED FROM BAR TRYING TO PICK FIGHTS WITH PATRONS.
- 20) 9/25/21 0152 CALL FOR SERVICE: MONITORING C-P CLOSING OF BAR
- 21) 9/29/21 0218 CALL FOR SERVICE: SUSPICIOUS MV RUNNING OUTSIDE
BAR WITH MALES INSIDE VEHICLE BEING LOUD, PARTIES DISPERSED
- 22) 10/2/21 0149 CALL FOR SERVICE: MONITORING C-P CLOSING OF BAR.
- 23) 10/3/21 0204 CALL FOR SERVICE: MONITORING C-P CLOSING OF BAR
- 24) 10/30/21 0158 CALL FOR SERVICE: FIGHT BETWEEN SEVERAL MALE
PARTIES. INVESTIGATION REVEALED TWO MALES ATTEMPTING TO

GET A FRIEND WHO WAS INTOXICATED INTO VEHICLE.

25) 12/12/21 0200 CALL FOR SERVICE: MONITORING C-P CLOSING OF BAR.

26) 12/14/21 0230 CALL FOR SERVICE: ASSAULT & BATTERY STABBED IN FACE OUTSIDE THE BAR AREA. INCIDENT REPORT AND CHARGES FILED FROM INCIDENT.

27) 12/18/21 0210 CALL FOR SERVICE: MONITORING C-P CLOSING OF BAR OFFICER OBSERVED A PERSON ENTER BAR AT 0202, DID NOT EXIT TILL 0215-0220. ANOTHER PATRON LEFT AT THAT TIME FRAME. 7 MV'S WERE PARKED IN LOT ACROSS THE STREET UPON LOOKING INTO BAR AT THE BAR, ONE BEING THE OWNER (MATT CEBULA) WHO WAS OBSERVED DRINKING AND THREE BEHIND THE BAR.

RESPECTFULLY SUBMITTED,



LIEUTENANT DAVID R. SOBRAL #019
FAIRHAVEN POLICE DEPARTMENT

**SUMMARY OF 2022 YEAR OF CALLS FOR SERVICE AT
RASPUTIN'S TAVERN**

- 1) 6/14/2022 0210 CALL FOR SERVICE: C-P CHECK MONITORING THE CLOSING OF THE BAR.
- 2) 6/19/2022 0144 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 3) 6/23/2022 0201 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 4) 7/1/2022 0204 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 5) 7/7/2022 0206 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 6) 7/14/2022 0208 CALL FOR SERVICE: 911 SILENT CALL/OPEN LINE. HEARD MULTIPLE PARTIES ARGUING IN PARKING LOT OF BAR.
- 7) 7/31/2022 0204 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 8) 8/4/2022 0220 CALL FOR SERVICE: DISTURBANCE/ASSAULT FEMALE PARTY REPORTS BEING ASSAULTED WHILE LEAVING THE BAR.
- 9) 8/6/2022 0224 CALL FOR SERVICE: DISTURBANCE, OFFICER MONITORING THE CLOSING OF THE BAR OBSERVED PARTIES GATHER ON CORNER NEAR BAR HORSEPLAYING, WAITING FOR RIDE FROM THE BAR.
- 10) 9/6/2022 1709 CALL FOR SERVICE: UNWANTED PERSON. MALE PARTY WAS ASKED TO LEAVE SEVERAL TIMES, PARTY FINALLY LEFT IN TAXI NO FURTHER ISSUES.
- 11) 9/10/2022 2334 CALL FOR SERVICE: DISTURBANCE/DAMAGED PROPERTY. FEMALE REPORTS MALE PARTY AT THE BAR LEFT AND CAUSED DAMAGE TO HER MV.
- 12) 10/30/2022 0052 CALL FOR SERVICE: PARKING VIOLATIONS, OFFICER OBSERVED ILLEGALLY PARKED MV'S (NO PARKING ZONE) AREA OF BAR.
- 13) 10/30/2022 0218 CALL FOR SERVICE: DISTURBANCE/THREATS. MALE PARTY INSIDE BAR MAKING THREATS AND TRYING TO FIGHT WITH OTHER PARTIES INSIDE HE BAR. PARTY REMOVED, PEACE RESTORED.
- 14) 12/9/2022 2005 CALL FOR SERVICE: DISTURBANCE/THREATS. MALE PARTY MADE THREATS TO SHOOT UP THE BAR AND THREATS TO STAB TWO OTHER PARTIES INSIDE THE BAR. MALE PARTY ARRESTED/REPORT COMPLETED.

- 15) 12/12/2022 2135 CALL FOR SERVICE: SUSPICIOUS/ASSAULT. MALE PARTY STATED HE WAS DRINKING IN THE BAR AND HIS CELL PHONE AND KEYS WERE TAKEN FROM HIM. HE STATED HE WAS "HAMMERED". OWNER AND OTHER PARTY GRABBED MALE AND TOOK HIS KEYS/CELL PHONE WHICH WERE RETURNED BACK TO MALE PARTY.
- 16) 12/24/2022 0501 CALL FOR SERVICE: MALE PARTY REPORTS BEING ASSAULTED INSIDE THE BAR BY A "GIANT PERSON" WHO SLAMMED HIM OFF THE FLOOR. PARTY INJURED AND WAS TRANSPORTED TO THE HOSPITAL. OWNER CLAIMED THAT HE DID NOT RECALL ANY INCIDENT FROM THE NIGHT PRIOR. INCIDENT REPORT COMPLETED.
- 17) 12/27/2022 1404 CALL OR SERVICE: PAST ASSAULT IN BAR. MALE PARTY WAS ASSAULTED ON 12/25/2022 @ 0200 BY THE OWNER OF THE BAR AND THREATENED BY THE OWNER. "GET OUT OF MY BAR, OR I'LL KILL YOU". BELIEVES ASSAULT HAS TO DO WITH A PAST ASSAULT AGAINST HIS FRIEND, WHICH OCCURRED INSIDE THE BAR ON 12/24/2022. INCIDENT REPORT COMPLETED.

RESPECTFULLY SUBMITTED.

LT David R. Sobral
LIEUTENANT DAVID R. SOBRAL #019
FAIRHAVEN POLICE DEPARTMENT

SUMMARY OF 2023 YEAR OF CALLS FOR SERVICE AT
RASPUTIN'S TAVERN

- 1) 1/14/2023 0158 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 2) 1/22/2023 0334 CALL FOR SERVICE: DISTURBANCE/ OFFICER OBSERVED THE OWNER OF THE BAR EXIT THE ESTABLISHMENT AT 0330. OWNER WAS UPSET CLAIMING HARASSEMENT. OFFICER OBSERVED SEVERAL PEOPLE INSIDE THE BAR AFTER HOURS. OWNER TOLD OFFICER HE COULD SERVE ALCOHOL AFTER 2AM IF HE WISHED. LIQUOR LAW VIOLATIONS/INCIDENT REPORT COMPLETED.
- 3) 2/15/2023 0118 CALL FOR SERVICE: GENERAL DISTURBANCE/ UNWANTED PERSON WAS REFUSING TO LEAVE THE BAR. FEMALE PARTY YELLING AND SWEARING AT OTHER PATRONS.
- 3) 3/8/2023 0018 CALL FOR SERVICE: REPORT OF A FIGHT INVOLVING A KNIFE. TWO PARTIES WERE CHARGED CROSS COMPLAINTS RE: ASSAULTS AGAINST ONE ANOTHER. INCIDENT REPORT COMPLETED.
- 4) 4/11/2023 0035 CALL FOR SERVICE: UNWANTED PERSON CREATING ISSUES IN THE BAR. REMOVED SEVERAL TIMES, ADVISED TO OBTAIN A NO TRESPASSING ORDER AGAINST FEMALE PARTY.
- 5) 4/22/2023 1019 CALL FOR SERVICE: OWNER REPORTS VANDALISM TO HIS VEHICLE. 3 DIFFERENT POINTS OF IMPACT UPON THE WINDSHIELD. OWNER ALSO REPORTS HE SLEPT AT THE BAR THIS PAST NIGHT BECAUSE HE WAS INTOXICATED LAST NIGHT AND GOING THROUGH A DIVORCE AT HOME. INCIDENT REPORT COMPLETED.
- 6) 4/24/2023 0035 CALL FOR SERVICE: UNWANTED PERSON. FEMALE PARTY REMOVED FROM BAR, PEACE RESTORED.
- 7) 5/7/2023 0514 CALL FOR SERVICE: LIQUOR LAW VIOLATIONS (SEVERAL PATRONS AND OWNER INSIDE BAR, ALCOHOL ON BAR, AFTER HOURS VIOLATIONS) DISTURBANCES/ARRESTS/COMPLAINTS OF TWO MALE PARTIES FROM THE BAR. INCIDENT REPORT, ARREST REPORT AND CRIMINAL COMPLAINT REPORT AND LIQUOR LAW VIOLATION REPORT COMPLETED.
- 8) 5/8/2023 0155 CALL FOR SERVICE: C-P MONITORING THE CLOSING OF THE BAR.
- 9) 5/12/2023 3211 CALL FOR SERVICE: SUSPICIOUS MV IN THE VIC. WASH ST. OPERATOR WAS SLEEPING IN MV THAT WAS IDLING. MALE PARTY STATED HE HAD CONSUMED ALCOHOL AT RASPUTINS.

MALE PARTY LATER CALLED HIS MOTHER, WHO RESPONDED AND TOOK CARE AND CUSTODY OF HIM.

- 10) 5/27/2023 0215 CALL FOR SERVICE: C/P MONITORING CLOSURE OF THE BAR AS PATRONS EXITED THE ESTABLISHMENT WAITING FOR RIDES.
- 11) 6/2/2023 0021 CALL FOR SERVICE: DISTURBANCE/LOUD NOISE. FEMALE REPORTS MULTIPLE PARTIES OUTSIDE THE BAR BEING LOUD WAKING UP HER CHILDREN.
- 12) ~~6/11/2023 0215 CALL FOR SERVICE: LIQUOR LAW VIOLATIONS AT RASPUTIN'S TAVERN. UNDER AGE SERVING A MINOR AND AFTER HOURS VIOLATIONS. INCIDENT REPORT DOCUMENTED.~~
- 13) 6/11/2023 2201 CALL FOR SERVICE: C/P CHECK OF RASPUTIN'S TAVERN FOR UNDER AGE CONSUMPTION /MINORS OF ALCOHOL.
- 14) 7/2/2023 0209 CALL FOR SERVICE: C/P MONITORING THE CLOSURE OF THE BAR.

RESPECTFULLY SUBMITTED,



LIEUTENANT DAVID R. SOBRAL #019
FAIRHAVEN POLICE DEPARTMENT

AGREEMENT

This agreement is entered into this 31st day of July 2019 by the Board of Selectmen for the Town of Fairhaven, as the licensing authority for the Town of Fairhaven pursuant to MGL c. 138 (the "Board"), and Fourth and Long, Inc., d/b/a Rasputin's Tavern ("Rasputin's") (collectively, the "Parties").

Whereas, Rasputin's is the holder of an All Alcohol Beverages license issued by the Town of Fairhaven pursuant to G.L. c. 138, a common victualler's license issued pursuant to G.L. c. 140, and a restricted entertainment license issued pursuant to G.L. c. 140; and

Whereas, the Board issued to Rasputin's a notice of hearing on the following alleged violations:

- Alcoholic beverages were sold or supplied to under age persons in violation of G.L. c. 138§34, and the Town of Fairhaven Alcoholic Beverage Regulations 204-7 (a).
- Alcoholic beverages were sold or supplied to intoxicated persons in violation of G.L. c. 138§69, and the Town of Fairhaven Alcoholic Beverage Regulations 204-6.
- The sale and use of illegal drugs occurred in, on or around the licensed premises in violation of 204 CMR 2.05 (2).
- Disturbances of the peace, including but not limited to noise, fighting, and public urination, and the possession and use of an explosive device (since the June 3, 2019 hearing), occurred in, on or around the licensed premises in violation of 204 CMR 2.05(2).
- Alcoholic beverages were dispensed in an unsanitary manner, in the form of so-called "body shots", in violation of 204 CMR 2.05 (8).
- Employees of the licensee were allowed to dance on the bar, causing an unsanitary condition in violation of 204 CMR 2.05 (8).
- Employees of the licensee provided entertainment in violation of your limited entertainment license, in the form of dancing on the bar while clad in bikinis, in violation of G.L. c. 136 §4 and 204 CMR 2.05 (2); and

Whereas, a hearing on the alleged violations was held by the Board on June 3, 2019, and on July 22, 2019 at which the Board made specific findings with regard to the alleged violations; and

Whereas, under the provisions of the Alcoholic Beverages Regulations of the Town of Fairhaven, the minimum combined penalty for the alleged violations would be sixteen days suspension; and

Whereas, the Parties wish to resolve all disputes between them regarding the alleged violations and to avoid further proceedings, including appeals;

Therefore, the Parties agree as follows:

1. The Board will reconsider and amend its findings of July 22, 2019 and find no violations for the following alleged violations:

- Alcoholic beverages were sold or supplied to under-age persons in violation of G. L. c. 138§34, and the Town of Fairhaven Alcoholic Beverage Regulations 204-7 (a);
 - Alcoholic beverages were sold or supplied to intoxicated persons in violation of G. L. c. 138, §69, and the Town of Fairhaven Alcoholic Beverages Regulations 204-6;
 - The sale and use of illegal drugs occurred in, on or around the licensed premises in violation of 204 CMR 2.05 (2).
2. Based on its findings that the remaining alleged violations (excluding the reference to an explosive device) occurred, the Board imposes an eight day suspension of the sale of alcoholic beverages by Rasputin's for eight (8) days, and that suspension to occur from August 1, 2019 to August 8, 2019 inclusive.
 3. Rasputin's waives any and all rights of appeal from the findings and penalty as set forth in Paragraph 2, above.
 4. Rasputin's will apply for approval of a change in manager to be heard by the Board at its meeting on September 9, 2019. Should the current Manager of Record, Matthew Cebula, cease his commercial fishing activities and/or otherwise have the time to devote himself to acting as Manager of Record, nothing herein shall prejudice Mr. Cebula's right to apply for said position of Manager of Record.
 5. Rasputin's will comply with the security plan attached hereto as Exhibit A.

Town of Fairhaven Board of Selectmen,
By Charles Murphy, Chairman



Fourth and Long, Inc, d/b/a Rasputin's Tavern
By its Matthew Cebula, President



Exhibit A

Security Plan

1. There will be a "manager log". The manager log will be maintained behind the bar and it will provide law enforcement the name, cell phone, and address of all the on-duty managers. The log will also include the past on-duty managers listed daily. There will be a designated manager on duty at all times the bar is open.
2. There will be "ID scanner" at the front door to assure persons entering will be over the age of twenty-one.
3. There will be the following minimum security on duty :
 - Saturday through Thursday, 10:00 pm to closing— One security personnel
 - Friday, 1pm to 10:00pm - One security personnel
 - Friday, 10 pm to closing- Two security personnel
4. The security personnel will be responsible for the following:
 - Entry of persons over 21 only (use of scanner at entrance)
 - Assuring restrooms are not overly crowded or groups entering at the same time
 - Notify bartenders if person is intoxicated
 - Assure people are not bringing in their own alcohol, nor are they exiting the premises with alcoholic beverage.
 - Call police when there is a disturbance
 - Make sure there is one security personnel outside at the time of closing to assure people are moving along
 - Make sure employees are not dancing on table, bar, or doing body shots.
5. The manager will make sure that security cameras are working and that they are recording and, if necessary, provide recordings to law enforcement to assist in any investigation.


Chapter 204. Alcoholic Beverages

[HISTORY: Adopted by the Board of Selectmen of the Town of Fairhaven effective 1-1-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Consumption of alcoholic beverages in public — See Ch. 83.

ATTACHMENTS

Appendix A Penalties for Violations of Law, Rules and Regulations 

§ 204-1. Applicability of rules and regulations.

- A. The sale and delivery of alcohol and alcoholic beverages in the Town of Fairhaven by holders of licenses issued pursuant to MGL c. 138 is subject to the provisions of Massachusetts General Laws, the rules and regulations of the Alcoholic Beverages Control Commission (or any succeeding authority) and these rules and regulations, all as may be amended from time to time. It is the responsibility of each holder of a license issued under MGL c. 138 to be aware of the provisions of said chapter and all other applicable law. The rules and regulations contained herein are issued in addition to, and not in lieu of, the provisions of said Chapter 138 and other applicable law. As such, all provisions of applicable law and regulation shall apply. In the event the provisions of these regulations contradict the express provisions of any applicable general or special statute, the terms of the statute shall prevail.
- B. Any captions or headings provided herein are done so solely for convenience and are not of any legal effect.

§ 204-2. Definitions.

- A. The following definitions, as appearing in MGL c. 138, § 1, along with any definition contained in said section not expressly set forth below, are hereby adopted. Notwithstanding any provision contained herein these rules and regulations to the contrary, any amendment or modification to the definitions appearing in said MGL c. 138, § 1, shall be deemed an automatic amendment or modification to the following definitions. Reference should be made to the General Laws for chapters or sections cited in the definitions.
- B. The words listed herein shall, unless the context of these regulations or the General Laws or the rules of the Alcoholic Beverages Control Commission otherwise require, have the meanings as given herein this § 204-2.

ALCOHOL

All alcohol other than denatured alcohol or alcohol described in MGL c. 94, § 303A.

ALCOHOLIC BEVERAGES

Any liquid intended for human consumption as a beverage and containing one-half of one percent (1/2 of 1%) or more of alcohol by volume at 60° F.

CLUB

A corporation chartered for any purpose described in MGL c. 180, § 2, whether under federal or state law, including any body or association lawfully operating under a charter granted by a parent body so chartered, and including also any organization or unit mentioned in MGL c. 40, § 5, cl. 12, owning, hiring or leasing a building, or space in a building, of such extent and character as may be suitable

and adequate for the reasonable and comfortable use and accommodation of its members, provided that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at its annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the disposition or sale of alcoholic beverages beyond the amount of such salary as may be fixed and voted annually within two months after January 1 in each year by the members or by its directors or other governing body and as shall in the judgment of the local licensing authorities and the Commission be reasonable and proper compensation for the services of such member, officer, agent or employee. Such club shall file with the local licensing authorities and the Commission annually within three months after January 1 in each year a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages.

COMMISSION

The Alcoholic Beverages Control Commission established under MGL c. 6, § 43.

HOTEL

A building or part of a building owned or leased and operated by a person holding a duly issued and valid license as an innholder, under the provisions of Chapter 140 and provided with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for its guests, including travelers and strangers and its other patrons and customers, and in addition meeting and complying with all the requirements imposed upon innholders under said Chapter 140.

LICENSING AUTHORITIES

The Commission or the local licensing authority, or both, as the case may be.

LIQUEUR or CORDIAL

All alcoholic beverages manufactured or produced by mixing or redistilling neutral spirits, brandy, gin or other distilled spirits with or over fruits, flowers, plants or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations or maceration of such materials and containing no less than 2 1/2% sugar by weight.

LOCAL LICENSING AUTHORITY

The Board of Selectmen.

MALT BEVERAGES

All alcoholic beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than 12% of alcohol by weight.

RESTAURANT

Space, in a suitable building, leased or rented or owned by a person holding a duly issued and valid license as a common victualler under the provisions of said Chapter 140, and provided with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons and customers, and in addition meeting and complying with all the requirements imposed upon common victuallers under said Chapter 140. No advertising matter, screen, curtain or other obstruction which, in the opinion of the licensing authorities, prevents a clear view of the interior of a restaurant shall be maintained in or on any window or door thereof after the said authorities have ordered the removal of such obstruction and have afforded the licensee thereof a reasonable opportunity to remove the same.

TAVERN

An establishment where alcoholic beverages may be sold, as authorized by this chapter, with or without food, to be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a public way. The business conducted therein shall be open to public view from the sidewalk level and the establishment shall be properly lighted. No window facing a public way shall be obstructed by any screen or other object extending more than five feet above the level of the sidewalk on which the establishment abuts, but in no event shall any screen or obstruction prevent a clear view of the interior of said "tavern."

WINES

All fermented alcoholic beverages made from fruits, flowers, herbs or vegetables and containing not more than 24% of alcohol by volume at 60° F., except cider containing not more than 3% or containing more than 6% of alcohol by weight at 60° F.

§ 204-3. Areas in which alcoholic beverages may be sold.

- A. A restaurant licensee shall sell alcoholic beverages only in the dining room or dining rooms of the restaurant.
- B. A hotel licensee shall sell alcoholic beverages only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper and approve in writing; provided, however, that sales may also be made by a licensed innholder to registered guests occupying private rooms in his or her hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the licensing authority may deem reasonable and proper and approve in writing.
- C. A war veterans corporation licensee shall sell alcoholic beverages only in such areas of the premises as authorized by its license.
- D. A club licensee shall sell alcoholic beverages only in such areas of the premises as authorized by its license.

§ 204-4. Application for license; renewal; transfer; amendment; fees; cancellation.

- A. It shall be the applicant's responsibility to file all applications in a timely manner and upon such forms as prescribed by the Commission or the local licensing authority.
- B. All applications for an original license under MGL c. 138, § 12, 15 or 30A, or for the transfer of such a license from one location to another, or for a change in the description of a licensed premises shall be subject to the provisions of said Chapter 138, including but not limited to § 15A of said chapter. No action shall be taken on any such application until the licensing authority holds a public hearing upon the same, as prescribed by law.
- C. No license may be transferred from any individual or entity to another without the approval of the local licensing authority. Such a transfer may take place only after such approval has been obtained and all requirements of applicable law have been met.
- D. No license may be transferred from one location to another without the approval of the local licensing authority. Such a transfer may take place only after such approval has been obtained and all requirements of applicable law have been met.
- E. A detailed written description of the premises, along with a detailed floor plan of the premises, shall be filed by each applicant for the issuance of an original license or transfer of a license in which a change of the existing floor plan, a change of address or a change of description of the premises is contemplated. No physical renovations or alterations affecting the floor plan of any licensed establishment shall be made nor shall any exits or access to exits be changed until such time as the licensee submits a plan to the local licensing authority for approval, and such approval is given. Such a plan and approval of such a plan shall also be required for the addition of any fixture, amusement device, whether coin-operated or not, and any other item to be placed within the premises which shall reduce the existing floor space. Such a plan shall be submitted to the Building Commissioner for his or her determination as to whether any such addition will result in a reduction of the establishment's legal occupancy limit. The Building Commissioner shall report his or her determination to the licensing authority with reasonable promptness.

- F. Renewal of restaurant license. No license to sell alcoholic beverages issued to a restaurant shall be renewed unless and until the holder thereof shall satisfy the licensing authority that he/she is in good faith operating a restaurant and that such restaurant is provided with proper equipment for the service of food to travelers and strangers. The licensing authority may at any time make investigation on its own initiative as to the compliance with license requirements.
- G. It is each license holder's and applicant's sole responsibility to properly complete all forms and applications, to insure all notices and other legal requirements are met in applying for a license, renewal, change of location or description of premises and to provide all supporting documentation required for any such application.
- H. No license or permit under MGL c. 138 shall be granted unless the fee therefor has been paid into the state treasury or Town treasury, as the case may be. Any positive action taken on such license or permit prior to the payment of the fee or fees shall be deemed conditional and shall be effective only upon the payment of the required fee; provided, however, that nothing contained herein shall be deemed to waive the prepayment of any such fee as may be authorized by law. The fee schedule in existence at the time of adoption of these rules and regulations shall remain in effect until otherwise amended as provided for by law.
- I. The local licensing authority may, after hearing or reasonable opportunity therefor, cancel any license issued under MGL c. 138 if the licensee ceases to conduct the licensed business. If the local licensing authority determines that a license should be canceled as aforesaid, the licensee shall have the right to appeal said decision as provided for in MGL c. 138, § 77, as may be amended from time to time.
- J. A licensee shall be presumed to have ceased to conduct the licensed business if said business has been closed for more than seven calendar days. This presumption is rebuttable. Each licensee is required to notify the licensing authority whenever said licensee knows, or has reason to know, that he, she or it shall cease to conduct business for a period of more than seven calendar days. A licensee's failure to provide such notice may be deemed as evidence of the licensee's intent to cease to conduct the licensed business.
- K. A licensee submitting an application for renewal of a license expiring on December 31, 1995, and each renewal application submitted thereafter, shall warrant and represent by the submission of said application that the licensed business has not been closed for a period of more than seven calendar days as of December 31, 1995, or December 31 of any subsequent year.

§ 204-5. Sale, delivery and storage.

- A. No licensee shall store, keep for sale, sell or deliver alcoholic beverages in any area of the licensed premises not specified on the license and not shown on the floor plan for the premises.
- B. The sale, delivery and consumption of alcoholic beverages must be plainly observable by other persons on the premises. Any booth, stall or enclosure which prevents such an observation is prohibited.
- C. The sale, delivery or consumption of alcohol may take place only in those areas of the premises as allowed by law.
- D. No licensee shall restrict access to the premises to any individual or refuse to sell alcoholic beverages to any individual solely on the basis of any individual's race, color, religious creed, national origin, sex or ancestry. It is the stated policy of the local licensing authority that all licensees must comply with this provision, unless such licensee is otherwise exempt under applicable law, and all licensees are required to abide by all local, state and federal laws pertaining to their individual establishments as to the sale to the public. Nothing contained herein shall require a licensee to serve to a member of the general public who has been lawfully excluded from the premises as a result of a no-trespass notice, restraining order, court order or other legal process or order, or who is intoxicated, not a member or guest of a club or veterans' corporation licensee or who may otherwise be lawfully excluded from the premises. Nothing contained herein shall be deemed as allowing the sale of alcohol or alcoholic beverages to persons who are legally underage.
- E. No licensee required by the terms of its license to sell or deliver alcoholic beverages to the general public may hold any private function or party; provided, however, that nothing contained herein shall be deemed

to prohibit a licensed establishment from maintaining private function room(s) if otherwise permitted by law and the licensee has obtained all other necessary licenses and permits.

§ 204-6. Hours of sale.

- A. All hours of sale by a licensee shall be during the time periods noted on the license. Additionally, no holder of a restaurant license shall be entitled to serve alcoholic beverages before or beyond the posted hours of operation of the restaurant.
- B. No sale of alcohol or alcoholic beverages shall be permitted before or after the time periods stated on the license. When a license allows for the consumption of alcohol or alcoholic beverages on the premises, within 15 minutes after closing, all bottles, glasses or containers used for drinking purposes shall be cleared off the tables and bar, and no alcoholic beverage shall be consumed more than 15 minutes after closing. This prohibition applies to all persons, including but not limited to patrons, members, guests or employees. No later than 30 minutes after closing, all patrons, members, guests or other members of the public shall have vacated the premises. Nothing shall prevent the licensee, his or her employees or agents from remaining in the premises so long as in the performance of such task or tasks as authorized by law.
- C. No alcoholic beverage shall be sold or delivered on any premises licensed under MGL c. 138 to an intoxicated person.

§ 204-7. Sale and delivery to underage persons; employment of such persons.

- A. The sale or delivery of alcoholic beverages to a person under the age of 21 years is prohibited. No establishment licensed under MGL c. 138, § 12, shall permit a person of legal drinking age to purchase any alcoholic beverage or deliver any alcoholic beverage to a person under 21 years of age. No such licensee shall allow a person under the age of 21 to consume any alcohol or alcoholic beverages on the premises. Each licensee under MGL c. 138 shall make sales and deliveries only to persons as expressly provided for under the provisions of MGL c. 138.
- B. Any licensee, or agent or employee thereof, who reasonably relies on a liquor purchase identification card as authorized by MGL c. 138, § 34B, and issued by the Registry of Motor Vehicles for the Commonwealth of Massachusetts or a valid operator's license issued by said Registry pursuant to MGL c. 90, § 8, or on a valid passport issued by the United States government, or by the government, recognized by the United States government, of a foreign country, or a valid United States issued military identification card for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of license for delivering or selling alcohol or alcoholic beverages to a person under 21 years of age. Any licensee, or agent or employee thereof, who reasonably relies on such a liquor purchase identification card or such a valid operator's license issued by said Registry pursuant to MGL c. 90, § 8, for proof of a person's identity and age shall be presumed to have exercised due care in making such delivery or sale of alcohol or alcoholic beverages to a person under 21 years of age. Such presumption shall be rebuttable, provided that nothing contained herein shall affect the responsibility of the licensee not to serve any person who is intoxicated.
- C. Nothing contained herein shall prevent a licensee from employing any person 18 years of age or older for the direct handling and selling of alcoholic beverages or alcohol. Notwithstanding the provisions of Clause (14) of Section 62 of Chapter 149 of the General Laws, any licensee may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.
- D. In the event that the legal drinking age is either increased or decreased, or in the event that the laws regarding the age of employment of persons are amended, these rules and regulations shall automatically be amended to conform to applicable law.

§ 204-8. General rules and regulations.

- A. The issuance of a license shall not be deemed a compliance by the licensee with any other law or regulation. It is the licensee's sole obligation to comply with any other laws or regulations. It is expressly understood by the licensee that the local licensing authority, when allowed by law, may take action against the licensee for failure to comply with the provisions of other laws or regulations.
- B. By submitting any application required herein or under the provisions of MGL c. 138, and by accepting any license granted, the licensee or proposed licensee warrants and represents to the local licensing authority that said licensee shall be in compliance with all rules, regulations and laws governing the operation of their business prior to selling any alcohol or alcoholic beverages under said license, including but not limited to all Building Code requirements, occupancy requirements and state and local health rules, regulations and laws, and the licensee acknowledges and understands that the granting of any such license is a condition precedent to the exercise of the rights granted under said license.
- C. Nothing contained herein these regulations shall be deemed to entitle a holder of a license to sell or deliver alcohol or alcoholic beverages other than as provided for by the specific license granted.
- D. The issuance of licenses to persons who are not citizens of the United States is subject to the requirements and prohibitions of the General Laws. Corporations are advised to consult the General Laws regarding the citizenship requirements for stockholders, directors, officers and managers.
- E. All sales records required by law shall be maintained and made available to the local licensing authority as provided for by law. The licensee shall submit to the licensing authority upon its request a list of all employees. Such list must be submitted within seven calendar days of receipt of the request.
- F. All licenses, permits and building certificates required for the operation of the licensee's business, club or organization shall be posted in a conspicuous place and made available to the local licensing authority or its agents, and the licensee shall post in a conspicuous place all notices and postings required by law pertaining to the sale, delivery or consumption of alcohol and alcoholic beverages.
- G. The licensee shall keep all portions of the licensed premises to which the public is granted access illuminated to such a degree as to ensure safe movement of the persons legally on the premises and to provide persons the ability to observe all such areas of the premises. In no event shall the premises be illuminated to a lesser degree than may be otherwise required by law.
- H. Illegal gambling in any form is prohibited.
- I. The licensee shall not permit or allow any person or persons to conduct any illegal activity on the premises, whether or not such activity is in an area to which the general public has access.
- J. The local licensing authority or its agents may at any time enter upon the premises of any person or entity who is licensed by it to ascertain the manner in which the licensee conducts the business carried on under such license. All duly appointed police officers for the Town of Fairhaven holding the rank of detective, sergeant or above shall be deemed the authorized agents for the local licensing authority. The Building Commissioner shall be deemed an authorized agent for the purpose of inspecting the licensed premises to ensure compliance with the floor plan required to be submitted by these regulations. Nothing contained herein shall be deemed to limit any individual's authority to enter the premises as may be otherwise provided for by law. Additionally, the local licensing authority may appoint such other individuals as agents as it deems fit.
- K. Any person who hinders or delays any authorized agent of the local licensing authority in the performance of his/her duties, or who refuses to admit or locks out any such agent from any place which such agent is authorized to inspect, or refuses to give such agent such information as may be required for the proper enforcement of MGL c. 138 shall be punished as provided for under MGL c. 138, § 63A.
- L. After a hearing held in conformance with the applicable provisions of law, if any license holder is found to be in violation of these rules and regulations or the rules and regulations of the ABCC or any applicable law, the licensing authority shall impose such minimum penalty or penalties for violations of law or rules and regulations as provided for in Appendix A of these rules and regulations, it being expressly stated that the penalties provided for in said Appendix A shall be the minimum penalty imposed for those violations listed, and the Board may impose more severe penalties or take such other action as provided for by applicable law if the Board determines the facts warrant the same. In the event that there is found to be a violation of any said rule, regulation or law, and no specific penalty is provided for in Appendix A, the licensing authority will look to Appendix A as a guideline in fashioning a penalty.

§ 204-9. Effective date; applicability; amendments.

- A. These rules shall become effective January 1, 1995, and shall remain in effect until rescinded, modified or amended by the local licensing authority as set forth below; provided, however, that an amendment, revision or insertion of any statute, act or resolve, or change of or new rule of the Alcoholic Beverage Control Commission, or vote of Town Meeting which by its terms would rescind, amend, modify or be applicable to these rules and regulations shall be deemed to have done so and shall become a part of these rules and regulations without the necessity of notice and hearing required under Subsection B.
- B. The Board of Selectmen, or any succeeding authority acting as the local licensing authority under the provisions of MGL c. 138, as may be amended, may rescind, modify or amend these rules and regulations as follows:
 - (1) A public hearing shall be held on any proposal to rescind, modify or amend these rules and regulations, in whole or in part.
 - (2) If the licensing authority is the Board of Selectmen, notice of said hearing shall be posted in the same manner as required for a meeting of the Board of Selectmen; provided, however, that such notice only for the purposes specifically stated herein shall be posted no earlier than 14 days prior to the hearing. In computing said time period, the date of the hearing shall be included but not the date of posting.
 - (3) Said notice shall include a brief statement of the intended action and that any person may inspect a more detailed statement of the proposed action at the office of the Board of Selectmen.
 - (4) After the close of the public hearing, upon a majority vote of the licensing authority, these rules may be so rescinded, modified or amended.
 - (5) Any such action shall become effective 30 days thereafter.
- C. Nothing herein shall be deemed to delay the effective date of any applicable statute, act or resolve, change of or new rule of the Alcoholic Beverages Control Commission, or vote of Town Meeting. The same shall become effective as provided for by applicable law.
- D. In the event of any conflict between these regulations and the General Laws or the rules and regulations promulgated by the Alcoholic Beverages Control Commission (or any succeeding authority), the following rules of interpretation shall apply: the General Laws shall prevail over all rules and regulations; the rules and regulations of the Alcoholic Beverages Control Commission shall prevail over the rules and regulations of the local licensing authority, all subject, however, to any applicable law providing otherwise.
- E. These rules shall apply to any licensee or applicant for any license issued pursuant to MGL c. 138.
- F. The local licensing authority shall not be required to provide any notice of any rescission, change, amendment or modification of these rules, other than required herein or by applicable law. It is the licensee's duty to be aware of and abide by these rules and regulations as amended from time to time. Any notice of an approved rescission, change, amendment or modification which may be provided by the local licensing authority on any one or more occasions will be done gratuitously and shall not be deemed to have imposed any such obligation upon the authority on any such occasion, and the authority's failure to do so shall not be deemed a defense or mitigating factor to any action conducted pursuant to § 204-10.
- G. The provisions of these rules and regulations are separable, and in the event that any one or more rule or regulation is deemed invalid, the remaining shall have full force and effect.

§ 204-10. Hearing to amend, modify, suspend or revoke license.

Any hearing to amend, modify, suspend or revoke any license for any lawful reason, including but not limited to a violation of these rules or any applicable law, shall be conducted in accordance with the provisions contained in MGL c. 138.

ALCOHOLIC BEVERAGES

204 Attachment 1

Appendix A Penalties for Violations of Law, Rules and Regulations

The penalties provided herein are the minimum penalties to be imposed for the listed violations. Nothing contained herein shall be deemed to limit the authority of the licensing board from imposing more severe penalties or any penalty authorized by law for any violation.

1. Sale or service of alcoholic beverages before or after time period noted on license:

First offense: written reprimand and/or a reduction in operation of hours and/or amendment to the terms of the license or a minimum of two days' suspension.

Second offense, if occurring on or within 12 calendar months of the first offense: a minimum 14 days' suspension.

Second offense, if occurring after 12 calendar months but on or within 24 calendar months of the first offense: a minimum seven days' suspension.

Second offense, if occurring after 24 months of the first offense: discretion of the licensing authority, but not less than three days' suspension.

Third offense, if occurring on or within 36 calendar months of the first offense or on or within 12 calendar months of a second offense: revocation of license.

Third offense, if occurring after 36 calendar months of the first offense or after 12 calendar months of second offense: discretion of the licensing authority, but not less than 14 days' suspension.

In determining the action to be taken, including the duration of each such suspension, the Board shall consider the following factors: the licensee's past history of any violations, or lack thereof, including any other licensed establishment owned or operated by the licensee or in which the licensee has an ownership interest of 10% or more; how soon before and how long after legal hours of sale the violations occurred; and the number of individuals to whom an illegal sale or service has occurred. In the event that any such sale or service is found to have occurred more than 30 minutes before or after legal hours for sale, the Board may increase the suspension by one day for each 30 minutes or portion thereof. In the event any such sale or service is found to have been made to more than one person, the Board may increase the suspension by one day for each additional person.

2. Persons on the premises in possession of alcoholic beverages more than 15 minutes after legal hours of sale:

First offense: written reprimand and/or a reduction in operation of hours and/or amendment to the terms of the license or a minimum two days' suspension.

FAIRHAVEN CODE

Second offense, if occurring on or within 12 calendar months of the first violation: minimum 10 days' suspension.

Second offense, if occurring after 12 calendar months but on or within 24 calendar months of the first offense: discretion of the local licensing authority, but not less than five days' suspension.

Third offense, if occurring on or within 36 calendar months of the first offense or on or within 12 calendar months of a second offense: revocation of license.

Third offense, if occurring after 36 calendar months of the first offense or after 12 calendar months of a second offense: discretion of the licensing authority, but not less than seven days' suspension.

In determining the action to be taken, including the duration of each such suspension, the Board shall consider the following factors: licensee's past history of any violations, or lack thereof, including any other licensed establishment owned or operated by the licensee or in which the licensee has an ownership interest of 10% or more; how long after legal hours of sale the violations occurred; and the number of individuals in possession of alcoholic beverages after legal hours of sale. In the event that any person is found to be in possession of alcoholic beverages more than 30 minutes after legal hours for sale, the Board may increase the suspension by one day for each 30 minutes or portion thereof. In the event more than one person is found to be in possession of alcoholic beverages after legal hours for sale, the Board may increase the suspension by one day for each such person.

3. Sale or delivery to underaged person or underaged person in possession of alcoholic beverages:

First offense: written reprimand and/or a reduction in operation of hours and/or amendment to the terms of the license or a minimum four days' suspension.

Second offense occurring on or within six calendar months of the first offense: minimum 30 days' suspension.

Second offense, if occurring after six calendar months but on or within 24 calendar months of the first offense: discretion of the local licensing authority, but not less than 14 days' suspension.

Third offense, if occurring on or within 24 calendar months of the first offense or on or within 12 calendar months of a second offense: revocation of license.

Third offense, if occurring more than 24 calendar months after the first offense or more than 12 calendar months after a second offense: discretion of the local licensing authority, but not less than 21 days' suspension.

ALCOHOLIC BEVERAGES

In determining the action to be taken, including the duration of each such suspension, the Board shall consider the following factors: licensee's past history of any violations, or lack thereof, including any other licensed establishment owned or operated by the licensee or in which the licensee has an ownership interest of 10% or more; the number of individuals who are underaged persons to whom a sale or delivery of alcoholic beverages has been made or who are found to be in possession of alcoholic beverages. The Board may increase the suspension by two days for each such person.

4. Interference with or hindering a member, agent or employee of the Alcoholic Beverages Control Committee or local licensing authority:

First offense: minimum three days' suspension.

Second offense: minimum 14 days' suspension.

Third offense: revocation of license.

5. Section 12 licensee (pouring license), employee or agent involved in the sale or delivery of alcoholic beverages for off-the-premises consumption:

First offense: minimum three days' suspension.

Second offense: minimum 14 days' suspension.

Third offense: revocation of license.

6. Section 12 licensee for any violation, not otherwise provided for, of the applicable rules and regulations of the Board, the ABCC or state law.

First offense: written reprimand and/or a reduction in operation of hours and/or amendment to the terms of the license or a minimum two days' suspension.

Second offense occurring on or within six calendar months of the first offense: minimum seven days' suspension.

Second offense, if occurring after six calendar months but on or within 24 calendar months of the first offense: discretion of the local licensing authority, but not less than 14 days' suspension.

Third offense, if occurring on or within 24 calendar months of the first offense or on or within 12 calendar months of a second offense: revocation of license.

Third offense, if occurring more than 24 calendar months after the first offense or more than 12 calendar months after a second offense: discretion of the local licensing authority, but not less than seven days' suspension.

FAIRHAVEN CODE

In determining the action to be taken, including the duration of each such suspension, the Board shall consider the following factors: licensee's past history of any violations, or lack thereof, including any other licensed establishment owned or operated by the licensee or in which the licensee has an ownership interest of 10% or more; the number of individuals who are underaged persons to whom a sale or delivery of alcoholic beverages has been made or who are found to be in possession of alcoholic beverages. The Board may increase the suspension by two days for each such person.

7. Section 15 licensee (package store) for a violation of the applicable rules and regulations of the Board, the ABCC or state law:

First offense: written reprimand and/or a reduction in operation of hours and/or amendment to the terms of the license or a minimum two days' suspension.

Second offense occurring on or within six calendar months of the first offense: minimum seven days' suspension.

Second offense, if occurring after six calendar months but on or within 24 calendar months of the first offense: discretion of the local licensing authority, but not less than 14 days' suspension.

Third offense, if occurring on or within 24 calendar months of the first offense or on or within 12 calendar months of a second offense: revocation of license.

Third offense, if occurring more than 24 calendar months after the first offense or more than 12 calendar months after a second offense: discretion of the local licensing authority, but not less than seven days' suspension.

In determining the action to be taken, including the duration of each such suspension, the Board shall consider the following factors: licensee's past history of any violations, or lack thereof, including any other licensed establishment owned or operated by the licensee or in which the licensee has an ownership interest of 10% or more; the number of individuals who are underaged persons to whom a sale or delivery of alcoholic beverages has been made or who are found to be in possession of alcoholic beverages. The Board may increase the suspension by two days for each such person.

Part I

ADMINISTRATION OF THE GOVERNMENT

Title XX

PUBLIC SAFETY AND GOOD ORDER

Chapter 138

ALCOHOLIC LIQUORS

Section 64

SUSPENSION OR REVOCATION OF LICENSE; HEARING; NOTICE; DISQUALIFICATION; SURRENDER OF LICENSE; REFUNDS

Section 64. The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. If at any hearing a licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty-one years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person. If the license is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked, and if he is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

If it appears to the commission that a license has been issued under this chapter by the local licensing authorities in excess of the quota prescribed by section seventeen or in violation of section sixteen A or any other provision of this chapter, the commission shall, after notice to said authorities and to the holder of such license and after reasonable opportunity for them to be heard by it, revoke such license, whereupon such license shall be surrendered to said authorities, and

the decision of the commission shall be final and conclusive. The holder of a license so revoked shall not be subject to prosecution for any sales theretofore made by him under such license on the ground that such license was illegally issued. The city or town whose licensing authorities issued any license so revoked shall forthwith refund to the holder thereof the entire fee paid therefor and authority is hereby granted to such city or town to pay the same out of any funds available.

Broadband Summary

BOB ESPINDOLA
TOWN OF FAIRHAVEN
SELECT BOARD MEETING
9-18-2023



Outline of Presentation

- **Broadband Study Committee work**
 - Website Development
 - Master Plan Development – key results
 - Terms used in discussing Broadband projects
 - Municipal Light Plant Community



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- **Fairhaven Housing Authority Broadband Project (\$250K Community Compact Cabinet Grant)**
 - Origins
 - Consulting work to date
 - Deadline for project completion September 31st Ms. Ellison still needs to send a letter to CCC k
 - MOU between the Town and Fairhaven Housing Authority
 - Consideration for hiring a consultant to advance the project forward.



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 - Regional efforts to study potential for Public Private Partnership
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 - Why all this is important to Fairhaven

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 - **Work with SRPEDD – Digital Equity Fellow**
-

A Message from Fairhaven's Broadband Study Committee

Reliable internet connectivity is essential in the 21st century. Just as electricity enabled the first industrial revolution, Broadband infrastructure (typically built with a fiber optic technology) is the foundation for the digital revolution. Residents in our town have been paying too much for mediocre access to the internet. As Fairhaven's Broadband Study Committee, we have made it a key priority to research the feasibility of establishing local control of this essential infrastructure. The goals of the committee for this project include the following;

1. Lower the cost of internet access by 25% - 30% for residents and businesses.
2. Significantly increase the speed and reliability of internet access.
3. Increase competition and give residents multiple options for ISPs on demand in real time.
4. Build a state-of-the-art network that will improve economic development and foster innovation.
5. Leverage the network to improve the services provided in the town including public safety, transportation, healthcare, education, emergency communications, and new services that will become possible with advanced network infrastructure.

The unfortunate reality is that the current dominant internet access model in our country is one where network operators build closed proprietary systems that are designed to maximize profit. Alternatively, construction of a Fairhaven Broadband Network utility seeks to maximize value and lower costs through competition.

Fairhaven Broadband Study Committee

Broadband Important Documents

Broadband Mission Statement 2022

Entry Point CLOSING REPORT 06-14-2023

External Resources

RFP: Broadband Study Committee Last Mile Broadband Feasibility Study

Voice Your Question, Comment or Concern

Contact Info

Phone:
508-979-4023

Address:
Town Hall
40 Center St.
Fairhaven, MA 02719
United States
See map: Google Maps

Home » Boards & Commissions » Broadband Study Committee

Broadband Important Documents

2023

- EntryPoint Closing Report 6/14/23

2022

- Community Compact Cabinet Municipal Fiber grant

2021

- Broadband Master Plan - 2021
- Grant Project Brief- 10/29/2021
- Presentation to Representative Straus- 10/29/2021

2020

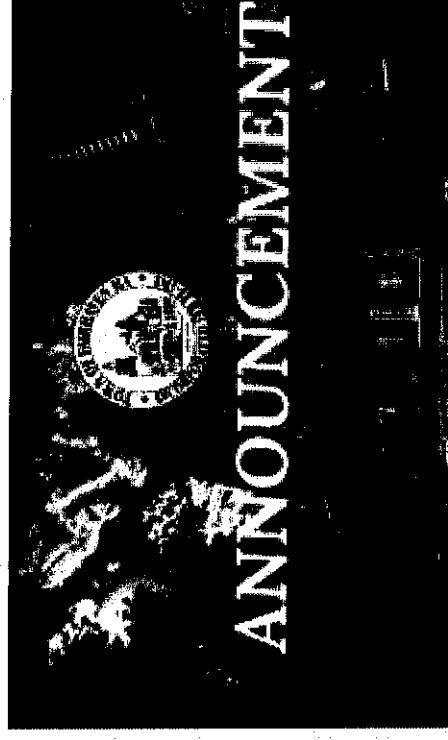
- Broadband Info & Survey - Mailer Insert - October 2020
- Legal Authority for Municipal Broadband - Atty. William Solomon 9/16/20
 - Legal Authority for Municipal Broadband - Bond Counsel 9/21/20

EntryPoint, LLC Awarded Contract for Broadband Feasibility Study

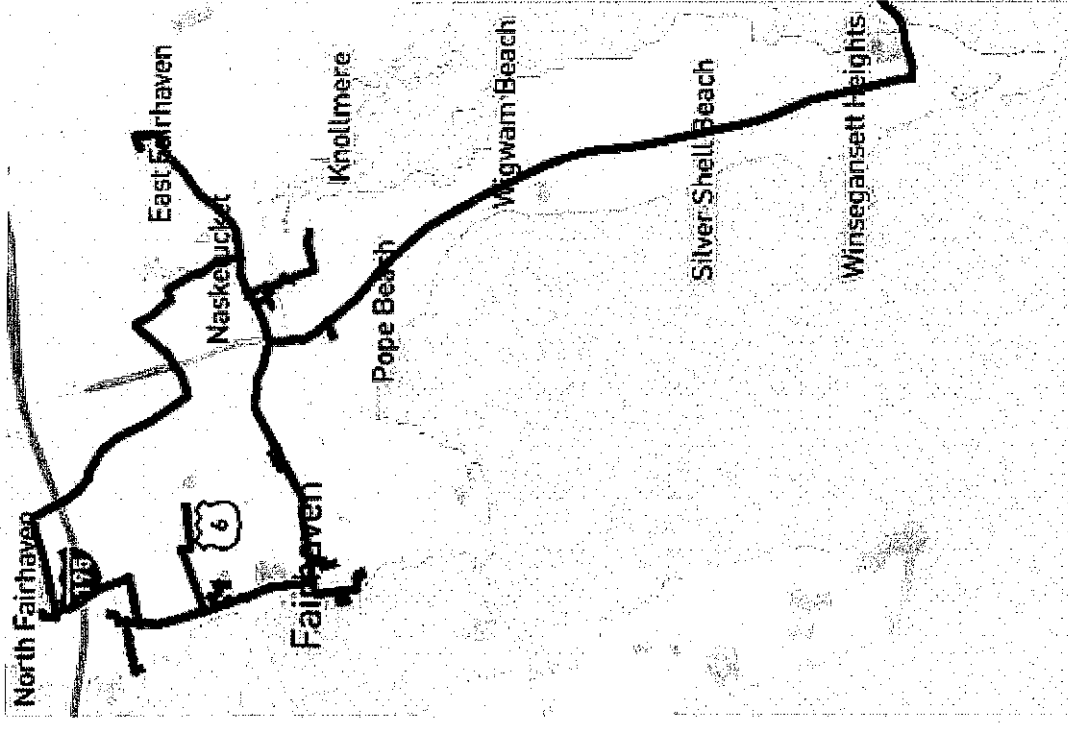
POSTED ON: JANUARY 21, 2020 - 3:11PM

EntryPoint, LLC was awarded the contract for the Broadband Feasibility Study.

The Kickoff Meeting with EntryPoint is scheduled at the next Broadband Study Committee meeting on **February 25, 2020** at 7pm in the East Room for anyone interested in attending.



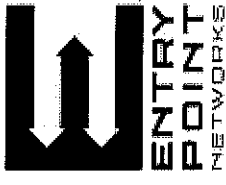
- Built a Fiber Optic Loop that currently serves all public buildings (Approximate Cost = \$600K)
 - Serves all Schools (Wood, East Fairhaven, Hastings and FHS), Public Safety, Town Hall, COA/REC, Public Works and Hoppy's Landing
 - Owned and operated by the Town (3-4 year payback (Funds formerly paid to Comcast)
 - Existing loop has capacity to support a Fiber to the Home/business network for the entire community.



Town of Fairhaven Broadband History – What have we done so far?

Established a Broadband Study Committee

- Hired a consultant with expertise in this area (Entry Point)
- Surveyed the Community - found overwhelming support for Broadband buildout
- Recommended an Open Access system that will foster competition among ISP's
- Brought Town Meeting Article to establish Municipal Light Plant (passed with overwhelming majority)
- Established cost of building Fiber to the Home/Business infrastructure
- Developed model where end user pays for capital investment, pays off investment with long term borrowing (10-15 years)
 - Pricing model allows end user to enjoy benefits of reliable, high speed internet now, with lower monthly costs
 - When borrowing is paid off, additional savings will be realized

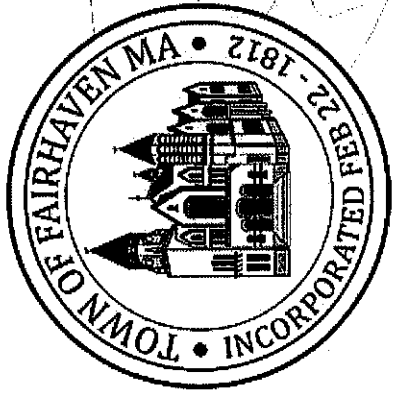


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www.Cont



Fairhaven
Massachusetts

Broadband Master Plan

Prepared for the Fairhaven Board of Selectmen

February 2021



Key Points of Broadband Master Plan

This report seeks to provide the data needed for Town leaders to thoughtfully plan and implement a communications infrastructure strategy that will benefit residents, business anchor institutions for years to come. Town leaders will be able to use this document to groundwork to address the challenges of a project of this size and scope. The key focus report is on the following primary activities:

- 1) Network Design & Architecture
- 2) Cost Analysis for Construction
- 3) Cost Analysis Network Operations
- 4) Customer Acquisition
- 5) Risk Management

Key Points of Broadband Master Plan

Strategy

Deploying a large-scale fiber optic network is a significant public works and information technology project.

Key Strategic Ideas guiding this Plan were established by the Broadband Study Committee and include the following:

1. **Improve Affordability** – The Town of Fairhaven seeks to promote policies and initiatives that will make internet access universally available and affordable throughout Town limits.





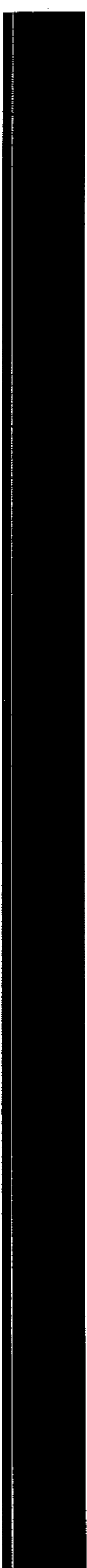
Fairhaven
MASSACHUSETTS

Broadband Master Plan

February 2021

Key Points of Broadband Master Plan

2. **Foster Competition & Choice** – The Town seeks to promote initiatives that will increase the number of service providers and types of services that are available to Fairhaven residents.
3. **Promote Abundant Bandwidth** – Town leaders seek for solutions that move from the current practice of treating bandwidth as a scarce commodity toward policies and programs which treat bandwidth as an abundant resource.
4. **Solve the Digital Divide** – Town leaders are interested in promoting access for all residents by making access affordable and by promoting ubiquitous infrastructure.
5. **Mitigate Risk for the Town, Constituents, and Partners** – Town leaders are particularly interested in implementing a business model which mitigates financial and operational risks to the Town and its partners while at the same time helping the Town achieve its other objectives.
6. **Improve Network Reliability** - Town leaders seek to promote network attributes that will increase reliability for residents, businesses, and anchor institutions within Town limits.
7. **Make Participation Voluntary** – A core component of the strategy the Town is advancing is to increase connectivity options for Fairhaven stakeholders but not compel residents or local businesses to subscribe to a particular program or initiative.
8. **Establish Local Control over Essential Infrastructure** - The economy is now an information economy and the importance of digital infrastructure continues to grow in significance. The Town of Fairhaven has an interest in ensuring that the Town has robust digital infrastructure, and it is interested in promoting initiatives which will give the town greater influence over this important infrastructure.



Fairhaven Broadband Survey Results



And the Survey Says...

Key Points of Broadband Master Plan

In May 2020, the Town deployed a website to begin the process of educating the public regarding its evaluation of the feasibility of a Town sponsored fiber optic network. The Town distributed an initial survey to Fairhaven residents assessing current sentiment regarding existing services and the level of interest in a municipal network. The survey was not developed by professional survey administrators. To date key findings from the survey, include the following:

Total Responses	643	
Support Fiber Network		
No	2	0.32%
Possibly	140	22.15%
Yes	490	77.53%
Internet Speed Importance		
Not Important	8	1.27%
Somewhat Important	165	26.15%
Very Important	459	72.58%
Average Connection Speeds	623	Important/Very Important 98.73%
Download	551	151 Mbps
Upload	551	13 Mbps
Importance of Choice in ISP & Plans		
Not Important	23	3.65%
Somewhat Important	115	18.25%
Very Important	492	78.10%
Rate Current ISP	607	Important/Very Important 96.35%
Poor	146	23.17%
Fair	236	37.46%
Good	190	30.16%
Very Good	51	8.10%
Excellent	7	1.11%
	382	Poor/Fair 60.63%

Municipal Electrical Utility Owned & Operated, Single ISP

Summary: The Municipal Electrical Utility owns and operates the network and is the service provider on the network.

Pros: The most common municipal model that has been successful using a Single ISP has been the Electrical Utility model. A measure of this success can be attributed to the Electrical Utility has the advantage of having an established reputation in the market. Also, electrical utilities often have financial, customer service, and engineering expertise that may be beneficial to the network and the skill set for Outside Plant personnel. This network is similar in kind to the existing range of skills in an Electrical Utility. Success increases in instances where the incumbent operator has monopoly status, higher than average prices, poor infrastructure, slow speeds, a poor reputation, and widespread customer resentment.

Cons: A single ISP does not significantly expand choice. Expertise in network management is often to be enhanced or developed. This model is essentially replicating the incumbent's model, which involves competing against the incumbent head-to-head. This model leaves the incumbent vulnerable to the incumbent dropping their price to impact the take-rate of the network.

Examples of this model include Chattanooga, TN and Longmont, CO. Fort Collins, CO is in the early stages of deployment and is replicating this model.

Key Points of Broadband Master Plan

Key Points of Broadband Master Plan

This is the model that the Broadband Study Committee voted to recommend to the Select Board.

This model was chosen by the City of Quincy, MA where an agreement was signed very recently to move forward with this model.

Automated Open Access

Summary: Automated Open Access is a model where the network operators at both ends of the network and subscribers can dynamically select service providers. Software Defined Networking is used to automate various network management tasks.

Pros: Multiple service providers can deliver services simultaneously and in real-time. When a subscriber selects a new service provider, the provision of services is automated and therefore happens on-demand. The automated provider marketplace for services which includes ISPs and private networks for other services to switch service providers on demand increases choice and competition. This model also includes the ability to provide local network resilience via local connections over the middle mile are down.

Cons: The model was first implemented in late 2016. Ammon, ID is the only city currently implementing this model today.

Examples of this model include Ammon, Idaho and early-stage deployments in Mountain Home, Idaho, and Elkhart County in Indiana.

Disclosure: EntryPoint Networks owns and operates a SaaS model Automated Open Access solution and is the technology provider in these networks.



Key Points of Broadband Master Plan

Private Sector Owner & Operator, Single ISP

Summary: A private builder designs, builds and operates a network. The private ISP is the sole ISP on the network – replicating the incumbent model.

Pros: A private builder and operator assumes all the risk and does the work project management, construction, customer acquisition and operations. The choices available to consumers with minimal obligation or burden for the

Cons: The new operator is replicating the incumbent model. There is no local infrastructure and ISP choices increase by just one new provider. There is no operator will address the digital divide. The network can be sold to another

There are many examples of over-builders but Lexington, Kentucky is a recent



Private Sector Owner & Operator, Open Access

Summary: A private builder designs, builds and operates a network. The private sector owner provides an Open Access model rather than the incumbent model for service delivery.

Pros: A private builder and operator assumes all the risk and does the work project management, construction, customer acquisition and operations. This model provides a significant

increase in the choices available to consumers at almost no cost to the town. The town is very low. The private builder/operator builds and stabilizes the network. The town gives the option to acquire the network after an agreed upon number of years at a premium price above the actual cost to develop.

Cons: There is no local control over infrastructure. There is no guarantee that the private owner will address digital divide issues. A private owner will be free to sell the network to another entity that may or may not be aligned with community objectives for the network.

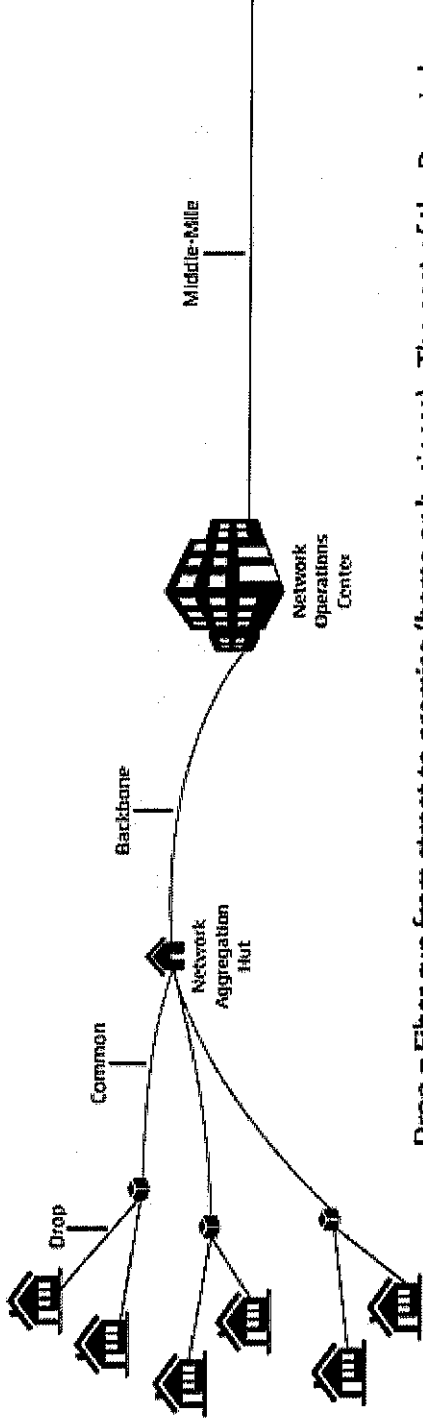
An example of this model is Fullerton, CA (SiFi).

Key Points of Broadband Master Plan



Key Points of Broadband Master Plan

Network Segments - Definitions & Costs Allocations



Drop = Fiber run from street to premise (home or business). The cost of the Drop is borne by the subscriber.

Common = Fiber runs from street in front of premise to closest Aggregation Hut. The cost is borne by all subscribers on the network.

Backbone = Fiber runs from Aggregation Hut back to the Network Operations Center. The cost is borne by all network subscribers, with potential municipal contribution.

Middle-Mile = Third-Party fiber run from the Network Operations Center to the closest Internet Service Provider. The cost of the Middle-Mile is included in the Monthly M&O Utility Fee and is borne by all subscribers.

Project Partners

Middle Mile

“Middle-mile” is an industry term that describes the network infrastructure that connects networks to service providers at an Internet Exchange Point. The “last mile” is the local communication network which connects a service provider to a customer. Current options include Comcast (Current provider), Open Cape (10 Gig) and IDS (10 Gig).

Approximately 2,500 customers can be served by a 10 Gbps circuit. If the Town purchased a network, it will need to adjust Middle Mile capacity according to take rate and peak usage is an important data point for monitoring and is used to inform capacity. The cost of the middle mile connection should be allocated on a per subscriber basis.

Internet Service Providers (ISP) Partners

An Internet Service Provider gives subscribers access to the internet. The Town will determine what model it will follow or support before it engages one or more Internet providers. If the Town selects an Open Access Model, there are a number of ISPs that have expressed a verbal interest in being service providers to Fairhaven subscribers. The selection of these ISPs could be formalized through an MOU process.

Key Points of
Broadband
Master Plan



Fairhaven
MASSACHUSETTS

Broadband Master Plan

Key Points of Broadband Master Plan

Project Pro-Forma

Financial Pro-Forma of Full Project Costs - 1 Year Build - Ethernet

Projected Backbone

Projected Cost Per Premise (Common and Drop) ¹

Estimated Subscribers

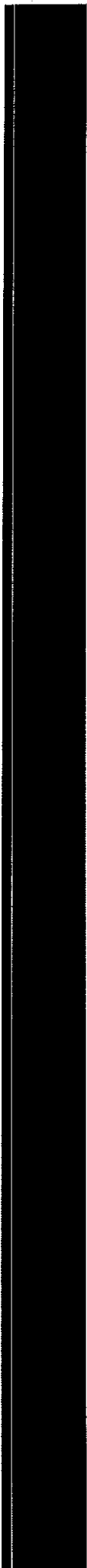
Total Cost (Common & Drop)

Professional Services

Total Projected Project Costs

\$

¹ Assumes 80% Buried / 20% Aerial, 60% take rate & short-term interest rate of 8% and long-term bond rate of 3% for 20 Years.



Key Points of Broadband Master Plan

Projected Subscription Cost

Projected Residential Services Monthly Costs	100% AE
Infrastructure	\$
Maintenance and Operations	\$
ISP Services (Dedicated 1 GB Symmetrical)	\$
Monthly Total	\$

Projected Residential Services Monthly Costs	80% / 20%
Infrastructure	\$
Maintenance and Operations	\$
ISP Services (Dedicated 1 GB Symmetrical)	\$
Monthly Total	\$

Projected Residential Services Monthly Costs	100% Bu
Infrastructure	\$
Maintenance and Operations	\$
ISP Services (Dedicated 1 GB Symmetrical)	\$
Monthly Total	\$

Note: The Residential \$9.99 monthly ISP fee listed above is based upon current pricing from the list of ISPs interested in providing services.

Congratulations! The Town of Fairhaven receives a grant of \$250,000.

POSTED ON: JUNE 2, 2022 - 4:30PM

TAUNTON — June 6, 2022 — Lieutenant Governor Karyn Polito today announced \$13 million in grants through the Community Compact Cabinet Municipal Fiber grant program. These grants will benefit 86 municipalities and school districts across the Commonwealth, who will use the funds for the construction or completion of their municipal fiber networks to enable more efficient management of IT infrastructure and create opportunities to gain economies of scale by aggregating internet bandwidth purchases and associated security infrastructure.

"The delivery of government services, from public safety response to data security, is increasingly reliant upon strong and cohesive internet infrastructure," said Governor Charlie Baker. "This new Community Compact Cabinet program is the latest example of our Administration's commitment to partnering with cities and towns to better serve residents, and we are proud to support their efforts to strengthen their municipal networks."

"Given the rapidly changing landscape of information technology and the infrastructure required to support it, these inaugural municipal fiber grants will make a significant impact on local communities and governments in better serving their residents," said Lt. Governor Polito, Chair of the Community Compact Cabinet. "As the Community Compact Cabinet Chair, I look forward to our continued partnership with all 351 of the Commonwealth's cities and towns, and I want to congratulate the award winners and thank all those involved for their continued commitment to their communities."

The Municipal Fiber grant program was established by the Baker-Polito Administration in the Fiscal Year 2022 (FY22) Capital Inves In addition to the \$3 million allocated to the program in the capital plan, the administration dedicated \$10 million from surplus FY serves to help meet the significant demand for the new competitive grants. Grant recipients are required to contribute a 5 percent match.

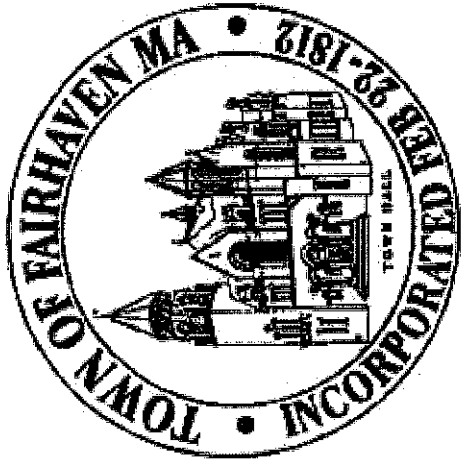


Goals

- Extend fiber from the existing municipal fiber loop to the 163 State owned public housing
- Start in Dana Court and Oxford Terrace properties - to improve pricing and service levels for
- Extend to other properties if funds allow

Project Budget

- \$250,000 in Grant Funds
- \$37,500 from ARPA Funds (approved prior to Grant Award)
- \$37,500 "in-kind" donations from the Town, Public Housing and / or Public works.
- **\$325,000 in Total**
- FHA Management offered to locate networking equipment inside the building
Major cost savings for the project and may allow for the operating costs to be covered for period.

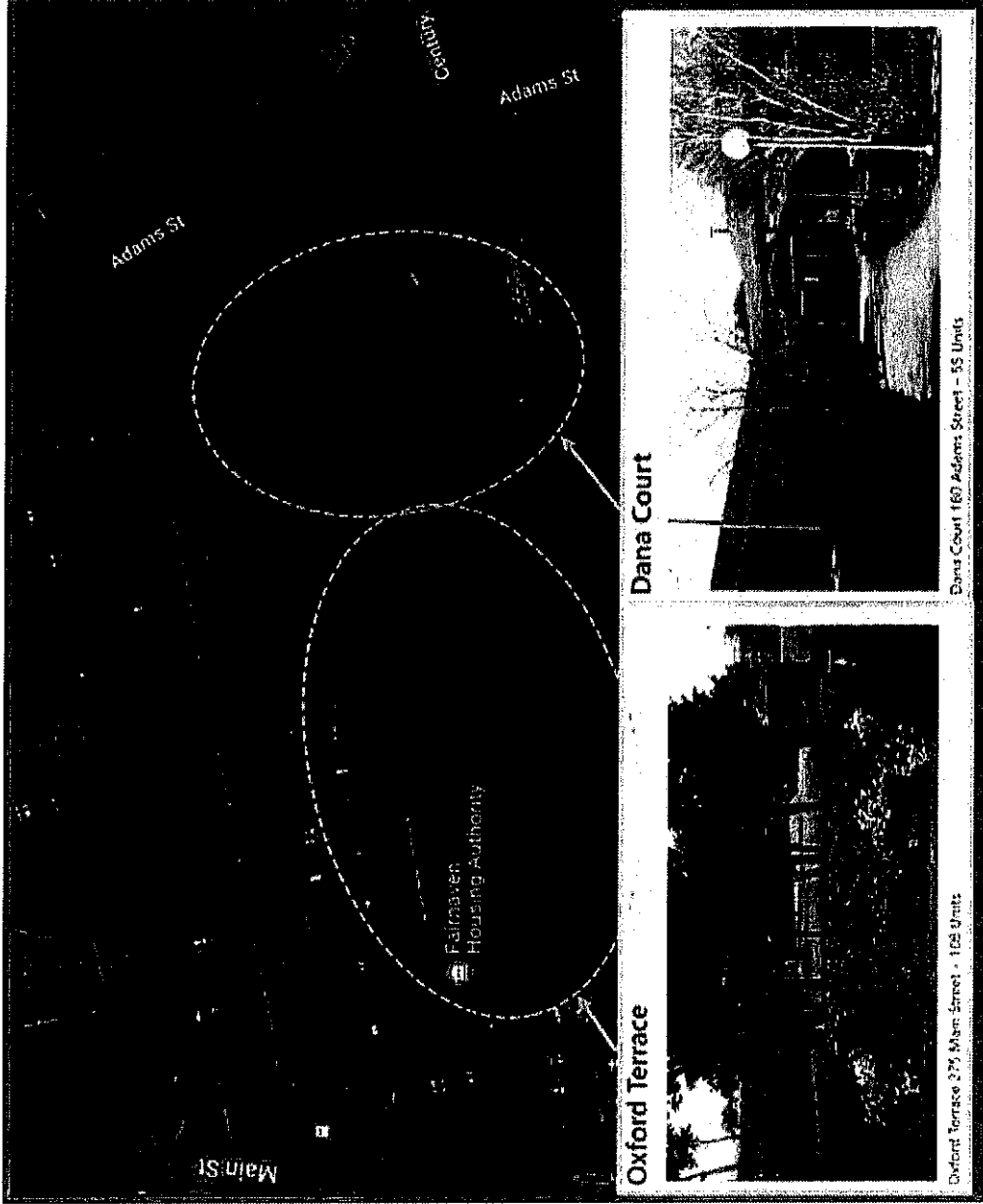


**Town of Fairhaven
Request for Proposals
Municipal Fiber for Public Housing Project**



ATTACHMENT A

AERIAL AND STREET VIEW IMAGES



Aerial and site photos.

Adams St

Adams St

Fairhaven Tennis Association

Fairhaven Housing Authority

Main St

Main St

Main St

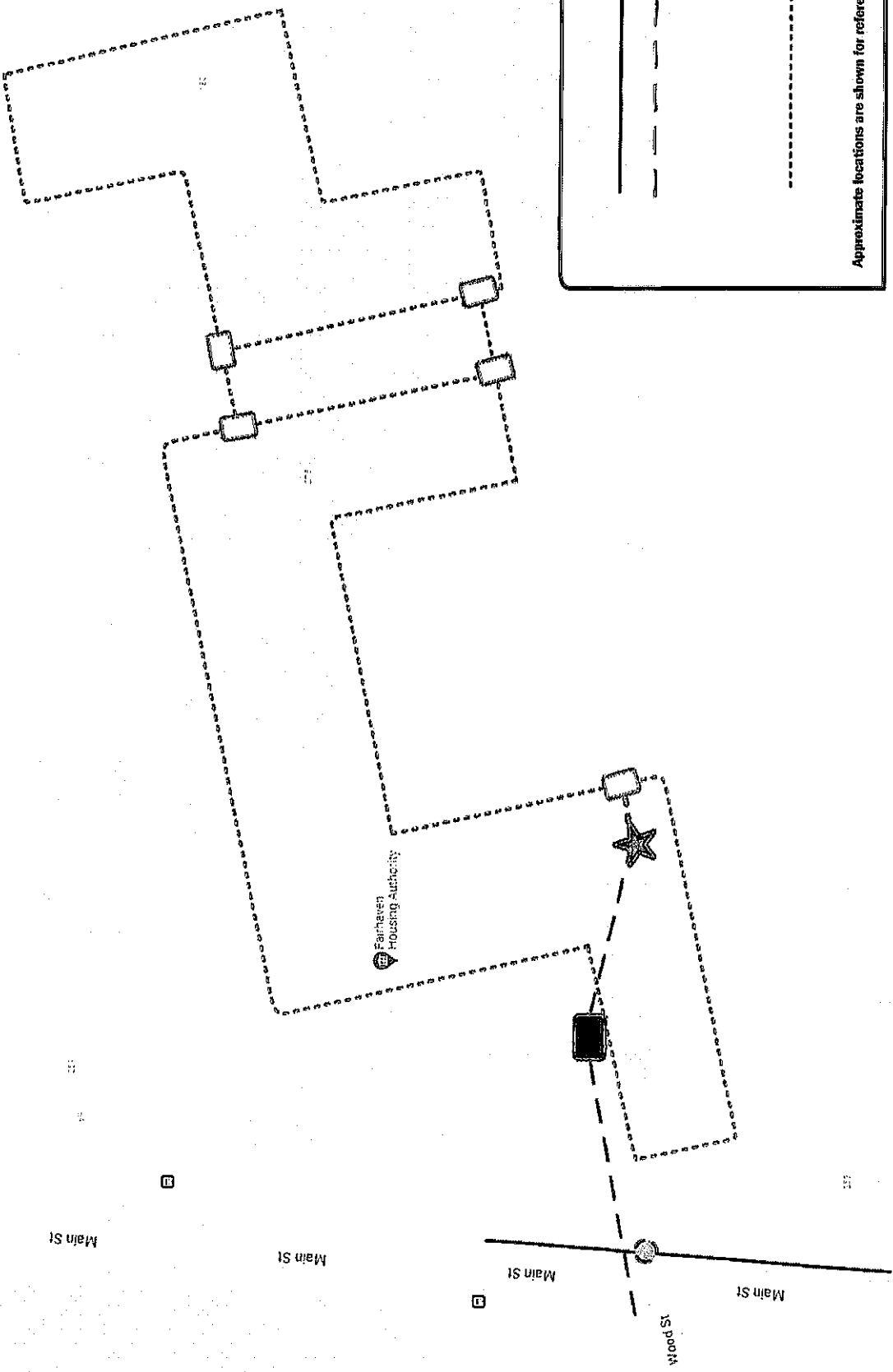
Main St

Wood St

LEGEND

- Existing FMAN
- Existing Underground V
- Existing Pole
- New Interior Racking L
- New Underground Micro
- New Underground Vault

Approximate locations are shown for reference only. Final placement to be





Apartment Wi-Fi

In-home broadband access is a key component of digital equity. Access to affordable, reliable, high-speed internet is crucial for residents of Greater Boston to fully participate in work, school, and society. We work with municipalities, public housing authorities, and affordable housing developers to build Wi-Fi networks for their residents.

MAPC has previously worked with housing authorities in Chelsea, Revere, and Quincy as part of a pilot Apartment Wi-Fi project. We have been awarded a grant as part of the Mass. Broadband Institute's (MBI) Digital Equity Partnerships program to continue this work around the state.

We are now accepting expressions of interest from public and non-profit affordable housing providers to participate in our Apartment Wi-Fi program. This program provides funding, project management, and procurement support to fund the construction of Wi-Fi networks which provide residents with equal or superior service than what is available from commercial ISPs, at no cost to residents. Our funding covers all capital costs associated with network design, construction, and equipment, and the first year of ongoing operating expenses.

To start the process, please fill out this interest form:
<https://forms.gle/kmPKy3h7RRBPmcWH6>

LEARN MORE ABOUT APARTMENT WI-FI V

- [APARTMENT WI-FI P, Massachusetts Broad Institute](#)
- [EducationSuperHigh](#)
- [HR&A Advisors](#)

PREVIOUS WORK

- [Apartment Wi-Fi Pilot Cities](#)

CONTACT US

Contact MAPC Civic Tec Pfeffer at wpfeffer@mapc.org more information.

OTHER RESOURCES

- [MBI Digital Equity Partnership](#)
- [Digital Equity at MAPC](#)

Massachusetts Broadband Coalition



The image shows a YouTube video player interface. At the top, there is a grid of video thumbnails. Below the thumbnails, the channel name "Massachusetts Broadband Coalition" is displayed in large, bold, black text. Underneath the channel name, it says "City of Watertown, MA" and "8 videos 54 views Last updated on Sep 1, 2023". To the right of this text are icons for a share button, a menu button, and a "Shuffle" button. Below these icons is a large, rounded rectangular button with a play icon and the text "Play all". At the bottom of the player, the channel name "Massachusetts Broadband Coalition" is repeated.

Formed in January of 2023

Established website
<https://www.ma-bc.org/>
(hosted by the City of Watertown)

26 participating communities
Recently held joint meeting with members of Cape Cod Tech
<https://cctechcouncil.org/>

Learning from each others' experiences

Advocacy work
Make Ready Pole attachment
Attorney General – Anti-trust laws and lack of competition

Meetings recorded and posted on website with other resources

DEPARTMENT OF INFORMATION TECHNOLOGY

21st Century Broadband

PROFILE OF SERVICE

The City of New Bedford is leading the way locally
Signed consulting firm
CTC, the same consulting
firm Fairhaven is using for
Digital Equity

The City of New Bedford is committed to equity and inclusion and has long recognized reliable, and affordable internet access to residents and businesses in today's 21st century and educational sectors. Building on experience and given gaps further highlight pandemic, the City seeks detailed solutions to overcome internet connectivity obstacle and businesses and an options analysis of feasible, viable and sustainable citywide Digital Equity solutions.

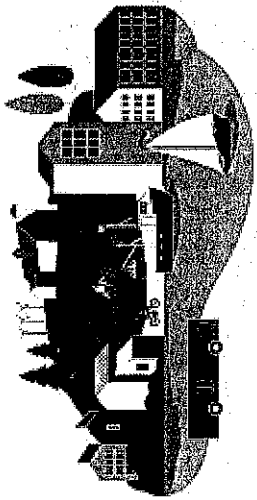
Priority One- the City of New Bedford seeks to address its Digital Equity issue. But, is a financially sustainable and technologically viable fiber-optic based broadband network the needs of all New Bedford residents and businesses for years/decades to come. More broadband requires significant effort to identify and analyze various approaches and a must be provided for each approach, along with benefits and risks associated with the achieve the immediate priority target goal of Digital Inclusion/Equity. From this relationship City is positioned to easily grow and scale into the Citywide solution. Detailed projects including realistic timelines, known measurable risks, and plausible remediations. To proper decisions on scope and sequencing can only be made from valid data and effective analyses. New Bedford must plan for citywide scale, but our methodology is to start and expand.



CITY OF NEW BEDFORD, MASSACHUSETTS
REQUEST FOR PROPOSAL
21st Century Broadband
RFP #23155170

The five goals for municipal broadband that the Mayor developed for its Broadband Team are:

1. **Affordability and Equity:** Access to service should be without regard to income, size of business or geographic areas of the City.
2. **Choice & Competition:** New Bedford residents should have a variety of providers to choose from to ensure competitive internet service. Increased competition will result in lower prices for all and can spur better service as service providers compete with each other to attract customers.
3. **Supporting Entrepreneurs & Small Businesses:** The plan should support local small businesses and entrepreneurs. Access to world-class broadband connectivity will empower local businesses on a global scale by eroding geographic constraints. It can also attract entrepreneurs to Bedford.
4. **Innovation & Excellence:** The solution should create and provide a pathway to innovation by nurturing new business ventures, attracting further entrepreneurs to a city already known for startups, creating civic engagement, and smart City services. Pervasive access to best-in-class connectivity can encourage the sort of idea-sharing and communication that are key to attracting and maintaining entrepreneurship in innovation hubs such as New Bedford. In addition, an innovative plan will show that the City is forward-looking and committed to investing in it.
5. **Local Control:** City officials and their designees should play an active role in planning the broadband services. The City should also retain significant influence over capital and operational investment decisions including network construction, expansion, and connectivity.



SRPEDD

Southeastern Regional Planning
& Economic Development District

Regional Broadband Coordination
Services available to Fairhaven
and all SRPEDD Communities

**JUSTICE, EQUITY, AND COMMUNITY
DEVELOPMENT**



LEAD FOR AMERICA

START WHERE YOU LIVE

Digital Equity Planning

SRPEDD has partnered with the Massachusetts Broad Institute to work within the region in an effort to identify gaps in community digital access and to create a meaningful strategy for Broadband Equity Access Deployment.



Kaitlin Whalen, Regional Broadband Coordinator
(n/a, position funded by AmeriCorps)

Kaitlin is a member of the American Council on Education's AmeriCorps program, and is serving as the Regional Broadband Coordinator at SRPEDD. Kaitlin holds a Bachelor's degree in Political Science from Suffolk University and is currently studying for her Master's degree in the issues of broadband, digital equity, and the digital divide in southeastern Massachusetts. She is currently working on a project about bridging the digital divide as her hour of service for AmeriCorps is spent on the internet or a computer until she was in the

Committee Liaison Report – Bob Espindola – September 18th, 2023

Broadband Study Committee met on August 24th and held an informational meeting only as there was not a quorum of members present. Updates were provided on the Fairhaven Housing Authority project and Ms. Ellison attended the meeting to learn more about what the Committee has been doing.

BSC Chair Sean Powers, Janel Falone, Director of the Fairhaven Housing Authority, and Ms. Ellison and I met on September 8th to review the DRAFT Memorandum of Understanding for the FHA project. The document is in good condition but is on hold pending new information (explained below).

Sean Power and I met (virtually) with two members of the **Metropolitan Area Planning Council**, an agency similar to SRPEDD that serves the greater Boston area. I met these two individuals originally at a two-day digital equity conference I attended back in October of last year and I was referred to them by Josh Eichen of the Mass Broadband Institute during a meeting of the Mass Broadband Coalition, because MAPC was awarded a grant that, *among other things, allows them to “work with municipalities, public housing authorities, and affordable housing developers to build Wi-Fi networks for their residents and ... provides funding, project management, and procurement support to fund the construction of Wi-Fi networks which provide residents with equal or superior service than what is available from commercial ISPs, at no cost to residents. Our funding covers all capital costs associated with network design, construction, and equipment, and the first year of ongoing operating expenses.”*

We believe MAPC may be able to assist the Town with the FHA project. We are working to set up a meeting with the procurement official for MAPC and Ms. Ellison to learn more about the opportunity and the application process.

<https://www.mapc.org/our-work/expertise/digital-equity/apartment-wi-fi/>

Massachusetts Broadband Coalition met on August 24th. The Coalition invited, and were fortunate to have members of the Massachusetts Attorney General’s staff join us to discuss Anti-Trust Law and how it applies to monopolies. In Massachusetts, 55% of communities have little or no competition in the broadband market.

AG Staff members listed to concerns and asked that the Coalition send some specific requests to their office and promised to pass along to the right Attorneys to review and respond. We are currently drafting a letter to the AG’s office and expect that to go out next week.

On behalf of the Massachusetts Broadband Coalition, and at the request of Josh Eichen of the Mass Broadband Institute, I attended a Digital Equity “Listening Session” in Brockton. These listening sessions are a critical part of the Stakeholder outreach that MBI is required to do as part of their role in distribution of Federal funds for Broadband and, along with other factors, will help them determine

how to distribute those funds. It is important for communities and regions with visions of receiving funds down the road to be heard.

<https://broadband.masstech.org/southeast-region-listening-session>

Slides below courtesy of MBI...



MBI
MASSACHUSETTS
BROADBAND INSTITUTE



at the MassTech
Collaborative

Southeast Listening Session

Thursday, September 7, 2023
5:00 p.m. - 7:00 p.m.

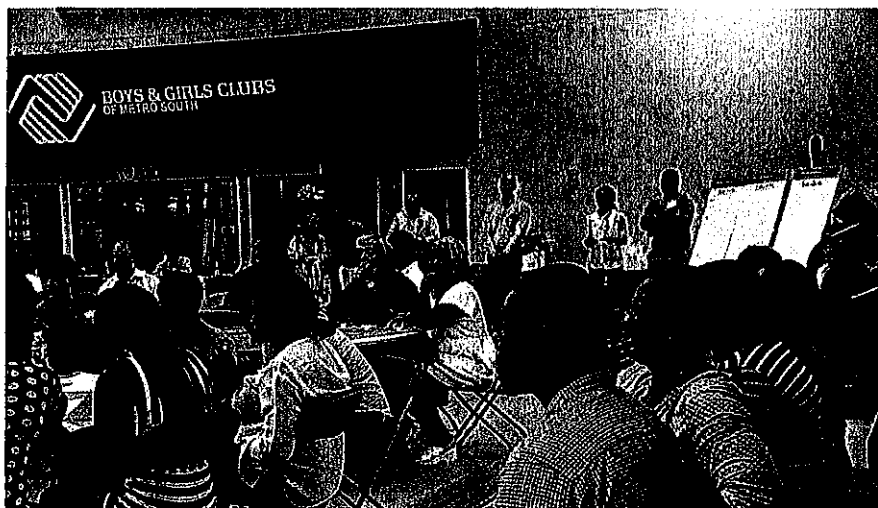
Boys & Girls Clubs of Metro South
Brockton Clubhouse
233 Warren Avenue
Brockton, MA 02301

Event Recap

50 residents attended in-person and an additional 20 tuned in online and from our satellite location in North Dartmouth.

Residents from across the Southeast region came to kick off our statewide listening series event in Brockton on Thursday, Sept. 7th. The presentation and discussions touched on various aspects of digital equity, including language barriers, affordability, and access to devices. We heard directly from residents about critical issues related to affordability and accessibility and learned a lot about the community.

Thank you to our partners, Brockton Mayor Robert Sullivan, and all of the staff at the Boys and Girls Club of Metro South for hosting us! We would also like to thank the Dartmouth & Plymouth Library for preparing and hosting the satellite sessions. We are grateful for all of those that assisted in our outreach efforts as well.



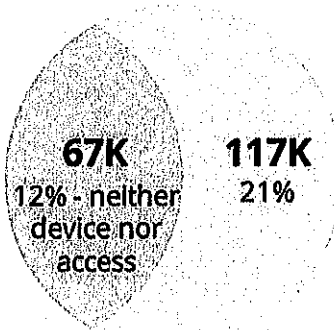
Digital Gaps in the Southeast

Of 550,000 households in the Southeast...

Many more face challenges with finding the support they need to use the internet safely and meaningfully.

Southeast households with **no computer** (laptop or desktop).

107K
19%



Southeast households with **no broadband internet subscriptions.***

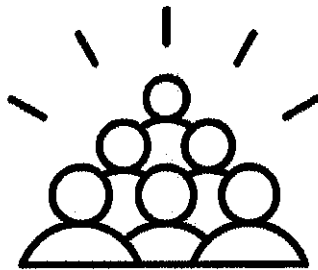
These challenges have **disproportionate impact for specific population groups** depending on a range of socioeconomic, historical, and geographic factors.

* Residents with no broadband access (cable, fiber optic, or DSL) in their household. Source: U.S. Census Bureau

Statewide Survey - Preliminary Findings

Covered Population Responses Southeast

Total Responses x Region



Region	Responses	Target	Covered Population	Responses	Target
Pioneer Valley Region	803	307	Aging Individuals	291	149
Greater Boston Region	1,077	1,085	Veterans	57	29
Cape Cod & Islands Region	823	112	People of Color	613	136
Southeast Region	1,158	608	Households with Limited English**	64	12
Northeast Region	529	455	Individuals with Disabilities	137	72
Central Mass Region	179	378	Low-Income Households	237	85
Berkshire Region	981	55	Residents in Rural Areas	42	31
Unknown	61	-			
Total	5,611	3,000			

*Response numbers are updated as of Wednesday, 8/30, 12pm.

** This is an estimate based on the number of non-English surveys submitted.

Access and Quality of Service

26% of statewide survey respondents reported that their internet service is not good enough to meet their household's needs.

55% of municipalities in the Southeast have little or no competition in the broadband market.

Legend

The availability gap score ranges in value from 0 to 100, where 100 indicates the highest gap in availability.

LOW MEDIUM HIGH

21

Access and Quality of Service

In the Southeast Region, there are ~2,000 Unserved or Underserved locations.

Top 5 Municipalities – Unserved Locations

Plymouth	402
Wareham	84
Dartmouth	79
Fall River	74
Attleboro	74

Top 5 Municipalities – Underserved Locations

Fall River	22
Marshfield	21
Bridgewater	19
Attleboro	17
Plymouth	16

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SRPEDD Commission The SRPEDD Commission did not hold a meeting in August.

Fairhaven Bikeway Committee. The Bikeway Committee met on August 31st. BPW Superintendent Vinnie Furtado and Highway Superintendent Josh Crabb attended and provided updates on the status of the bike path overlay project (targeting October time frame but trying also to coordinate with work scheduled for South Street at the same time) as well as the Safe Routes to School project at Sciticut Neck Crossing (scheduled for 2024).

The committee has advocated for sign changes at intersections with lighter vehicular traffic that would call for a Yield sign in lieu of stop signs that exist presently. Studies have shown that at crossings where traffic is very light, bike riders have a tendency to slow down but not come to a full stop – in effect yielding and if they are doing so where stop signs exist then this could cause confusion and an unsafe condition when a full stop is actually required. Mr. Crab agreed to study the concept further and provide some perspective at a future meeting. Any changes considered would, of course, need to be approved by the Board of Public works and Public Safety. Presently, the effort involves fact finding only.