



FAIRHAVEN SELECT BOARD
Meeting Minutes
March 25, 2024

FAIRHAVEN TOWN CLERK
ROUD 2024 APR 9 PM 1:25

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

Mr. Correy opened the meeting at 6:37p.m.

Motion: Mr. Espindola motioned to take Action Item C1 out of order. Ms. Powers seconded. The motion passed unanimously (5-0-0).

ISSUANCE AND DETAILS OF TWO LOANS FROM THE MASSACHUSETTS CLEAN WATER TRUST

Treasurer Lisa Rose addressed the Board and explained the vote needed tonight on this item to get the bond signed.

Motion: Mr. Espindola motioned to approve and accept as written and have the Clerk of the Select Board sign on behalf of the Board affirming the vote and the Select Board to sign to affirm the interim loan note. Ms. Powers seconded. The motion passed unanimously (5-0-0).

MINUTES

Motion: Mr. Espindola motioned to accept the March 20, 2024 joint Select Board and Finance Committee meeting minutes. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to accept the March 11, 2024, Executive Session minutes. Ms. Powers seconded. The motion passed unanimously (5-0-0).

The March 11, 2024 Open Session minutes were passed over.

TOWN ADMINISTRATOR

Ms. Ellison reported on:

- Department Head Updates:
Public Works Superintendent Vinnie Furtado thanked Mr. Correy and Mr. Espindola for their service to the Town. Mr. Furtado provided an update to the Board on the Water Treatment upgrade and advised the earlier vote on the bond is in support of that project, all equipment has been ordered, they will work with Mattapoisett for next steps in the process. He continued Public Works department updates with construction of the new treatment center will be where the old recycling center was, a Flow Neutral Bylaw is needed and an article placed in the Town Meeting Warrant, this will go to securing the zero percent interest loan, Fairhaven wastewater is not in violation, the wastewater treatment upgrade is due to age, he explained the Fairhaven 2-pipe system versus the New Bedford 1-pipe system and the impacts of heavy rains.

Mr. Furtado explained that he currently sits as Chair of the Capital Improvement Planning Committee (CIP) and advised the Board that the CIP only voted on the Fiscal Year 2025 Capital Requests and this is how their process has been since Executive Secretary Jeff Osuch was on the CIP. He continued and advised the Board that departments did present five-year capital plans and they have only ever voted on one-year plan for the upcoming fiscal year. A brief discussion ensued on past years' data shared with the Board. Assistant Town Administrator Anne Carreiro said she is working on pulling a report together for the Board and Finance Committee.

Mr. Furtado continued department updates about the recycling center, roadwork to start in April, Safe Routes to School bid upcoming, the sidewalk on the Causeway will receive emergency procurement, advised residents to call the office if they experience dirty water,

- Staff Updates: Veterans' Agent Michael Jenney passed his certification test to be a certified Veterans Service Officer. The Building Commissioner resigned and an interim is in place. The Planning and Economic Development Director Paul DiGiuseppe submitted his resignation effective April 5, 2024 and contingency plans will be in place for coverage. A brief discussion ensued about post-Covid trends in municipal government and that candidates are not seeking to come into municipalities and in other cases other communities are recruiting from other towns. The Town will look at all options for hiring, cross training and promotions as appropriate.
- World Autism Awareness Day: Light It Up Blue on April 2, 2024. Ms. Ellison called Diane Hahn to address the Board. Ms. Hahn talked about supporting Autism Awareness, her son and that there are blue lightbulbs available and that she is asking for those supporting to "light it up blue" on April 2, 2024.
- Fairhaven Historical Society is hosting a lecture on Hetty Green at Town Hall on Thursday, April 4, 2024 at 6:30pm by author Charles Slack.
- Fairhaven has received and is implementing MVP and Green Communities Grants.
- Mini-splits work in Town Hall will be starting soon.
- Door locking system installation is in process as well, tentative for April.
- Interest Letter: Regional Collaboration with Acushnet: Ms. Ellison explained this effort comes out of ideas at a recent legislative breakfast and asked for interest and availability from the Board.

Motion: Mr. Espindola motioned to appoint Ms. Powers to work with the Town Administrator on regional collaboration with Acushnet. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

- Budget handout (*Attachment A*): Ms. Ellison advised the Board that the Public Safety amounts were revised. Discussion ensued about the prior year and how the wage reserve line was used due to contracts not ratified by Police and Fire. The Board asked about the status of the legal cost breakdown. Ms. Ellison explained that the staff has been breaking down the Labor Counsel bills into the format used by Town Counsel and all will be provided together as soon as it is complete and she will check in with the staff.

LIVABLE STREETS COMMITTEE APPOINTMENT

Freddie Estremera addressed the Board via zoom and spoke to his application, experience in New Bedford and interest in joining.

Applicant Aaron Novy was not present to address the Board, his application was reviewed.

Motion: Mr. Espindola motioned to appoint Aaron Novy and Freddie Estremera to the Livable Streets Committee for a term to end May, 2024 and thereafter to a term that will end May, 2025. Ms. Powers seconded. The motion passed unanimously (5-0-0).

PROCLAMATION: MAY, 2024 BIKE MONTH

Mr. Espindola read the proclamation.

Motion: Mr. Espindola motioned to approve and bequest May, 2024 as Bike Month for the town of Fairhaven. Ms. Powers seconded. The motion passed unanimously (5-0-0).

BASK HOST COMMUNITY AGREEMENT (HCA)

Ms. Ellison reviewed the HCA for the Board; the language reflects changes in the state template by the Cannabis Control Commission (CCC). Bask has met the eight-year period of contracts and this HCA is to apply for renewal through the CCC, if the CCC does not approve it, the HCA is sent back.

Motion: Mr. Espindola motioned to approve the Host Community Agreement and have the Town Administrator sign on behalf of the Select Board. Ms. Powers seconded. The motion passed unanimously (5-0-0).

OPEN MEETING LAW COMPLAINT: RECEIVED MARCH 11, 2024

Mr. Espindola recused himself and left the Banquet Room at 7:42p.m.

Ms. Ellison reviewed the complaint and advised that because it is regarding an Executive Session the specifics cannot be discussed. Labor Counsel was present and did speak in Open Session to clarify the concerns. The Board was provided the draft response to review. Ms. Ellison advised that despite the complaint not being filed properly with the municipal clerk, the Board was responding (*Attachment B*).

Motion: Ms. Powers motioned to approve and send the open meeting law letter as written and have the chair sign on behalf of the Board. Mr. Silvia seconded. The motion passed unanimously (4-0-1) Mr. Espindola abstained.

Mr. Espindola returned at 7:44p.m.

FLAG/BANNER REQUEST: PROGRESS PRIDE FLAG FOR THE MONTH OF JUNE AT TOWN HALL
FLAG/BANNER REQUEST: JUNETEENTH FLAG THE WEEK OF JUNE 17-24, 2024 AT TOWN HALL

Belonging Committee Chair Jessica Fidalgo addressed the Board for both requests and answered questions about the positioning of the flags on either side of the Homecoming Banner that has been approved. The Tree Warden will be assisting with securing the flags.

Motion: Mr. Espindola motioned to approve the flying of the progress pride flag during the month of June as requested by the Belonging Committee. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to approve the flying of the Juneteenth flag from June 17th - June 24th in recognition of the holiday recognizing the emancipation of the last 250K slaves in Texas. Ms. Powers seconded. The motion passed unanimously (5-0-0).

EVENT REQUEST AND SPECIAL ONE-DAY LIQUOR LICENSE: BUZZARDS BAY SWIM, SATURDAY, JUNE 22, 2024

The application for the event and the special one-day liquor license was reviewed.

Motion: Mr. Espindola motioned to approve a special one-day liquor license for Buzzards Bay Coalition for the Buzzards Bay Swim event on Saturday June 22, 2024 between 7-11 am at Fort Phoenix. Ms. Powers seconded. The motion passed unanimously (5-0-0).

MARINE RESOURCES: RAISE THE RESIDENT SENIOR SHELLFISH AGE FROM 62 TO 65

Ms. Ellison advised the Board of previous discussions with Harbormaster Tim Cox regarding raising the age from 62 to 65 for resident senior shellfishing buttons. Anyone currently holding a senior shellfishing button is not impacted.

Motion: Mr. Espindola motioned to approve the senior age for a resident shellfish license to 65 years old. Ms. Powers seconded. The motion passed unanimously (5-0-0).

POLICE FOR ANNUAL TOWN ELECTION, MONDAY, APRIL 1, 2024

The Town Clerk submitted the request.

Motion: Mr. Espindola motioned to approve a sufficient number of police officers but not less than three (3) at the polling location, Recreation Center at 227 Huttleston Ave., for the April 1, 2024 Annual Town election to preserve order and to protect election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections as required by Section 72 of MGL Chapter 54. And to designate the Police Chief the authority to assign specific police officers according to scheduling and availability whereas the town clerk will advise the police chief on the location and time the officers are needed. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Espindola motioned to take Action Item C-12 out of order. Ms. Powers seconded. The motion passed unanimously (5-0-0).

CLOSE AND SIGN THE ANNUAL TOWN MEETING WARRANT

Motion: Mr. Espindola motioned to close and sign the May 4, 2024 Town Meeting Warrant. Ms. Powers seconded. The motion passed unanimously (5-0-0).

REVIEW AND RECOMMEND WARRANT ARTICLES

Ms. Ellison advised the Board that their recommendations to Town Meeting would be one of the following: Adoption, At Town Meeting, Pass Over or Indefinite Postponement. A revised section of the warrant was distributed for the Town Operating Budgets FY25, General Fund Operating Budgets (*Attachment C*)

Article 1 Measurer of Wood and Bark

Motion: Mr. Espindola motioned to recommend Adoption for Article 1 Measurer of Wood and Bark. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 2 Town Report

Motion: Mr. Espindola motioned to recommend Adoption for Article 2 Town Report. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 3 Report of Committees

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 3 Report of Committees. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 4 Bill of Prior Year

Motion: Mr. Espindola motioned to recommend Adoption for Article 4 Bill of Prior Year. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 5 General Fund Adjustments

Motion: Mr. Espindola motioned to recommend Pass Over for Article 5 General Fund Adjustments. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 6A Town Operating Budgets FY25, General Fund (GF) Operating Budgets

General Government \$3,162,038

Motion: Mr. Espindola motioned to recommend Adoption for Article 6 Town Operating Budgets FY25, GF Operating Budgets, General Government \$3,162,038. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Public Safety – the number is being adjusted

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Public Safety. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Schools – the number is being adjusted

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Schools. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Public Works \$4,379,011

Motion: Mr. Espindola motioned to recommend Adoption for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Public Works \$4,379,011. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Health and Environment – the number is being adjusted

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Health and Environment. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Community Services – the number is being adjusted

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Community Services. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Non-Departmental \$11,669,792

Motion: Mr. Espindola motioned to recommend Adoption for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Non-Departmental \$11,669,792. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Debt Service \$1,094,605

Motion: Mr. Espindola motioned to recommend Adoption for Article 6 Town Operating Budgets FY25, GF Operating Budgets, Non-Departmental \$11,669,792. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 6B Water Enterprise Fund Operating Budget

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 6B Water Enterprise Fund Operating Budget. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 6C Sewer Enterprise Fund Operating Budget

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 6C Sewer Enterprise Fund Operating Budget. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 6D Town Cable Enterprise Fund Operating Budget

Motion: Mr. Espindola motioned to recommend Adoption for Article 6D Town Cable Enterprise Fund Operating Budget. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 6E School Cable Enterprise Fund Operating Budget

Motion: Mr. Espindola motioned to recommend Adoption for Article 6E School Cable Enterprise Fund Operating Budget. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 7 General Fund Capital Plan

Discussion ensued regarding a 5-Year Capital Plan and the request for one to be prepared despite no change to the projects listed. Mr. Espindola said he feels the Board will not receive the plan if they vote to recommend Adoption tonight. Mr. Correy expressed concern for Town employees not to be leveraged against one another, the Board was told it would get it.

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 7 General Fund Capital Plan. Ms. Powers seconded. The motion passed (3-2-0) Mr. Silvia and Mr. Correy opposed.

Article 8A Water Enterprise Fund Capital Plan \$50,000

Motion: Mr. Espindola motioned to recommend Adoption for Article 8A Water Enterprise Fund Capital Plan \$50,000. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 8B Borrowing Authorization-Water Tower Maintenance \$1,000,000

Motion: Mr. Espindola motioned to recommend Adoption for Article 8B Borrowing Authorization-Water Tower Maintenance \$1,000,000. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 9A Sewer Enterprise Fund Capital Plan \$325,000

Motion: Mr. Espindola motioned to recommend Adoption for Article 9A Sewer Enterprise Fund Capital Plan \$325,000. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 9B Borrowing Authorization-South Street Pump Station Pump Replacement \$500,000

Motion: Mr. Espindola motioned to recommend Adoption for Article 9B Borrowing Authorization-South Street Pump Station Pump Replacement \$500,000. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 9C Sewer Capital Stabilization Fund \$2,328,760.07

Motion: Mr. Espindola motioned to recommend Adoption for Article 9C Sewer Capital Stabilization Fund \$2,328,760.07. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 9D Sewer Enterprise Fund \$280,364.48

Motion: Mr. Espindola motioned to recommend Adoption for Article 9D Sewer Enterprise Fund \$280,364.48. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 10 Other Budget Items-Appropriations

10A. Funding of Articles - \$982,981

Motion: Mr. Espindola motioned to recommend Adoption for Article 10A. Funding of Articles - \$982,981 from Free Cash with line 1 from Ambulance Reserve Fund. Ms. Powers seconded. The motion passed unanimously (5-0-0).

10B. Increase and Fund COLA Base for Retirees \$89,000

Motion: Mr. Espindola motioned to recommend Adoption for Article 10B. Increase and Fund COLA Base for Retirees \$89,000. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 11 State Aid to Highways

Motion: Mr. Espindola motioned to recommend Adoption for Article 11 State Aid to Highways. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 12 Municipal Fiber Optic Program

Discussion ensued about the project, impacts and risks to the Town and outstanding questions. The Board would like to see a presentation on this.

12A. Borrowing Authorization – Fiber Optic Program

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 12A. Borrowing Authorization – Fiber Optic Program. Ms. Powers seconded. The motion passed (4-0-1) Mr. Silvia opposed.

12B. Establish a Municipal Fiber Enterprise Fund

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 12B. Establish a Municipal Fiber Enterprise Fund. Ms. Powers seconded. The motion passed (4-0-1) Mr. Silvia opposed.

Article 13 FY25 Community Preservation Committee Appropriations

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 13 FY25 Community Preservation Committee Appropriations. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 14 Revolving Funds

Motion: Mr. Espindola motioned to recommend Adoption for Article 14 Revolving Funds. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 15 Special Revenue Fund: Opioid Abatement Funds

Additional language is needed for the article and motion

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 15 Special Revenue Fund: Opioid Abatement Funds. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 16 Amend Article 11A, May 6, 2023 Line 4 Description

Motion: Mr. Espindola motioned to recommend Adoption for Article 16 Amend Article 11A, May 6, 2023 Line 4 Description. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 17 Assessment of New Construction

Motion: Mr. Espindola motioned to recommend Adoption for Article 17 Assessment of New Construction. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 18 Amend Bylaws Chapter 119 (Fire Fees)

Motion: Mr. Espindola motioned to recommend Adoption for Article 18 Amend Bylaws Chapter 119 (Fire Fees). Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 19 Amend Bylaws 87, 206 and 405 (Animal Control)

Motion: Mr. Espindola motioned to recommend Adoption for Article 19 Amend Bylaws 87, 206 and 405 (Animal Control). Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 20 Amend Bylaws Stormwater Management

Motion: Mr. Espindola motioned to recommend Adoption for Article 20 Amend Bylaws Stormwater Management. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 21 Amend Bylaws Zoning

Motion: Mr. Espindola motioned to recommend Adoption for Article 21 Amend Bylaws Zoning. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 22 Bylaw Flow Neutral

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 22 Bylaw Flow Neutral. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 23A Amend Bylaws Chapter 76 Tree Warden

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 23A Amend Bylaws Chapter 76 Tree Warden. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 23B New Bylaw Chapter 88 Public Shade Tree

Motion: Mr. Espindola motioned to recommend At Town Meeting for Article 23B New Bylaw Chapter 88 Public Shade Tree. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Discussion ensued about the remaining articles being Citizens Petitions. The Board asked about the format and if they are correctly written, why licensing would not handle Article 25 for an all alcohol license and if the petition to add an all alcohol license will impact or increase the number of cannabis licenses the Town has.

Article 24 Citizens Petition-Street Light

Motion: Mr. Espindola motioned to recommend Yield To Petitioner for Article 24 Citizens Petition-Street Light. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 25 Citizens Petition-Legislation for a Restaurant/All Alcohol License

Motion: Mr. Espindola motioned to recommend Yield To Petitioner for Article 25 Citizens Petition-Legislation for a Restaurant/All Alcohol License. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 26 Citizens Petition-Revoke Article 22 § 5

Motion: Mr. Espindola motioned to recommend Yield To Petitioner for Article 26 Citizens Petition-Revoke Article 22 § 5. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Article 27 Other Business

No action is needed on this article

REVIEW TOWN ADMINISTRATOR ACT

Doug Brady, Pleasant Street addressed the Board. He thanked Mr. Correy and Mr. Espindola for their service to the Town. He added that this is not about the person or the position, past, present or future, it is to ask of the current bylaw is in line with the best interests of the Town and its residents. He asked for the creation of a TA Act Bylaw Committee of five to seven people to review the current Town Administrator (TA) Bylaw. Mr. Brady described a potential makeup of the committee and read from his agenda request. (*Attachment D*).

Mr. Brady referred to a member of the Charter Committee, Cathy Melanson, via zoom who addressed the Board and said in regards to the comment about the work they are doing, that they are still working on the Charter, the current TA Act was added in and has not been worked on as of yet.

Ms. Ellison added two points of information, first that the Charter Committee was appointed by the Town Moderator and not the Town Administrator and that there is a Chair of the Charter Review Committee and Ms. Melanson is not representing the committee tonight without a vote.

Discussion ensued regarding allowing the Charter Committee to complete their work, the timing of the request, suggestions that this be completed for a November Special Town Meeting. Mr. Brady said if it is not ready then there would be three more years of the same bylaw and that there has to be notification to the Town Administrator by November about continuing on. A simple review committee could bring a report back to this Board.

Ms. Ellison asked for a point of clarification from Mr. Brady about what is happening in November. He said it was when the Board had to notify the Town Administrator if they would renew or not renew her contract. Ms. Ellison pointed out the statements made at the outset was that this was not about the Town Administrator yet November is when the Town Administrator's contract is up. Ms. Ellison added that the contract is independent of a charter and if there is a systematic issue it cannot be tied to a contract.

Discussion ensued about the problem that is trying to be solved, the age of the bylaw and that it was based off best practices and approved by the Commonwealth, allow time for the Board to work through any issues with the new Board members post-election, impacts to processes regarding employees and the risks of what has been suggested, allow Fairhaven to figure out how it works best for Fairhaven, allow the Charter Committee to continue their work, Town Counsel is involved in the Charter Committee meetings and work, bylaws should be reviewed periodically, the timing points to it being personal, reacting to stylistic differences of Town Administrators should not be the Board's response, issues can be addressed within contract negotiations, Labor Counsel works on the contract and there is language in the Special Act that is in the contract, any bylaw change goes through the legislature which takes time.

Mr. Brady renewed his comments about timing. Ms. Ellison advised as a point of information, her contract is independent, the Special Town Administrator Act is a Special Legislative Act through the state and not a bylaw and is independent of her contract and deadlines. The Special Act is in the Town Code but is not a bylaw and not changed in the same way and independent for any Town Administrator. The Charter Committee does not have a deadline.

CORRESPONDENCE

1. Eversource Five-Year Vegetation Management Plan

COMMITTEE LIAISON REPORTS

Mr. Espindola reported on:

Coastline's March for Meals, MMA Digitizing webinar, The Broadband Coalition and Livable Streets Committee (*Attachment E*).

Ms. Powers reported:

The Library has started the electrical upgrade project, projected to take about thirty months, the roof project is on hold because of the weather and they have hired a new archivist. The Financial Policy Review Committee has completed three policies and will be looking at reserve funds next.

Mr. Murphy reported:

He participated in the March for Meals and thanked Coastline and Ms. Reed, he added it was good to hear directly from seniors and it means a lot to reach out. The Sister City Committee is planning the Cherry Blossom Festival on May 5, 2024, Lagoa is working to get into full swing.

Mr. Silvia reported:

The Commission on Disability in collaboration with the Council on Aging Director is going to have American Sign Language classes, it's 10 weeks and either \$5 per class or \$40 for the 10 weeks. The Commission on Disability will have a table at kids' fest.

Mr. Correy reported:

Digital Equity is close to finalizing their report.

PUBLIC COMMENT

Jean Paul Lemieux, 137 Balsam Street addressed the Board and read a statement regarding the Town Administrator, referred to and presented a petition to the Select Board from residents (*Attachment F*).

Diane Hahn, 86 Francis Street, asked for a larger font on the agenda copies and to make it two-sided. She also is leaving blue lightbulbs at Town Hall for anyone who might want one.

BOARD MEMBER ITEMS

Mr. Espindola addressed the Board regarding budget concerns and things expressed in the community and to provide context from a handout of excerpts the August 2022, Department of Revenue (DOR) report (*Attachment G*) He referred to the recommendations from 2012 regarding free cash and a chart showing these figures and also reserves built over time. Discussions have happened on economic factors, increased costs and significant union raises and other factors of lost revenue that impacted the budget last year. We made corrections and got to a balanced budget and previous deficits do not mean higher deficits will exist next year. He referred to the Financial Policy Review Committee work and suggested people get real information directly from the Town. He referred back to the chart in the DOR report (*Attachment G*) regarding reserves and said that was why he has kept the focus on capital because we have built up substantial reserves. The questions of why borrow when we have substantial reserves - those are two different things. He did not feel it was responsible to sit on the millions of reserves that the Town has collected from people and not have a plan to spend it.

Mr. Espindola made a statement of thanks to the Board for their patience over the years making meetings longer.

Ms. Powers suggested re-watching the joint meetings for budget discussions to help see how we go here. There is not one person to blame and steps are in place to develop a long-term plan to focus on moving forward. Other communities are facing the same. Ms. Powers thanked Mr. Correy and Mr. Espindola individually for their leadership and experiences while on the Board.

Mr. Murphy expressed his thanks individually to Mr. Correy and Mr. Espindola for their time on the Board and leadership.

Mr. Silvia thanked Mr. Correy and Mr. Espindola individually for their time and work while on the Board.

Mr. Correy made a statement to thank each Board member individually. He recalled learnings and takeaways from residents that impacted him and his family and thanked the Town for electing him and those who have reached out to him to thank him for his time on the Board.

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting is on Monday, April 1, 2024 at 6:30p.m.

Meeting adjourned at 9:45 p.m.

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

ATTACHMENTS:

- A. FY25 Budget draft, March 25, 2024
- B. Open Meeting Law Complaint and draft response
- C. Revised budget handout: general fund operating budgets
- D. Review Town Administrator Act request and Special Act: Town Administrator
- E. Committee Liaison Report: Robert J. Espindola
- F. Petition to the Select Board: Town Administrator Contract
- G. DOR Report excerpt: August 2022: Robert J. Espindola handout

Approved on April 8, 2024

TOWN OF FAIRHAVEN - FY 2025 as of 3/25/24

DRAFT

(Revised for FY24 Public Safety Wage Reserve Allocation after Town Meeting)

LINE	Function/ Dept. #	Department Name/Function Totals	FY 2024 Budgeted	FY 2025 Adjusted Budget	\$ Change	% Change
GENERAL GOVERNMENT (MISC.)						
1	114	Moderator Salary	\$1,000.00	\$1,000.00	0.00	0.00%
Select Board/Town Adm./Town Report/Engineering						
2	122/195/405	Salaries & Wages	\$322,412.00	\$364,716.00	42,304.00	13.12%
3		Operating Expenses	\$27,910.00	\$40,590.00	12,680.00	45.43%
Human Resources						
4	153	Salaries & Wages	\$193,943.00	\$178,123.00	(15,820.00)	-8.16%
5		Operating Expenses	\$20,975.00	\$64,925.00	43,950.00	209.54%
Town Meeting/Finance Committee						
6	113/131	Salaries & Wages	\$1,000.00	\$1,500.00	500.00	50.00%
7		Operating Expenses	\$7,945.00	\$7,830.00	(115.00)	-1.45%
8		Reserve Fund	\$100,000.00	\$75,000.00	(25,000.00)	-25.00%
9	151	Legal	\$180,000.00	\$285,277.00	105,277.00	58.49%
Town Hall						
10	192	Salaries & Wages	\$56,916.00	\$174,516.00	117,600.00	206.62%
11		Operating Expenses	\$76,150.00	\$81,890.00	5,740.00	7.54%
Consolidated Information Technology						
12	155	Salaries & Wages	\$339,994.00	\$345,271.00	5,277.00	1.55%
13		Operating Expenses	\$202,415.00	\$226,205.00	23,790.00	11.75%
General Government Salaries & Wages			\$915,265.00	\$1,065,126.00	149,861.00	16.37%
General Government Operating Expenses			\$615,395.00	\$781,717.00	166,322.00	27.03%
Subtotal General Government			\$1,530,660.00	\$1,846,843.00	316,183.00	20.66%
GENERAL GOVERNMENT (MUNICIPAL FINANCE)						
Accounting						
14	135	Salaries & Wages	\$162,616.00	\$204,997.00	42,381.00	26.06%
15		Operating Expenses	\$60,713.00	\$66,357.00	5,644.00	9.30%

LINE	Function/ Dept. #	Department Name/Function Totals	FY 2024 Budgeted	FY 2025 Adjusted Budget	\$ Change	% Change
145		Treasurer/Collector				
16		Salaries & Wages	\$336,072.00	\$292,995.00	(43,077.00)	-12.82%
17		Operating Expenses	\$120,900.00	\$66,175.00	(54,725.00)	-45.26%
141		Assessors				
18		Salaries & Wages	\$200,876.00	\$140,022.00	(60,854.00)	-30.29%
19		Operating Expenses	\$45,060.00	\$51,125.00	6,065.00	13.46%
		Municipal Finance Salaries & Wages	\$699,564.00	\$638,014.00	(61,550.00)	-8.80%
		Municipal Finance Operating Expenses	\$226,673.00	\$183,657.00	(43,016.00)	-18.98%
		Subtotal Municipal Finance	\$926,237.00	\$821,671.00	(104,566.00)	-11.29%
		GENERAL GOVERNMENT (TOWN CLERK/ELECTIONS)				
20	161/163	Subtotal Salaries & Wages	\$143,328.00	\$189,606.00	46,278.00	32.29%
21	161/163	Subtotal Operating Expenses	\$29,258.00	\$36,305.00	7,047.00	24.09%
		PLANNING & DEVELOPMENT				
175-00		Planning Board				
22		Salaries & Wages	\$3,000.00	\$0.00	(3,000.00)	-100.00%
23		Operating Expenses	\$2,930.00	\$0.00	(2,930.00)	-100.00%
175-01		Planning and Economic Development				
24		Salaries & Wages	\$132,942.00	\$128,528.00	(4,414.00)	-3.32%
25		Operating Expenses	\$15,525.00	\$12,530.00	(2,995.00)	-19.29%
175-02		Economic Development Committee				
26		Salaries & Wages	\$1,500.00	\$0.00	(1,500.00)	-100.00%
27		Operating Expenses	\$6,500.00	\$0.00	(6,500.00)	-100.00%
176		Board of Appeals				
28		Salaries & Wages	\$3,500.00	\$3,060.00	(440.00)	-12.57%
29		Operating Expenses	\$3,700.00	\$3,500.00	(200.00)	-5.41%
171		Conservation Commission				
30		Salaries & Wages	\$98,758.00	\$108,845.00	10,087.00	10.21%
31		Operating Expenses	\$11,980.00	\$9,350.00	(2,630.00)	-21.95%
122		Buzzards Bay Action Committee				
32			\$1,800.00	\$1,800.00	0.00	0.00%
		Planning & Development Salaries & Wages	\$239,700.00	\$240,433.00	733.00	0.31%

Function/ Dept. #	Department Name/Function Totals	FY 2024 Budgeted	FY 2025 Adjusted Budget	\$ Change	% Change
	Planning & Development Operating Expenses	\$42,435.00	\$27,180.00	(15,255.00)	-35.95%
	Subtotal Planning & Development	\$282,135.00	\$267,613.00	(14,522.00)	-5.15%
TOTAL GENERAL GOVERNMENT					
	General Government Salaries & Wages	\$1,997,857.00	\$2,193,079.00	195,222.00	9.77%
	General Government Operating Expenses	\$9,837,761.00	\$1,028,859.00	(8,808,902.00)	-89.14%
	Subtotal General Government	\$2,914,618.00	\$3,162,038.00	247,420.00	8.49%
PUBLIC SAFETY					
210/292	Police Department/Animal Control				
33	Salaries & Wages (FY24 revised for Wage Reserve allocation)	\$4,826,338.00	\$5,094,121.00	267,783.00	5.55%
34	Operating Expenses	\$488,520.00	\$462,530.00	(25,990.00)	-5.32%
220/225/291	Fire Department/EMS				
35	Salaries & Wages (FY24 revised for Wage Reserve allocation)	\$3,321,527.00	\$3,563,010.00	241,483.00	7.27%
36	Operating Expenses	\$451,657.00	\$382,277.00	(69,380.00)	-15.36%
241	Building Department				
37	Salaries & Wages	\$183,696.00	\$195,655.00	11,959.00	6.51%
38	Operating Expenses	\$5,350.00	\$4,030.00	(1,320.00)	-24.67%
298	Marine Resources				
39	Salaries & Wages	\$178,440.00	\$178,195.00	(245.00)	-0.14%
40	Operating Expenses	\$43,110.00	\$36,140.00	(6,970.00)	-16.17%
244	Weights & Measures				
41	Salaries & Wages	\$7,140.00	\$7,140.00	0.00	0.00%
42	Operating Expenses	\$500.00	\$375.00	(125.00)	-25.00%
EDUCATION					
	Public Safety Salaries & Wages	\$8,517,141.00	\$9,038,121.00	520,980.00	6.12%
	Public Safety Operating Expenses	\$989,137.00	\$885,552.00	(103,585.00)	-10.49%
	Subtotal Public Safety	\$9,506,278.00	\$9,923,673.00	417,395.00	4.39%

LINE

LINE	Function/ Dept. #	Department Name/Function Totals	FY 2024 Budgeted	FY 2025 Adjusted Budget	\$ Change	% Change
43	300	Fairhaven Public Schools	\$23,733,641.00	\$25,149,917.00	1,396,276.00	5.88%
44	301	NB Regional Technical HS	\$2,937,000.00	\$2,626,000.00	(229,000.00)	9.55%
45	302	NB Regional Technical HS	\$235,000.00	\$310,100.00	75,100.00	31.96%
		Subtotal Education	\$26,385,641.00	\$28,086,017.00	\$1,700,376.00	47.39%

PUBLIC WORKS

421	Administration Division					
46	Salaries & Wages		\$223,502.00	\$86,615.00	(136,887.00)	-61.25%
47	Operating Expenses		\$13,525.00	\$19,375.00	5,850.00	43.25%
403/420	Highways Division					
48	Salaries & Wages		\$1,279,388.00	\$1,329,321.00	49,933.00	3.90%
49	Operating Expenses		\$723,912.00	\$742,137.00	18,225.00	2.52%
50	Snow & Ice		\$60,000.00	\$60,000.00	0.00	0.00%
650	Parks Department					
51	Salaries & Wages		\$139,896.00	\$162,261.00	22,365.00	15.99%
52	Operating Expenses		\$53,500.00	\$53,000.00	(500.00)	-0.93%
294/295	Tree Department					
53	Salaries & Wages		\$27,321.00	\$34,382.00	7,061.00	25.84%
54	Operating Expenses		\$40,345.00	\$38,145.00	(2,200.00)	-5.45%
55	Sanitation - Operating Expenses		\$1,682,679.00	\$1,792,775.00	110,096.00	6.54%
56	Street Lighting		\$61,000.00	\$61,000.00	0.00	0.00%

		Public Works Salaries & Wages	\$1,670,107.00	\$1,612,579.00	(57,528.00)	-3.44%
		Public Works Operating Expenses	\$2,634,961.00	\$2,766,432.00	131,471.00	4.99%
		Subtotal Public Works	\$4,305,068.00	\$4,379,011.00	73,943.00	1.72%

HEALTH & ENVIRONMENT

510	Board of Health					
57	Salaries & Wages		\$164,353.00	\$173,797.00	9,444.00	5.75%
58	Operating Expenses		\$24,570.00	\$22,710.00	(1,860.00)	-7.57%
		Subtotal Board of Health	\$188,923.00	\$196,507.00	7,584.00	4.01%

LINE	Function/ Dept. #	Department Name/Function Totals	FY 2024 Budgeted	FY 2025 Adjusted Budget	\$ Change	% Change
COMMUNITY SERVICES						
59	541	Council on Aging	\$189,296.00	\$157,873.00	(\$31,423.00)	-16.60%
60		Salaries & Wages	\$40,064.00	\$35,497.00	(4,567.00)	-11.40%
		Operating Expenses				
61	543	Veterans Services	\$98,592.00	\$91,433.00	(7,159.00)	-7.26%
62		Salaries & Wages	\$695,800.00	\$564,350.00	(131,450.00)	-18.89%
		Operating Expenses				
63	611	Millicent Library	\$752,336.00	\$797,302.00	44,966.00	5.98%
64	640	Recreation Department	\$218,183.00	\$215,138.00	(3,045.00)	-1.40%
65		Salaries & Wages	\$143,800.00	\$146,975.00	3,175.00	2.21%
		Operating Expenses				
66	189	Tourism Department	\$78,697.00	\$81,851.00	3,154.00	4.01%
67		Salaries & Wages	\$21,075.00	\$18,570.00	(2,505.00)	-11.89%
		Operating Expenses				
68	691	Fine Arts - expenses	\$1,200.00	\$1,000.00	(200.00)	-16.67%
69	670	Historical Commission - expenses	\$18,500.00	\$15,800.00	(2,700.00)	-14.59%
70	692	Memorial/Veterans Day - expenses	\$1,500.00	\$2,000.00	500.00	33.33%
71	690	Cultural Council - expenses	\$2,750.00	\$1,500.00	(1,250.00)	-45.45%
72	190	Commission on Disability - expenses	\$1,000.00	\$1,000.00	0.00	0.00%
73	191	Belonging Committee	\$1,000.00	\$1,000.00	0.00	0.00%
74	122	Rape Crisis Project - expenses	\$2,000.00	\$2,000.00	0.00	0.00%
Community Services Salaries & Wages						
			\$588,768.00	\$546,295.00	(\$42,473.00)	-7.21%
Community Services Operating Expenses						
			\$1,651,025.00	\$1,566,994.00	(84,031.00)	-5.09%
Subtotal Community Services						
			\$2,239,793.00	\$2,113,289.00	(126,504.00)	-5.65%
NON-DEPARTMENTAL						

LINE	Function/ Dept. #	Department Name/Function Totals	FY 2024 Budgeted	FY 2025 Adjusted Budget	\$ Change	% Change
75	911	Contributory Retirement	\$3,906,560.00	\$4,134,792.00	228,232.00	5.84%
76	924	Group Insurance	\$4,800,000.00	\$5,250,000.00	450,000.00	9.38%
77	913	MA Employment Security	\$63,000.00	\$66,000.00	3,000.00	4.76%
78	925	Town General Insurance	\$955,000.00	\$1,112,000.00	157,000.00	16.44%
79	918	Medicare Taxes (Employer Share)	\$462,000.00	\$482,000.00	20,000.00	4.33%
80	122	Wind Turbine Electric Expense	\$725,000.00	\$625,000.00	(100,000.00)	-13.79%
81		Salary Reserve	\$750,000.00	\$0.00	(750,000.00)	-100.00%

		Non-Departmental Salary & Wages	\$750,000.00	\$0.00	(750,000.00)	-100.00%
		Non-Departmental Operating Expenses	\$10,911,560.00	\$11,669,792.00	758,232.00	6.95%
		Subtotal Non-Departmental	\$11,661,560.00	\$11,669,792.00	8,232.00	0.07%

DEBT SERVICE						
710		Debt Service				
		Subtotal Debt Service	\$1,131,020.00	\$1,094,605.00	(36,415.00)	-3.22%

		GRAND TOTAL	\$58,355,901.00	\$60,644,732.00	2,288,831.00	3.92%
--	--	--------------------	------------------------	------------------------	---------------------	--------------

GRAND TOTAL BREAKDOWN						
		Salaries & Wages - Town	\$13,684,226.00	\$13,503,971.00	(180,255.00)	-1.32%
		Operating Expenses - Town	\$6,243,454.00	\$6,290,347.00	46,893.00	0.75%
		Educational Services	\$26,385,641.00	\$28,086,017.00	1,700,376.00	6.44%
		Non-Departmental Costs	\$10,911,560.00	\$11,669,792.00	758,232.00	6.95%
		Debt Service	\$1,131,020.00	\$1,094,605.00	(36,415.00)	-3.22%
		Grand Totals	\$58,355,901.00	\$60,644,732.00	2,288,831.00	3.92%



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Robert Last Name: Espindola

Address: 14 John St.

City: Fairhaven State: MA Zip Code: 02719

Phone Number: (774) 263-1046 Ext. _____

Email: respindola@fairhaven-ma.gov

Organization or Media Affiliation (if any): Town of Fairhaven, Select Board

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Town of Fairhaven

Specific person(s), if any, you allege committed the violation: Angeline Lopes Ellison, Leon Correy

Date of alleged violation: 2-26-2024

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On February 18th, I sent an email to the Open Meeting Law email address asking for clarification about "if going into executive session for the purpose of discussing the goals and objectives that will be set in place for the Town Administrator for the upcoming year (i.e. the basis for how the Town Administrator will be scored at their annual review under their existing contract) is a valid reason for a Select Board to enter executive session"

On February 21st, I received a statement from Ms. Carrie Benedon, Assistant Attorney General, that stated "We have explained in a few prior determination letters that discussions of the process or metrics through which an evaluation will be conducted is not a proper matter for executive session. Please see the attached determinations, and others that are cited within them."

On February 21st, I forwarded that email, along with the attached determinations to Town Administrator Angie Lopee Ellison and all four of my fellow Board members to alert them that I had received guidance from the Attorney General that Goals should not be taken up in Executive Session.

On February 23rd, the Select Board received an email containing an electronic copy of our "packet" for our February 26th meeting. In the section of the packet labeled "Monday, February 26th, Executive Session" the first page of that section was a one page document titled "2024 Town Administrator Goals" that included a listing of five (5) main goals with bullets under each one. That document was followed by a copy of the existing Town Administrators Contract for which the term runs until April 4th, 2025. The contract document calls for an appraisal of calendar year goals to be completed by the end of December of that year. It appeared clear to me that, despite the Attorney Generals guidance, we were being called into Executive Session to discuss 2024 goals (under the existing contract). During our Open Meeting discussion prior to voting to go into executive session, I referred to the email exchange between Ms. Benedon and I that I had forwarded to everyone prior to the meeting, handed a hard copy of the email and all three determination letters and explained that goal setting did not meet the standard for discussion in Executive Session.

I thought that was made very clear. Upon entering Executive Session, Town Administrator Ellison started the meeting by saying that she wanted to discuss goals and became very angry. I felt uncomfortable both because the discussion was about to ensue about goals and because I felt there was a hostile environment aimed at me, so I exited the Executive session at that point. Later, Town Administrator Ellison left the room and at that point I reentered the Executive session for the remainder of it where there was discussion about what was actually on the Executives Session (her contract).

On March 11th, the Board approved Executive Session meeting minutes that confirm not only that the topic of goals discussed in Executive Session but Town Administrator Ellison also filed a formal complaint to the rest of the Board about me while I was not in the room. There was nothing posted on the Executive Session agenda to discuss concerns about any Board member and I received no notification that that discussion would take place without me present in the room. Furthermore, it is my understanding, from talking to Labor Counsel, that because of the comments made about me in Executive Session, I will be questioned in an investigation about the allegations.

The meeting notes make no mention of the Chair attempting to stop the conversation about goals or about me during the Executive Session even though the Chair has received, in writing, a copy of guidance from the Attorney General that it is the Chairs responsibility to ensure that topics not on the Executive Session Agenda are not discussed in Executive Session.

I believe the actions taken in executive session to discuss goals after receiving written notice by email and then verbal notice during the Open Public meeting as well as the complaint to the rest of the Board with me absent and without proper notice, show a blatant disregard for the Open Meeting Law. I believe it is my responsibility to file a formal complaint in an effort to stop this sort of thing from happening in the future.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Investigate the complaint and determine if there was an Open Meeting Law violation. If there was, provide guidance on how to avoid a similar violation in the future

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 3-11-2024

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



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

Tel: (508) 979-4023 * Fax: (508) 979-4079
selectboard@Fairhaven-ma.gov

March 26, 2024

Robert Espindola
Via email: respindola@fairhaven-ma.gov

RE: Open Meeting Law Complaint

Dear Mr. Espindola:

Please be advised that the Select Board is responding to an improperly filed complaint received on March 11, 2024; per the Open Meeting Law (OML) Complaint Form instructions that indicate, in part, "To file the complaint: For a local or municipal body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk." You did not file with the municipal clerk.

Your request (*Exhibit A*) referred to items of correspondence sent to the Select Board on February 16, 2024, February 21, 2024 and February 23, 2024 as well as an Executive Session and the minutes of that Executive Session of February 26, 2024 and states in part:

"I believe the actions taken in executive session to discuss goals after receiving written notice by email and then verbal notice during the Open Public meeting as well as the complaint to the rest of the Board with me absent and without proper notice, show a blatant disregard for the Open Meeting Law. I believe it is my responsibility to file a formal complaint in an effort to stop this sort of thing from happening in the future."

After review of your complaint, please see our response:

We take matters related to compliance with the Open Meeting Law very seriously. On February 26, 2023 the concern was raised in Open Session and Ms. Ellison addressed the exemption for executive session as provided by Labor Counsel Rich Massina for the agenda: "*Pursuant to MGL Chapter 30A, Section 21 (a)(2): To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Town Administrator.*" She explained that to negotiate terms within her contract it would be standard practice to do so in an executive session and then bring the results back to open session.

Ms. Ellison further read the language under section 5 within her contract "...The Town Administrator shall prepare and submit for the Select Board's approval a written document summarizing said goals and objectives which shall be signed by both parties" (*Exhibit B*). Ms. Ellison reiterated that to come to mutual agreement regarding contract terms it would be in an executive session and then brought forth in an open session after agreement. She also reminded the Board that to ease the transition in Town Administrators, she had accepted the established

goals in years one and two and that due to their exhaustion a new negotiation needed to take place.

Mr. Correy referred to Attorney Rich Massina being present to help facilitate the negotiations in the aforementioned Executive Session and that the Board should ask Atty. Massina about the exemption reason, which he did address in both the executive session and in open session when the Board returned. Due to the fact that executive session minutes have not been released, the Select Board cannot address your assumptions without violating the statute.

In closing, the Select Board along with Labor Counsel followed the exemption guidelines outlined in MGL Chapter 30A, Section 21 (a)(2). Town Administrator contract items are to be discussed in executive session and once a decision has been reached, the Board will make that known to the public.

Sincerely,

Leon E. Correy, III
Select Board Chair

LEC/ah

Exhibits:

- A. Open Meeting Law Complaint Form, Robert Espindola
- B. Town Administrator Contract Section 5, Performance Evaluation

ARTICLE 5 TOWN OPERATING BUDGETS -FY25

5A: GENERAL FUND OPERATING BUDGET-FY25

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the amounts listed on the accompanying table to fund the Fiscal Year 2025 General Fund Operating Budget or take any other action relative thereto:

Petitioned by: Town Administrator

See Appendix A, page ##### for full budget description

Dept. Name/Function Totals	FY2024 Budgeted	FY2025 Budget
GENERAL GOVERNMENT		
General Government Salaries & Wages	\$1,997,857	\$2,133,179
General Government Operating Expenses	\$913,761	\$1,028,859
Subtotal General Government	\$2,911,618	\$3,162,038

Motion: To raise and appropriate the sum of \$3,162,038 to fund general government departments FY25 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

Select Board: Recommend Adoption
 Finance Committee: Recommend _____

	FY2024 Budgeted	FY2025 Budget
PUBLIC SAFETY		
Public Safety Salaries & Wages	\$8,517,141	\$9,038,121
Public Safety Operating Expenses	\$989,137	\$885,352
Subtotal Public Safety	\$9,506,278	\$9,923,473

Motion: To raise and appropriate the sum of \$9,923,473 to fund Public Safety departments FY25 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

Select Board: Recommend At Town Meeting
 Finance Committee: Recommend _____

	FY2024 Budgeted	FY2025 Budget
EDUCATION		
Subtotal Fairhaven Public Schools	\$23,753,641	\$25,149,917
Subtotal New Bedford Regional Technical HS	\$2,397,000	\$2,626,000
Subtotal Bristol County Agricultural HS	\$235,000	\$316,000
SUBTOTAL TECHNICAL EDUCATION	\$26,385,641	\$28,086,017

Motion: To raise and appropriate the sum of \$25,149,917 to fund the Fairhaven Public School district FY25 budget, with each item to be considered a separate appropriation.

Motion: To raise and appropriate the sum of \$2,626,000 to fund the New Bedford Regional Technical High School FY25 budget, with each item to be considered a separate appropriation.

Motion: To raise and appropriate the sum of \$310,100 to fund the Bristol County Agricultural High School FY25 budget, with each item to be considered a separate appropriation.

Select Board: Recommend At Town Meeting
 Finance Committee: Recommend _____

	<u>FY2024 Budgeted</u>	<u>FY2025 Budget</u>
PUBLIC WORKS		
Public Works Salaries & Wages	\$1,671,107	\$1,612,579
Public Works Operating Expenses	\$2,634,961	\$2,766,432
Subtotal Public Works	\$4,305,068	\$4,379,011

Motion: To raise and appropriate the sum of \$4,379,011 to fund public works departments FY25 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

Select Board: Recommend Adoption
 Finance Committee: Recommend ____

	<u>FY2024 Budgeted</u>	<u>FY2025 Budget</u>
HEALTH AND ENVIRONMENT		
Board of Health Salaries & Wages	\$164,353	\$173,797
Board of Health Operating Expenses	\$24,570	\$22,710
Subtotal Board of Health	\$188,923	\$196,507

Motion: To raise and appropriate the sum of \$196,507 to fund Health and Environmental departments FY25 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

Select Board: Recommend At Town Meeting
 Finance Committee: Recommend ____

	<u>FY2024 Budgeted</u>	<u>FY2025 Budget</u>
COMMUNITY SERVICES		
Community Services Salaries & Wages	\$584,768	\$546,295
Community Services Operating Expenses	\$1,681,025	\$1,586,994
Subtotal Community Services	\$2,265,793	\$2,133,289

Motion: To raise and appropriate the sum of \$2,133,289 to fund Community Services departments FY25 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

Select Board: Recommend At Town Meeting
 Finance Committee: Recommend ____

	<u>FY2024 Budgeted</u>	<u>FY2025 Budget</u>
NON-DEPARTMENTAL		
Non-Departmental Salaries & Wages	\$750,000	\$0
Non-Departmental Operating Expenses	\$10,911,560	\$11,669,792
Subtotal Non-Departmental	\$11,661,560	\$11,669,792

Motion: To raise and appropriate the sum of \$11,669,792 to fund the Non-Departmental departments FY25 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

Select Board: Recommend Adoption
 Finance Committee: Recommend ____

	<u>FY2024 Budgeted</u>	<u>FY2025 Budget</u>
DEBT SERVICE		
General Fund	\$1,131,020	\$1,094,605

Motion: To raise and appropriate the sum of \$1,094,605 to fund debt services FY25 budget.

Select Board: Recommend Adoption

Finance Committee: Recommend ____

5B: WATER ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following amounts to fund the operating budget of the Water Enterprise Fund for Fiscal Year 2025 or take any other action relative thereto:

	FY 2024 Budget	FY2025 Budget
Amounts Appropriated:		
Salaries and Wages	704,809	807,523
Operating Expenses	2,083,300	2,095,338
Debt Service	<u>434,251</u>	<u>295,725</u>
Subtotal Water Enterprise Appropriations	3,222,360	3,198,586
Transfer for Amounts Appropriated in the General Fund	<u>536,795</u>	<u>536,795</u>
TOTAL WATER ENTERPRISE FUND OPERATING BUDGET	3,759,155	3,735,381
Funding Sources:		
Water Revenue	3,465,000	3,500,000
Water Retained Earnings	<u>294,155</u>	<u>235,381</u>
TOTAL FUNDING SOURCES	3,759,155	3,735,381

Petitioned by: Town Administrator and Board of Public Works

Motion: To raise and appropriate a sum of \$3,198,586 to fund the Water Enterprise Fund for fiscal year 2025

Select Board: Recommend At Town Meeting

Finance Committee: Recommend ____

5C: SEWER ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following amounts to fund the operating budget of the Sewer Enterprise Fund for Fiscal Year 2025 or take any other action relative thereto:

	FY 2024 Budget	FY2025 Budget
Amounts Appropriated:		
Salaries and Wages	1,257,009	1,397,067
Operating Expenses	1,284,325	1,441,826
Debt Service	<u>775,465</u>	<u>956,904</u>
Subtotal Sewer Enterprise Appropriations	3,316,799	3,795,797
Transfer for Amounts Appropriated in the General Fund	<u>858,700</u>	<u>858,700</u>
TOTAL SEWER ENTERPRISE FUND OPERATING BUDGET	4,175,499	4,654,497
Funding Sources:		
Sewer Revenue	4,175,499	4,554,497
Sewer Retained Earnings	<u>0</u>	<u>100,000</u>

Form submission from: Select Board Public Comment and Concern Form

1 message

fairhavenma via fairhavenma <cmsmailer@civicplus.com>
Reply-To: fairhavenma <cmsmailer@civicplus.com>
To: Select Board <selectboard@fairhaven-ma.gov>

Tue, Mar 12, 2024 at 12:10 PM

Submitted on Tuesday, March 12, 2024 - 12:10pm
Submitted by anonymous user: 2601:18e:c201:9110:35ab:fa0c:22de:5e60
Submitted values are:

==Please provide the following information:==
Name: Douglas Brady
Email: bradydoug@aol.com
Address: 97 Pleasant Street
Phone: 508-991-8673

How do you prefer to be contacted? Email
Is this item time sensitive? Yes
Topic you wish to discuss with the Board:
I am following up from my public comments at the Select Board meeting on 03-12-24

To be VERY CLEAR ...This request has nothing to do with the past, present or future TA. To imply or insinuate otherwise would be a false narrative.

I request that on your next agenda there be an Action Item to have a discussion of a review of the current Town Administrator Act By-Law. The request must first appear on the agenda so that a proper discussion can ensue.

We are currently updating our town bylaws as some are noted on the Town Warrant. The Town Administrator Act should be included in a review. Does the by-law need any tweaking or changes? If any changes are suggested they must be approved by Town Meeting.

This or any recommended changes does not affect the current contract with the TA, but could potentially affect a future contract which is due in April 2025.

This IS NOT about the person no matter who holds the title, but about a review of the Town Administrator Act by-law itself.

This is a win-win for the town and residents to have an independent committee appointed by the Select Board charged with reviewing the Town Administrator Act By-law and make recommendations. This task must be completed before a potential fall town meeting.

There are NO negatives to this request and we ensure the by-law is in the best interest of the people and town before a new contract is approved.

The position of TA does not have to be vacant to have a review of the Town Administer Act By-law and again... would NOT affect the current status.

I request this discussion to be on your next meeting agenda:

- It will take two weeks to appear on the agenda if approved by the Chair.
- If the Select Board decides to proceed with a committee review, then they would have to request letters of public interest, another two weeks
- I would be thirty days just to form a committee which has to have recommendations within six months.
- I ask that you to commit to putting this action item on your next agenda to start the discussion process and being proactive now vs. rushing last minute.

I am emailing each Select Board Member separately as to avoid any meeting law violations. I look forward to each of your responses with your input and comments.

Thank you
Doug Brady
97 Pleasant Street

The results of this submission may be viewed at:
<https://www.fairhaven-ma.gov/node/318/submission/13906>

§ A502-6. Town Administrator.

AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF FAIRHAVEN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The executive powers of the town of Fairhaven shall be vested in the board of selectmen, who shall have all the powers given to boards of selectmen by the General Laws, except for those executive powers granted to the town administrator.

The board of selectmen shall serve as the chief goal-setting and policy-making agency of the town of Fairhaven. The duties and responsibilities for day-to-day management of the town shall be delegated to the town administrator. The board shall act through the adoption of policy directives and guidelines which shall be implemented by the town administrator and the officers and employees appointed by, or under the authority of, the board. Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board.

The board of selectmen shall:

- (a) enact rules and regulations to implement policies and to issue interpretations;
- (b) exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town;
- (c) appoint the town counsel and any special counsels, and all members of committees, boards and commissions except the finance committee and except those appointed by the moderator, elected by the voters or under the jurisdiction of the school committee or of the board of public works and may make appointments to temporary posts and committees the board creates for special purposes. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]
- (d) have general administrative oversight of such boards, committees and commissions appointed by the board of selectmen;
- (e) have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and by the by-laws of the town of Fairhaven;
- (f) issue all town meeting warrants;
- (g) review the annual proposed budget submitted by the town administrator and make recommendations with respect to the annual proposed budget as the board deems advisable; provided, however, that the town administrator shall present the budget to the town meeting, incorporating the recommendations of the board of selectmen;
- (h) appoint, and may re-appoint, and enter into a contract for the employment of a town administrator for a term of not more than 3 years, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office; provided, that the town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate;

(i) remove the town administrator at any time, for just cause following a formal procedure including a written intent to dismiss, a written response and a public hearing, to be completed within 30 days after the issuance of a written intent to dismiss, in accordance with the terms of the town administrator's contract;

(j) set the compensation for the town administrator, not to exceed an amount appropriated by the town meeting; and

(k) designate a qualified person as acting town administrator to perform the duties of the office during any vacancy exceeding 30 days, caused by the town administrator's absence, illness, suspension, removal or resignation; provided, that the appointment of an acting town administrator shall be for a period not to exceed 180 days.

SECTION 2. The town administrator shall be the chief administrative officer of the town of Fairhaven and shall act as the agent for the board of selectmen. The town administrator shall be responsible to the board of selectmen for coordinating and administering all town affairs under the jurisdiction of the board of selectmen.

The town administrator's powers and duties shall include those outlined in subsections (a) to (aa), inclusive.

(a) Consult and advise the board of selectmen regarding its policies and implement those policies.

(b) Attend all meetings of the board of selectmen, except when excused, and consult with and advise the board of selectmen on all matters that come before the board.

(c) Attend all town meetings and advise the town meeting on all warrant articles within the jurisdiction of the board of selectmen.

(d) Attend all finance committee meetings, except when excused by the board of selectmen, and keep the finance committee informed on all matters under the jurisdiction of the town administrator that come before the committee.

(e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen, including: assessors, building commission, council on aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, tree, planning, finance, finance director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the board of selectmen and the fire department, subject to section 42 of chapter 48 of the General Laws, but not including the school department or the public works department. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]

(f) Review and advise the board of selectmen on all warrants for the payment of town funds as prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws.

(g) Except with respect to the school department, and except with respect to the hiring and firing of employees within the public works department, the town administrator shall have sole authority over the administration of personnel policies for all town employees. With respect to the fire department, such authority shall be subject to section 42 of chapter 48 of the General Laws. The town administrator shall act as the personnel board under all applicable laws and by-laws, except

as otherwise set forth in this act. The personnel board as presently constituted shall be eliminated upon the appointment of the town administrator. The town may enact by-laws establishing the wages, salaries and other benefits of employees, which shall be consistent with the authority granted to the town administrator in this act. Notwithstanding the elimination of the personnel board, all actions taken prior to the appointment of the town administrator by the personnel board within its authority, and by any other town official or board, with respect to personnel, including the appointment of all officers and employees, shall continue in full force and effect subject to future action by the town administrator within the town administrator's authority. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]

(h) Administer the town's insurance policies, including the ability to settle claims; provided, however, that all insurance contracts and claims settlements shall receive the approval of the board of selectmen.

(i) With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator. Each department head, with the approval of the town administrator, shall appoint and remove all department staff within their respective departments. All appointments shall be based entirely on merit and fitness. All appointments and terminations shall be conducted in accordance with the General Laws, personnel policies, by-laws of the town of Fairhaven and any applicable employment contracts; provided, that fire department appointments shall also be subject to section 42 of chapter 48 of the General Laws.

(j) With the approval of the board of selectmen, reorganize any departmental structures under the jurisdiction of the town administrator.

(k) With the approval of the board of selectmen, negotiate all collective bargaining agreements on behalf of the town, except for the school department. In collective bargaining negotiations with unions representing employees in the public works department, the town will be represented by the town administrator, the superintendent of public works and a member of the board of public works. The town administrator may seek the assistance of labor counsel if the town administrator deems it necessary to effect successful negotiations. All final agreements must be approved and executed by the board of selectmen. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]

(l) With the approval of the board of selectmen, establish compensation packages for all town employees under the jurisdiction of the town administrator, not subject to a collective bargaining agreement. Such compensation shall not exceed the amount appropriated therefor by town meeting and shall be subject to all applicable laws and by-laws.

(m) Submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing 5 years. The proposed budget shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law establish additional financial information and reports to be provided by the town administrator. To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, the finance director, all boards, officers and committees of the town, including the school committee and the board of public works, shall furnish to the town

administrator, in a writing in such a form as the town administrator shall establish, all relevant information in their possession, including a detailed estimate of the appropriations required and any available funds. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]

(n) Report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the necessary tax rate.

(o) Establish calendar dates by which the proposed budget, revenue statement and tax rate estimate are to be submitted to the board of selectmen.

(p) Submit annually to the board of selectmen a 5-year capital improvements program, or the same as approved by a formal capital planning committee, to include: (i) a list of all capital improvements and supporting data proposed to be undertaken during the next 5 years; (ii) cost estimates, methods of financing and recommended time schedule; and (iii) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.

(q) Advise the board of selectmen at least monthly, of all departmental year-to-date revenues.

(r) Direct action as deemed necessary to ensure that all operating and capital budgets under the direct control of the town administrator are maintained in accordance with the town meeting vote that approved those budgets and coordinate efforts with the governing bodies of those departments not under the direct supervision of the town administrator to ensure that those operating and capital budgets are maintained in accordance with the town meeting vote that approved those budgets.

(s) Keep and complete records of the office of the town administrator and annually submit to the board of selectmen, unless requested to do so more frequently, a full report of the operations of the office.

(t) Be responsible for coordination of operational and strategic planning for the town.

(u) Serve as the procurement officer for the town, establish and enforce procurement policies and guidelines in accordance with applicable state laws.

(v) Manage and oversee the use, maintenance, security and, with the approval of the board of selectmen, regulate the rental for all the town buildings, properties and facilities, including information technology, except those under the jurisdiction of the school department or the public works department, unless so requested by either of those departments. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]

(w) Prepare the application of all town warrants for approval by the board of selectmen.

(x) With the approval of the board of selectmen, prosecute, defend and settle all litigation for or against the town or its officers and employees, subject to such appropriation as may be necessary to effect settlement, except for litigation involving only the school department or the public works department, unless so requested by either of those departments. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]

(y) Delegate and direct any qualified town official or employee to carry out any duty that is within the authority of the town administrator.

(z) During a temporary absence, with the approval of the board of selectmen, the town administrator may designate a qualified administrative employee or officer to exercise the powers and perform the duties of the town administrator.

(aa) Perform any other duties or tasks assigned by the board of selectmen, assigned by the town meeting or mandated by applicable state law.

SECTION 3. The town administrator of the town of Fairhaven shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town administrator. The town administrator may, without notice, cause the affairs of any division or department under the town administrator's supervision, or the conduct of any officer or employee thereof, to be examined.

SECTION 4. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town of Fairhaven or any other authority, which are in force in the town on the effective date of this act, not inconsistent with this act, shall continue in full force and effect.

SECTION 5. No contract existing, and no action at law or suit in equity, or other proceeding pending, on the effective date of this act shall be affected by this act.

SECTION 6. The town of Fairhaven shall be governed by this act. To the extent that this act modified or repeals existing General Laws and special acts or the by-laws of the Town of Fairhaven, this act shall govern.

SECTION 7. This act shall not impair the rights or obligations of any person holding a town office, or employed by the town, on its effective date, except those duties assigned by this act to another officer or employer, and except those duties which are subsequently assigned to another officer or employee pursuant to this act. No person who continues in the permanent full-time service or employment of the town shall forfeit their pay, grade or time in service as a result of this act.

SECTION 8. This act shall take effect upon its acceptance by the town of Fairhaven by a vote at the town meeting.

Approved, November 25, 2014.

Bob Espindola

Committee Liaison Report 3-25-2024

I'd like to thank Josh Boyer from Coastline Elderly Services for extending the invitation to our Board and Administration to join in on their "March for Meals" awareness campaign as well as Gerami Pacheco, and the staff and COA Director Martha Reed for hosting the event and for their collective patience as Ms. Ellison, Mr. Murphy and I helped package the meals (I think our "help" actually slowed them down :) We then were able to deliver some meals and meet some of the people who benefit from the program. It was very enjoyable and the packet of information they shared with us states that they "serve over **414,000 meals per year** to elder households throughout our service area and the impact that it has on individuals, with **63%** of surveyed consumers saying that **Meals on Wheels is their main meal of the day**"



MMA Digitizing Records webinar

I attended a Massachusetts Municipal Association webinar on Digitizing records. I thought the webinar was Excellent and I would highly recommend that anyone responsible for managing the Towns digitizing efforts view the webinar that can be found at the link below. Also in the link below you can find two Power Point presentations used by the presenters from MMA and from IT Director for the City of Watertown.

There were lots of good tips about;

- How make all the files saved searchable for a more user friendly experience later
- How to set up for public access to public records.
- Rules around when to make sure you do not destroy certain original documents even if you now have them saved electronically as these are "public property"
- Requirements for storing e-files in multiple locations
- Pro's and cons of various file storage systems and cost factors
- How to implement systematic file storage systems for easier future reference
- How to start using systematic file storage now so that even while you are working to digitize older records you are starting to store things now in a sensible manner that will make for less work down the road.



Massachusetts
Municipal
Association

SEARCH



MEMBERS ADVOCACY NEWS RESOURCES EVENTS ABOUT MMA

MAR
19
2024

MUNICIPAL GOVERNMENT

MMA webinar reviews guidelines for digitizing municipal records

Home » News » Municipal Government

<https://www.mma.org/mma-webinar-reviews-guidelines-for-digitizing-municipal-records/>

The BROADBAND COALITION (MBC) Our February guest speaker, Gigi Sohn, was gracious enough to connect us with Ellie Devilliers, Executive Director of Maple Broadband and President & Chair of the Vermont CUD Association (VCUDA). Maple Broadband is one of the Vermont "Communication Union Districts" (CUD's) that have been very successful and have driven the explosion of Broadband development in Vermont. David Lanagan from Senator Markey's office joined us again as Senator Markey's office is very interested in this concept and there are people in Massachusetts currently studying the Vermont model to see if it is something that could be adopted in Massachusetts.

In Vermont, there are nine CUD's, serving groups of communities numbering from 18 to 54 in number. I believe that if Massachusetts were to adopt this, or a similar model, it would really help advance Broadband development in the state.

A CUD is a "Special Purpose Municipality" with revenue bond authority but not taxing authority. Under this model, all assets are owned by the CUD Municipality but they typically use a traditional RFP to select a commercial partner to operate the CUD infrastructure. I have attached selected slides from her presentation and she also shared a link to a documentary about their success story.

[Connected Documentary: Full Film - YouTube](#)

Vermont Communications Union Districts

Developed under the direction of hundreds of community volunteers.



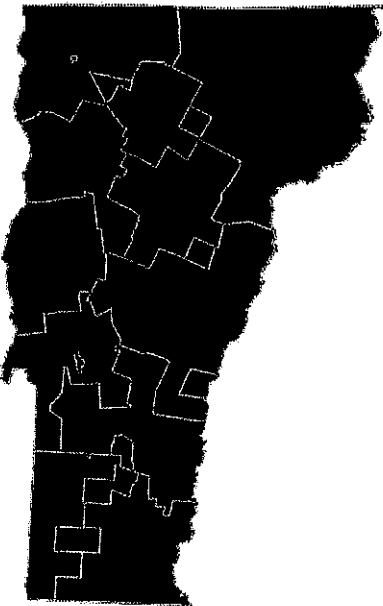
Chittenden
County CUD



SoVT CUD



CVFIBER



VCUDA

The Vermont Communications Union Districts Association serves to unite the interests of Vermont's municipal internet networks, devising ways to share resources and voicing CUD consensus on critical policy issues.

January 31, 2023

Ellie de Villiers, Chair of VCUDA
chair@vcuda.org

About the Communications Union Districts

- Each CUD organized as a result of *towns electing to join a CUD*.
- Each *town* appoints *representatives to participate directly in the CUD governance*.
- **A CUD is a special-purpose municipality.** (with revenue bond authority, but not taxing authority)
- **Committed to universal service** - will reach to every on-grid address starting with the currently unserved and underserved.
- **Accountable and Transparent** – municipal governance assures grassroots involvement, transparency, and accountability.
- **Public Ownership** - All assets funded by the CUD are owned by the CUD municipality.
- **Private Partnership** - CUD typically use a traditional RFP to select a commercial partner to operate the CUD infrastructure.

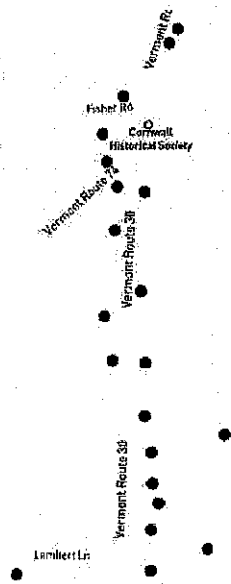
Communications union districts (CUDs) were created ... to coordinate and implement creative and innovative solutions in their respective territories, particularly where existing providers are not providing adequate service that meets the needs of their residents and businesses ...

Vermont Act 71 2021
Findings and Intent (13)

Some variation on public/private partnerships, but core principles are consistent.

CUDs are Mission-Driven.

CUDs: public entities building strong businesses



- Minimize costs
 - Transparent competitive procurement
- Build service revenues
 - Generate revenues by serving customers
 - Revenues from denser areas support lower revenues from rural areas
- Funding/financing
 - Grant funding
 - Minimizing debt service / interest rates
- Capital directed to stakeholder benefit
 - Strong human resources with public accountability
 - Profits go to completing availability (infrastructure) and
 - Increasing affordability for those in need
 - This is how we bridge the digital divide

Public entities = open meetings, town-appointed governance, publicly owned and controlled assets

2023 Success Examples



Maple Broadband connected its first customers in January 2023 in Cornwall and Salisbury, and it now has active service across 112 miles. Service is active in portions of 7 towns and a total of 1,332 addresses passed. Maple Broadband is on target to finish its Phase 1 build in early 2024. Collectively, Maple Broadband and Waitsfield and Champlain Valley Telecom (WCVT) brought fiber service to 3,813 addresses passed in 2023. In 2024 Maple Broadband plans to bring service to portions of Vergennes, Ferrisburgh, Waltham, Monkton, and New Haven, and additional portions of Orwell.



NEK has achieved 2,352 homes passed, 203 miles served, and 179 customers served across 8 towns. In 2023, to bring high-speed, reliable internet to unserved and underserved communities, NEK Broadband put in place the additional staff, funding, and infrastructure needed to continue delivering on its promise. NEK Broadband secured a \$17.5 million grant from the USDA primarily for Essex County which will start construction in 2024.

[Connected Documentary: Full Film - YouTube](#)

SRPEDD. My last meeting with SRPEDD will be Wednesday night. I will send the Board information about the meeting since I will not be on the Board for the Next Board meeting.

LIVABLE STREETS COMMITTEE

(Notes courtesy of Will Gardner)

The Committee cancelled the meeting this month since it was scheduled for the same time as the Candidates night last Thursday and some members wanted to attend the Candidates night.

I was able to ride with the Bike Bus group again on Friday morning, where 13 children and one toddler in a bike trailer were accompanied by 4 adults in sub-freezing weather. This diehard group, that have been riding all through the winter, will be soon joined by a much larger group in the spring, where, last year, they reached a peak of 50 students and 10 parents making the trek from Pleasant Street crossing near the old Rogers School to Wood school and back at the end of the day. To put that in perspective, that is about 12% of the student population riding their bikes to school and home.

In an effort to increase the Bike Bus even further, Will Gardner extended his morning ride down Sconticut Neck Road to see the road width and crossing points to consider organizing a second group of students to ride into school from Sconticut Neck starting at Seaview Ave, near Yia Yia's.

Join Liveable Streets Bike and Brew series continues in April with a great, casual ride from the Fairhaven Rec Center to Mattapoissett's Inn on Shipyard Park! Will and Myles have had their eyes on


this route since they first started Bike & Brew, and now that the weather is warming and the Inn is reopening for spring, they're excited to make it happen.

We'll meet on Saturday April 6 at 1pm at the Rec Center, then ride down the Phoenix Bike Trail, over Mattapoissett's recently-completed Shining Tides extension, and to the Inn on Shipyard Park for drinks & snacks. It should be half an hour of easy riding each way.

Please invite friends, family, neighbors, and feel free to post this event in any community groups that you're a part of! We welcome riders of all ages, abilities, and addresses (you don't have to live in Fairhaven to join us).

Reminders: Riders under 17 must wear a helmet. At each stop, riders are responsible for their own bikes. Follow the link below for more information

<https://facebook.com/events/s/april-bike-brew-coastal-conne/910731600738016/>



We the residents of Fairhaven, ask that you NOT renew the contract for the current Town Administrator, Angie Lopes Ellison, ~~and/or call for her early termination~~ for the following reasons:

- **Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.**
- **In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a shortfall of approximately \$2 Million for 2025.**
- **The amount of money spent on legal counsel from July 2022 – June 2023 was \$365,000 for a 12-month period. The amount of money spent on legal counsel from July 2023 to January 2024 was \$230,000 in just a 6-month period (projected \$460,000 or 26% increase from most recent 12 months to previous 12 months).**
- **Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.**
- **The Town Administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.**

On the pages of these petitions are the voices of the residents of Fairhaven who feel we are not being represented and the town is going down the wrong path. We leave them with you, our elected Select Board, to do the right thing.

May 15, 2023, Selectboard Meeting

1. On May 15, 2023, during a selectboard meeting, the town administrator advised the board that she had signed a five-year agreement with a regional dispatch center to take over all dispatching duties and remove them from the Fairhaven police and fire departments. Fairhaven by-law Chapter A502, Section 6(j) indicates, "with the approval of the board of selectmen, reorganize any departmental structures under the jurisdiction of the town administrator." During the meeting Selectboard Member Robert Espindola requested a copy of the contract. The town administrator notified him that once it was fully executed, she would make it available to him.
2. Eliminating dispatching duties from the town of Fairhaven is significant. The police dispatchers are members of their own union and there are many contractual obligations. The town administrator failed to bring this matter in front of the board for approval before signing a legal contract for another agency to take over those responsibilities and denied the selectboard a copy of that document. The town administrator violated Fairhaven by-law Ch A502, Sec 2(j) which states,
With the approval of the board of selectmen, reorganize any departmental structures under the jurisdiction of the town administrator.
3. The town administrator did not seek the board's approval in this matter.

June 20, 2023, Selectboard Meeting

4. On June 20, 2023, during a selectboard hearing, Selectboard Member Robert Espindola started a discussion from the agenda pertaining to the role and authority of the town administrator. Mr. Espindola specifically referenced the town administrator act and the boundaries set by that act and suggested that

the meeting agendas often list items under the town administrator updates, rather than being action items that require the board's approval which goes against the town administrator act.

5. Mr. Espindola described the recent process of removing emergency dispatch duties from the town and how the town administrator signed a five-year agreement without the board's approval. Mr. Espindola indicated that the board last spoke about the dispatch proposal in open meeting on February 21, 2023. He indicated that the town administrator stated that she was reviewing different options in order to improve emergency dispatch functions. He stated that no votes were taken by the board between the February meeting and the May meeting when the town administrator informed the board that she had signed a five-year agreement to move all dispatching duties out of town. Mr. Espindola informed the board that it was a violation of the town administrator act to allow the town administrator to make such changes without the board's approval.
6. The town administrator responded by asking the board to pause any discussion until they attend a scheduled retreat where they will discuss the role of the town administrator.
7. By entering into an agreement to reorganize public safety dispatch duties in the town without selectboard approval, the town administrator violated Fairhaven by-law Ch A502, Sec 2(j).

July 15, 2023, and August 21, 2023, Selectboard Meetings

8. On July 15, 2023, a "retreat" was held for the selectboard. Beforehand, the board announced and posted the retreat would be an open session meeting. The agenda for this meeting simply stated,

"The Fairhaven selectboard is scheduled to gather together for a working retreat where a quorum of members will be present. There will be a professional facilitator who is guiding the discussion and the working group."

9. Fairhaven by-law Chapter 50, Section 10 states,
All meetings of Town boards, commissions and committees shall be broadcast live and/or recorded for future broadcast over the local cable television network and online viewing as well as allow virtual remote participation via a live online platform such as Zoom or similar service unless emergency, operational or technical conditions suspend the requirements hereof, as determined by the Town Administrator, for broadcasts over the public access and government channels or the School Superintendent for broadcasts over the education channel. Members of the public may participate with comments if allowed by the chair of the committee.
10. This open session was not recorded or open to remote participation by the public. No attempt was made to record the meeting. In order to adhere to the by-law as it relates to recordings, the board and the town administrator could have simply placed an inexpensive recording device in the room and later uploaded that recording to the town's website for public review. The town has a full time IT department capable of adhering to the by-law. By failing to adhere to the by-law, the public has no access to what transpired during the meeting. In today's world of technology, the ability to simply record an event lasting just over four hours could be accomplished with little effort.
11. Following the retreat, on August 21, 2023, at an open board meeting the retreat meeting minutes were presented for approval and Selectboard Member Robert Espindola requested changes to be made to the minutes as he felt they left out critical parts of discussions. According to those meeting minutes, it appears that during the retreat key issues were discussed including the town administrator's role as it relates to the legal standard outlined in the town administrator act. The minutes also revealed a lengthy discussion about

forming a new committee that would meet to review financial policies and long-term planning for the town.

12. During the August 21, 2023, meeting Selectboard Member Espindola raised the issue of not recording the meeting in July. Mr. Espindola indicated that he had vocally opposed not recording the meeting, prior to that meeting since it violated the current town by-law. He stated that other board members indicated the town administrator could decide not to record the meeting if she desired.
13. Mr. Espindola suggested they create an amendment to the by-law so that the board does not face allegations of wrongdoing in the future. He suggested there be new language in the by-law directing any decision not to record be voted on by the board instead of being decided on by the town administrator. He also pointed out that since the current by-law was adopted, all meetings have been recorded with no issues and the town offers those recordings on an easily accessible dedicated webpage. Other board members did not agree and appeared to interpret the by-law as allowing the town administrator to forego recording or live broadcasting a meeting at her discretion and such changes to the by-law would be excessive.
14. One board member indicated they would be covered in the future if they simply posted on the agenda that the meeting would not be televised. Mr. Espindola stated that he had suggested that prior to the July meeting and his request was ignored.
15. Selectboard Member Stacia Powers stated that this simply a policy issue and there is no reason to get the state involved with a by-law change and reiterated that the request was excessive. Mr. Espindola went on to suggest that at a minimum they need to draft a policy to handle this.
16. Selectboard Member Keith Sylvia indicated he likes the retreats as they relate to team building. Mr. Espindola agreed and indicated that last year's retreat was like that but not this July's meeting. He indicated that the board discussed

very important issues including setting goals and objectives for the next year and felt that those discussions crossed the line when the meeting was not recorded for public review.

17. Mr. Espindola presented a motion to the board which included,
Adopting a policy that any open meeting that is not going to be recorded have a notice on it that says the meeting will not be recorded in accordance with the by-law". The motion was not seconded, resulting in a failed motion.
Another board member suggested they may review meeting policies in the future.
18. During the September 18, 2023, selectboard meeting, the topic was discussed again with Mr. Espindola reiterating that at a minimum, if a meeting was not going to be recorded and the board knows about it ahead of time, it should be noted in the meeting agenda. The town administrator stated that would require a by-law change which is not accurate. The board chose to not discuss the issue further.
19. Based on the off-site "retreat" meeting held in July that was deemed an open session meeting and the towns failure to comply with the town administrator and the selectboard violated Fairhaven by-law Ch. 50, Sec. 10 as described above.
20. The town administrator and the majority of the board fail to interpret the by-law correctly which only allows for the town administrator to forego recording the meeting,
Unless emergency, operational, or technical conditions suspend the requirements hereof".
21. Clearly none of the criteria was met to forego the recording and based on the agenda provided to the public for the July 15, 2023 retreat, the town administrator and the selectboard violated MGL, Chapter 30A, Section 20, which states.

- a. *Except as provided in section 21, all meetings of a public body shall be open to the public.*
 - b. *Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to the meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.*
22. During the June 20, 2023, selectboard meeting, Mr. Espindola raised the issue of the town administrator acting outside of the town administrator act, which violates the law. The town administrator requested that the board hold off on discussing this issue until after the retreat as she felt the retreat would help clarify her role. Clearly the town administrator and the board fully intended to discuss very important subjects during this retreat and their actions and follow up discussions give an appearance of attempting to shelter themselves from public view when discussing her role.
23. During the August 21, 2023, board meeting, Mr. Espindola distributed a document, asking the board to place an agenda item to the next meeting. The documents states,
I would like to ask the Board if we can add an agenda item to our next meeting to,
Consider placing a temporary hold on creation of new positions pending review of Selectboard role in existing Policy and according to the Town Administrator Act. I asked for this to be on tonight's agenda, but our Chair said I would need to bring this up in our Board Member items to justify my request. What follows is my explanation along with statements of facts, no opinion. To be clear, I am not asking for deliberation, because this

subject is not on the agenda. I am only asking if you would consider this being on our next meeting agenda.

As you know, I have raised concern recently during our regular Board meetings as well as at our retreat, about the division of responsibility between our Board and the Town Administrator (Policy vs. Administration). The following are examples of where I have expressed concern recently.

The decision to sign an inter-municipal Agreement on the Dispatchers before the details were brought forward to the Board and our Board voted on it (still has not happened).

The decision to sign the Town onto one of the options for Renewable energy contribution for all participants in the Electric Aggregation program before the Selectboard were consulted or voted on the issue.

The most recent example is what prompted me to make this request. It involved the creation of a new position, without the Selectboard approval. This was a decision to promote the Custodian at Town Hall to a newly created position (with a pay increase of 61% from \$44,784 to \$72,217) without consulting the Selectboard. The Towns' Personnel Policy clearly calls for the Selectboard to have final approval of new positions (paragraph 9-4 attached) and, as you know, that did not happen. New positions are to be added to the Pay and Classification Plan and that did not happen. Open Positions are supposed to be posted internally (see paragraph 5-3 attached) and that did not happen.

Again, I am asking you if you agree it is in the best interest of the taxpayers in Fairhaven for us to have this discussion at our next Board meeting and if you will request Chair Correy to place it on that agenda

24. The other selectboard members chose not to discuss the request. Based on subsequent board meetings, posted agendas and meeting minutes, it appears that Selectboard Chairperson Leon Correy refused to add Mr. Espindola's request to any meeting agendas.

July 17, 2023, Selectboard Meeting

25. On July 17, 2023, during an open session selectboard meeting, the town administrator advised the board that she had promoted an employee to the new position of the town's facilities manager. The position of facilities manager does not exist within the town's classification plan.
26. The town administrator promoted a town department head without the approval of the select board, violating Fairhaven by-law Ch A502-6, Sec 2(i) which states,

With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator. Each department head, with the approval of the town administrator, shall appoint and remove all department staff within their respective departments. All appointments shall be based entirely on merit and fitness. All appointments and terminations shall be conducted in accordance with the General Laws, personnel policies, by-laws of the town of Fairhaven and any applicable employment contracts; provided, that fire department appointments shall also be subject to section 42 of chapter 48 of the General Laws.

27. The town administrator created a new position not included in the 2024 classification plan and appointed an employee to that position without the

approval or guidance of the selectboard, violating Fairhaven by-law Ch 61, Sec 4(b) which states,

A position classification plan for all employees subject to this chapter shall be established, based on similarity of duties performed and the responsibilities assumed, so that the same qualifications may be reasonably required for and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed to a position not included in the classification plan.

September 18, 2023, Selectboard Meeting

28. On September 18, 2023, Town Administrator Angeline Lopes-Ellison stated during an open session meeting that she had chosen Sergeant Daniel Dorgan as the new police chief, created a new position of assistant town administrator of finance and promoted Anne Carreiro to that position and restructured the finance department which included appointments and promotions.
29. Fairhaven by-law Ch A502-6, Sec 2(i) states,
 - (i) With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator.*
 - (j) With the approval of the board of selectmen, reorganize any departmental structures under the jurisdiction of the town administrator.*
 - (l) With the approval of the board of selectmen, establish compensation packages for all town employees under the jurisdiction of the town administrator, not subject to a collective bargaining agreement. Such compensation shall not exceed the amount appropriated therefor by town meeting and shall be subject to all applicable laws and by-laws.*
30. The town administrator did not seek the board's approval for appointing the police chief position, which is categorized as a department head, violating Fairhaven by-law Ch A502-6, Sec 2(i).

31. The town administrator did not seek the board's approval for restructuring the finance department, violating Fairhaven by-law Ch A502-6 Sec 2(j).
32. The town administrator did not seek the board's approval for renaming a department head to assistant town administrator of finance, violating Fairhaven by-law Ch A502-6, Sec 2(j).
33. Fairhaven by-law Chapter 61, Section 4(b) states,
A classification plan for all employees subject to this chapter shall be established, based on similarity of duties performed and the responsibilities assumed, so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed to a position not included in the classification plan.
34. The town administrator created new positions not included in the 2023 or 2024 classification plan and appointed employees to those positions, violating Fairhaven by-law Ch 61, Sec 4(b).
35. The towns website, human resources department webpage lists the 2024 Non-Union Classification and Compensation Plan. This plan does not list the positions of assistant town administrator of finance or treasurer.
36. Fairhaven by-law Chapter 61, Section 5(a) states,
Preparation of policies and classification and compensation plans. The Town Administrator shall prepare or amend policies and plans with the approval of the Selectboard. Any member of the Selectboard, any administrative authority, or any three persons may suggest amendments for consideration by the Town Administrator. The Town Administrator need not consider any proposal already considered in the preceding six months. All new proposals or amendments shall be submitted to the Town Administrator in writing. The Town Administrator shall hold a public hearing on any proposed policies or amendments. Any proposed policy or plan or amendment thereto shall be posted at least five days prior to the public hearing in prominent work

locations. Copies of proposals shall be provided to representatives of each employee collective bargaining unit and a copy shall be filed with the Selectboard.

37. The town administrator did not seek the board's approval for creating new positions within the classification plan and a proposed plan was not posted for a public hearing specifically identifying changes to the current classification plan. The meeting agenda simply listed staffing updates. This violated Fairhaven by-law Ch 61, Sec 5 which states,

A. Preparation of policies and classification and compensation plans. The Town Administrator shall prepare or amend policies and plans with the approval of the Select Board. Any member of the Select Board, any administrative authority, or any three persons may suggest amendments for consideration by the Town Administrator. The Town Administrator need not consider any proposal already considered in the preceding six months. All new proposals or amendments shall be submitted to the Town Administrator in writing. The Town Administrator shall hold a public hearing on any proposed policies or amendments. Any proposed policy or plan or amendment thereto shall be posted at least five days prior to the public hearing in prominent work locations. Copies of proposals shall be provided to representatives of each employee collective bargaining unit and a copy shall be filed with the Select Board.

B. Public hearing. The Town Administrator shall present the proposed policies or amendments, the purpose of the proposal and the implications of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. Within 20 days after the public hearing, the Town Administrator shall make a determination on the proposed policies and shall recommend that the Select Board adopt the policies or amendments, with or without modifications, reject the policies or amendments or indicate that further study is necessary.

C. Recommended policies. The Town Administrator shall transmit recommendations, in writing, to the Select Board within 20 days after determination on the proposed recommendations or amendments. The recommendations of the Town Administrator shall contain the text of the policy and any explanation that is deemed necessary. The Select Board may adopt, reject or return the recommendations for further study to the Town Administrator. The Select Board need only act on proposed policies which the Town Administrator has recommended for adoption. Policies shall become effective upon their filing with the Town Clerk following approval by the Select Board, unless some later date is specified.

38. During the meeting, Selectboard Member Robert Espindola raised concerns about changes that were being made with positions and that it was being done contrary to the town administrator act which requires approval by the selectboard. He also referred back to another change that had taken place recently with the facilities manager position and pointed out the town administrator did not seek board approval.

coordinate efforts with the governing bodies of those departments not under the direct supervision of the town administrator to ensure that those operating and capital budgets are maintained in accordance with the town meeting vote that approved those budgets.

42. The town administrator does not have the authority to alter the town budget without the approval of town meeting and the support of the selectboard and by taking this action without seeking any approval, she violated Fairhaven by-law Ch A502-6, Sec 2(r).

43. The four other members of the selectboard made several comments relative to Mr. Espindola's questions including,

The boards job is not to oversee her actions but to later penalize her if she did something wrong.

The town is saving money with the new facilities manager, regardless of protocol.

The town administrator is actually their chief executive officer and compared it to a normal business with a CEO and a board of directors and that the CEO makes changes as they see fit and just inform the board of directors of those changes.

By following the town administrator act, they would be micro-managing the town administrator.

44. The town administrator stated in response that past practice revealed that with the special act, when it says approval, it's always been that approval is given unless it's vetoed. She continued by stating that she recalled a situation when town counsel had questioned a change because the law stated with the approval of the board and indicated that all things within the statute are approved unless vetoed and that was the standard that was given to a legal document that was presented.

Removing the police and fire departments from civil service

45. On May 6, 2023, Fairhaven town meeting was presented with articles 14 and 15, proposing to remove Fairhaven's police and fire departments from civil service.

ARTICLE 14: CIVIL SERVICE – POLICE DEPARTMENT

To see if the Town will vote to revoke the acceptance of Civil Service Laws for uniformed members of the Police Department in the Town of Fairhaven, effective July 1, 2022, thereby removing the police force from the provisions of the Civil Service Laws, and the rules and regulations relating to the same, provided that this revocation will not affect the Civil Service status of existing personnel in their current positions; or take any other action relative thereto.

Petitioned by: Town Administrator and Selectboard with ratification from Fairhaven Police Patrol Union, NEBPA Local 65, and the Fairhaven Police Superiors Union, NEBPA Local 64

46. Several issues have surfaced in regard to this process including that town meeting members were misled by the suggestion that the article was petitioned by the town administrator and selectboard with ratification from Fairhaven Police Patrol Union, NEBPA Local 65, and the Fairhaven Police Superiors Union, NEBPA Local 64. There is no such thing as the Fairhaven Police Superiors Union or NEBPA Local 65. Town meeting members were led to believe that the police superior officers union supported the article which is inaccurate. The superior officers were never consulted or allowed the opportunity to voice concerns to the proposal.
47. The town administrator and the selectboard approached the process of removing both the police and fire departments from civil service incorrectly. It is well known that in order to revoke civil service status, two methods are allowed. The first is through revocation of the town's acceptance of civil service coverage "in the same manner as it was accepted..." pursuant to MGL Chapter 4, §4(b), or by successful passage of a home rule petition to the legislature.

48. The Massachusetts Municipal Association has gone to great lengths to inform and educate local town governments of this requirement and has provided webinars and a power point presentation outlining the process.
49. Following the town meeting vote, the town administrator took no action in order to advise civil service of the towns desire to revoke civil service status.
50. On September 18, 2023, the town administrator advised the selectboard that she had chosen the replacement person for the position of police chief and identified that person as Sergeant Daniel Dorgan.
51. Shortly after this meeting, Sergeant Matthew Botelho filed a civil service complaint for an inappropriate bypass. Several issues have been revealed during this complaint process including that Matthew Botelho is currently listed as the number one candidate on the civil service Fairhaven police departments eligibility list for the position of chief of police. Daniel Dorgan is currently listed as the number three candidate on the civil service Fairhaven police departments eligibility list for the position of chief of police. An assessment center testing event occurred in 2023, well after the May 6, 2023, town meeting vote asking the town to support removal from civil service. The assessment was performed by twelve retired police chiefs and the above-mentioned results were the outcome of this assessment center. The results of the assessment were forwarded to civil service by the town well after the town's assumption that they had opted out of civil service. That eligibility list is still active with civil service.
52. The town administrator briefly interviewed the candidates for police chief and did not include anyone from the selectboard or the police department including the current police chief. The only other person included in the interview process was Human Resource Director Cameron Durant. Mr. Durant's wife is a first cousin of Daniel Dorgan who was selected as chief. Mr. Durant and the town administrator failed to contact the ethics commission for guidance in this process. Following those interviews the town administrator

failed to inform Matthew Botelho or civil service why Mr. Botelho was bypassed. She also failed to advise the selectboard that she was bypassing someone.

53. On November 30, 2023, Police Chief Michael Myers announced that effective December 1, 2023, Sergeant Daniel Dorgan was promoted to the position of acting captain. Under civil service guidelines there is no position of "acting", but there is the option of appointing someone as "provisional". In order to make a provisional appointment, the town is required to first offer that position to the next lower grade which would be the lieutenant grade. The town is also responsible for filing a Form 15 with civil service indicating that they made such an offer and the personnel within that grade declined or were not qualified for that position. There has been no evidence that this process took place, and the police department currently has two filled lieutenant positions.
54. On January 24, 2024, "Acting" Captain Daniel Dorgan announced an upcoming promotional examination in May 2024 for the position of sergeant. A vacancy for that position became open on November 30, 2023, when Michael Botelho retired as Captain. Daniel Dorgan was named acting captain the next day, resulting in a vacant sergeant position. On July 1, 2022, an eligible civil service list was created for the sergeant position which names Detective Marc Darmofal as the top candidate. This list is still active, and Mr. Darmofal is in good standing with the department.
55. The town officials continue to advise the public and employees that the town's police and fire departments are out of civil service. The town also continues to appoint and promote employee's contrary to civil service policies. The town is illegally bypassing qualified and eligible candidates.
56. The town administrator and the selectboard are violating MGL Chapter 31, Section 74 which states,
Any person who willfully or negligently violates or conspires to violate any of the provisions of the civil service law and rules, or who knowingly makes an appointment or employs any person in violation of such law and

rules, or who refuses or neglects to comply with any provision of such civil service law and rules, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both, unless a different penalty is specifically provided in this chapter.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

271
Total

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. Heather Macedo	Heather Macedo	40 Fort Street
2. Ronald La Breaque	Ronald	61 Seonticut WK Rd
3. Margaret La Breaque	Margaret	61 Seonticut WK Rd
4. Carolyn Dupont	Carolyn Dupont	24 Grove St,
5. Paul K Dupont	Paul Dupont	24 Grove St,
6. Judith Lavioie	Judith Lavioie	37 Pleasant St.
7. Jean P Lemieux	Jean P Lemieux	137 Balsam St
8. Holly Lemieux	Holly Lemieux	137 Balsam Street
9. Wayne Oliveira	WAYNE OLIVEIRA	125 BRIDGE ST.
10. Jonathan Padgett	JONATHAN PADGETT	125 BRIDGE ST.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.



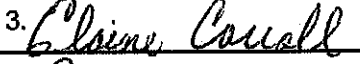

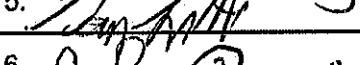

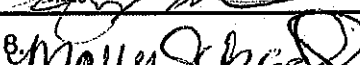
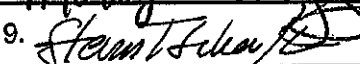


SIGNATURE	NAME	ADDRESS
1. Holly McFall	Holly McFall	23 Elm Ave
2. J. Rogers	Jamie Rogers	23 Elm Ave
3. Christine Leeman	CHRISTINE LEE MAN	21 ELM AVE
4. Deborah Duvalde	Deborah Duvalde	24 Elm Ave
5. M. St. Germain	MIKE ST. GERMAIN	28 Castle Ave
6. Doreen Crawford	Doreen Crawford	25 ELM AVE
7. Meghan Muller	meghan muller	22 Elm Ave
8. Brian Huggins	Brian Huggins	84 Raymond
9. Irene Seguin	Irene Seguin	47 Union St
10. Sumner Seguin	SUMNER SEGWIN	65 Farmfield St.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.


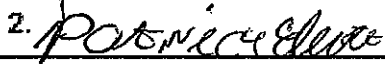
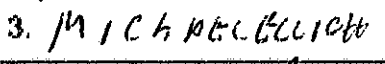

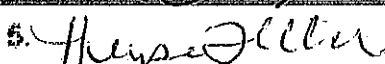


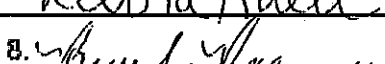

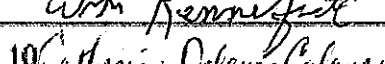
SIGNATURE	NAME	ADDRESS
1. 	ROBERT S. McCONNELL	32 ABBEY STREET.
2. 	GAIL ELLIOTT	373 Alden Rd.
3. 	ELAINE CARROLL	47 FARMFIELD ST.
4. 	RONA TRACHTENBERG	36 Broadliffe Rd.
5. 	CARY LORETTE	4 PELLISVIES.
6. 	John Pond	84 Church St.
	Stephen Martin	61 Hedge St.
8. 	MOLLY SCHAEFFER	30 HITTLESTON AVE
9. 	STEVE SCHAEFFER	30 Hittleston Ave
10. 	Rita Rodericks	59 Cottage St.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

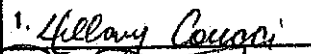
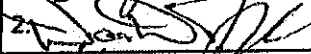
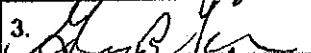
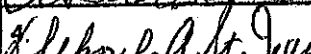
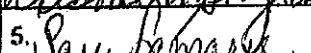
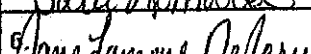

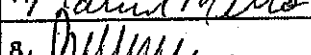
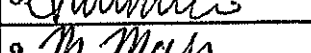

SIGNATURE	NAME	ADDRESS
1. 	JANET ELLIOTT	6 FRIENDLY ST FHVH
2. 	PATRICIA M ELLIOTT	6 FRIENDLY ST FHVH
3. 	MICHAEL ELLIOTT	6 FRIENDLY ST FHVH
4. 	DOUGLAS BRADY	97 PLEASANT ST.
5. 	THERESA FLETCHER	99 PLEASANT ST.
6. 	MARK FLETCHER	99 PLEASANT ST.
7. 	DEBRA RUELL	103 PLEASANT ST.
8. 	BEVERLY HASMUSSEN	122 PLEASANT ST.
9. 	WILLIAM KENNEFICK	118 PLEASANT ST.
10. 	CATHERINE DELANO-CALAMAR	44 WILLIAM ST.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angle Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. 	Hillary Coucci	10 Oliver St, Fairhaven
2. 	DAN DEJESUS	110 GREEN ST FAI
3. 	GEORGE St-JEAN	26 MANHATTAN AVE.
4. 	Deborah St-Jean	26 Manhattan Ave FAH
5. 	SARA LAMARRE	110 GREEN ST
6. 	Jane Lamarre-DeJesus	12 Brookview Street.
7. 	Manuel Mello	454 SCOTICUT Nk Rd
8. 	Holly Mello	454 SCOTICUT Nk Rd
9. 	Mollie Mayer	37 Shaw Rd
10. 	Donna Mayer	37 Shaw Rd
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 28 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. Roxanne Kichewicz	ROXANNE NILEWICZ	38 YORK ST.
2. Robert Nylewicz	ROBERT NILEWICZ	38 YORK ST.
3. Kimberly E. Proaty	KIMBERLY E. PROATY	90 OILC ST.
4. Carlin Mann	CARLIN MANN	419 HEDDEN AVE.
5. Anne Kocca	ANNE KOCOA	5 BRUCE ST.
6. Susan Botelho	SUSAN BOTEELHO	54 WALNUT ST. FAIRHAVEN
7. Michael Cordeira	MICHAEL CORDEIRA	8 ORCHARD ST FAIRHAVEN
8. Colenda Forrest-Cordeira	COLENDA FORREST-CORDEIRA	8 ORCHARD ST FAIRHAVEN
9. Amanda Pereira	AMANDA PEREIRA	50 OCEAN AVE FAIRHAVEN
10. Richard Pires	RICHARD PIRES	30 BRUCE ST. FAIRHAVEN
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. Leo Fleurent	Leo Fleurent	23 Hopkin St Thul
2. Herbert Botelho	Herb Botelho	24 Brook Dr. Fhvn.
3. William Fallon	WILLIAM FALLON	9 CASTLE AVE
4. Samie Medeiros	SAMIE MEDITEROS	15 PARKER ST.
5. Marc Su Ma	Marc Su Ma	8 Holcom St
6. Peter Bissonette	PETER BISSONETTE	92 COTTONWOOD ST
7. Maria Bissonette	MARIA BISSONETTE	92 COTTONWOOD ST
8. Tim Power	TIM POWER	33 CAPE VIEW ST
9. Casandra Paasch	Casandra Paasch	210 Senticut Neck Rd.
10. Joyce Horn	Joyce Horn	12 Hope Ave Fhvn
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you NOT renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator Fairhaven was faced with a Proposition 2 1/2 tax override
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 5 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1.	Ms Oliveira (R)	17 Hedy Dr (2/15)
2.	Dolores E O'Neale	18 Holiday Dr 2/15
3.	Shannon Anderson	18 Holiday Dr. 2/15/24
4.	Kathleen Oliveira	17 Holiday Dr. FHN 2/15/24
5.	Carol Tyson	30 WILSEGAUSETT Ave 2/20/24
6.	Karen Horsley	31 Holiday Dr. 2/23/24
7.	Rylee Botelho	15 Holiday Dr. 2/20/24
8.	Chelsa Deyo	16 Holiday Dr. 2/25/24
9.	Manuel Botelho	180 Adams St Unit 44 2/25/24
10.	Danton Botelho	15 Holiday Dr 2/25/24
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

2/15/24

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
2/8-24 1. <i>[Signature]</i>	Pedro de Almeida	32 Jesse St. Fairh
2-18-24 2. <i>[Signature]</i>	LISETA DE ALMEIDA	32 Jesse St Fairh
2-19-24 3. <i>[Signature]</i>	Maria Gina Cabral	375 Alden St Fairhaven
2-14-24 4. <i>[Signature]</i>	John Cabral	375 Alden Rd Fairh
2-19-24 5. <i>[Signature]</i>	Scott J LOPES	12 NANCY ST FAIRHAVEN
2-19-24 6. <i>[Signature]</i>	CAROLYN LOPES	12 Nancy St. Fairhaven
2-19-24 7. <i>[Signature]</i>	Samantha Lopes	12 Nancy St, Fairhaven
2-19-24 8. <i>[Signature]</i>	Cristina M Lopes	12 Bernese St. Fairhaven
9. <i>[Signature]</i>	Stacia Sturgeon	286 Mill Rd Fairhaven
2/22/24 10. <i>[Signature]</i>	Linda Donnelly	22 Cherrystone Rd FAH
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. <i>Donna Durrigan</i>	Donna Durrigan	4 Pleasant St.
<i>Randall Durrigan</i>	Randall Durrigan	4 Pleasant St.
3. <i>Jason Cieta</i>	Jason Cieta	27 Newcomb St.
4. <i>Greg Louwer</i>	Greg Louwer	27 Newcomb St.
5. <i>Jared Diggs</i>	Jared Diggs	14 Eddy St.
6. <i>Tracy Diggs</i>	Tracy Diggs	14 Eddy St.
7. <i>Bert Diggs</i>	Bert Diggs	14 Eddy St.
8. <i>Laura Byron</i>	Laura Byron	2 Holiday Drive
9. <i>Russell Byron</i>	Russell Byron	2 Holiday Drive
10. <i>Todd Rodriguez</i>	Todd Rodriguez	12 Mark Drive
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angle Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 20 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

2/15/24
2/15/24
2/15/24
2/18/24
2/18/24
↓

SIGNATURE	NAME	ADDRESS
1. Elizabeth Goodhue	ELIZABETH GOODHUE	111 WASHINGTON STREET, FAHV
2.	Seth Baumgartner	157 Washington St #106 FAHV
3.	Gabrielle Baumgartner	157 Washington St. #106
4.	Tomm Krossschell	315 Main St #25
5.	Rylie Baumgartner	315 Main St.
6.	Marie A. Viegas	334 main st. Apt. 208
7.	Marylou Krossschell	315 Main St.
8.	MARIA PETRI	334 MAIN ST #531
9.	KIM FRANKS	10 Plover St
10.	CATHERINE TUCKER	52 NAKATA AVE
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. <i>Amanda Pereira</i>	Amanda Pereira	50 Ocean Ave.
2. <i>Joann Gouveia</i>	JOANN Gouveia	SCONTICUT NECK
3. <i>Joe Soukria</i>	Joe Soukria	SCONTICUT NECK
4. <i>Jacob Swift</i>	Jacob Swift	437 Main St
5. <i>Ksea Swift</i>	Ksea Swift	437 Main St
6. <i>Craig Soares</i>	CRAIG SOARES	241 NEW BOSTON RD EAST FAIRHAVEN
7. <i>Kerran Soares</i>	Kerran Soares	2241 New Boston Rd East Fairhaven
8. <i>Jeffrey Antic</i>	JEFFREY ANTIC	NORTH FAIRHAVEN
9. <i>Nancy Antic</i>	Nancy Antic	NORTH FAIRHAVEN
10. <i>Peter Perry</i>	Peter Perry	9 Ivy Ln, Fairhaven
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you NOT renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 1/2 tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1.	Tanya Henicke	2 Chaney Ave
2.	Logan Avery	156 Fir St
3.	William Smith	113 Cerro St
4.	Abby Neves	100 Main St.
5.	Ricardo Borges	78 Hedge St
6.	Gail Borges	78 Hedge St
7.	Marianne Sylvia	32 Shaw Rd
8.	Joseph L. Charpentier	32 Shaw Rd
9.	Darlene Hadeau	27 Main St
10.	Caleb Piehl	5 Torrington Rd.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.


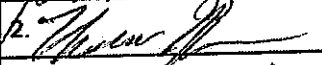

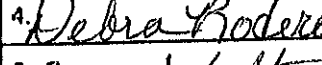

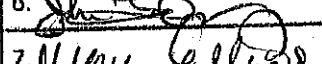
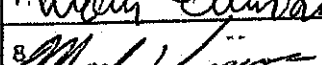
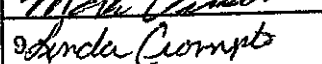
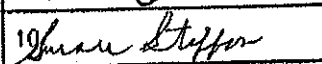

SIGNATURE	NAME	ADDRESS
	Barbara Carnoye	31 Oceanwold Lily Fairhaven
2.	Susan Evans	10 Edgewater St Fairhaven
3.	Ruthann Grant	21 Bonney St FHVUN
4.	Beverly D. Giacobbi	45 Bonney St. Fairhaven
5.	John J. Giacobbi	45 Bonney St. Fairhaven
6.	John Fitzgerald Jr	151 Seaview Nk Rd
7.	Gina Fitzgerald	151 Seaview Nk Rd
8.	KAREN FOSTER	168 Seaview Nk Rd FHVUN
9.	DONNA BROWN	21 Helmut St. FHVUN
10.	DAVID BROWN	21 Gilbert St. FHVUN
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$450,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

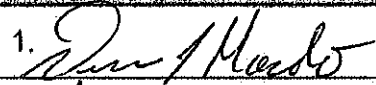
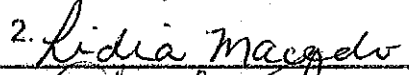





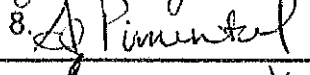

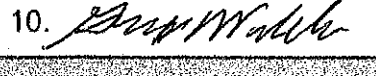
SIGNATURE	NAME	ADDRESS
	KAREN HIGGINS	24 NATHANWAY ST
	Thomas Johnson	372. Seaside Manor RD
	Tim Bowman	63 Chestnut St.
	Debra Roderick	24 Hemlock St.
	ANNE GALOTTI	31 HUTTLESTON AVE
	JOHN TANOVE	37 HARRIS ST
	Nancy Emerson	802 Ocean Avenue
	MARK VIQUEIROS	91 Grandview Ave
	LINDA CROMPTON	32 CAPEVIEW ST
	Susan Stratton	59 Ocean Ave.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. 	Dennis J Macedo 2/15/24	20 Garrison Street
2. 	Lidia Macedo 2/16/24	20 Garrison St
3. 	Sandra Eckenreiter	380 Huttleston Ave
4. 	Joshua Eckenreiter	380 Huttleston Ave
5. 	Kelly Smith	9 Huttleston Ave
6. 	ROXANA A. WATEK	18 Laurel St.
7. 	Wendy Almeida	607 Ocean Meadows
8. 	Stevie Pimentel	9 Morgan st #2
9. 	Sandra Wilder	65 Farmfield St
10. 	George Wilder	65 farmfield st
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. <i>Roberta Raymond</i>	Roberta Raymond	44 Highland Ave Flin ^{2/14}
2. <i>[Signature]</i>	Jenny Gumbler	50 Winstyln St 2/14
3. <i>[Signature]</i>	Dan Reynolds	154 Ebony St 2/14
4. <i>Lillian Hurley</i>	Lillian Hurley	180 9 th St 2/16
5. <i>[Signature]</i>	DAVID VIERA	140 FIRST 2/16
6. <i>[Signature]</i>	GAIL PERRY	16 SEDGEWICK 2/16
7. <i>[Signature]</i>	MARLENE SERVO	51 AKIN ST. 2/16
8. <i>[Signature]</i>	[Signature]	32 nd St 2/7-2/1
9. <i>[Signature]</i>	JEFF GREEN	396 SCOTICURNECK 2/16
10. <i>[Signature]</i>	Katie Cozzens	111 Ebony street 2/16
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. Carol F. Power	CAROL FORAND POWER	35 CAPEVIEW ST.
2. John A Power	JOHN A. POWER	35 CAPEVIEW ST.
3. Paul E. Desrosiers	PAUL E. DESROSIERS	124 ADAMS ST.
4. Kathleen Inkson	KATHLEEN INKSON	40 SUMMER ST
5. Nich. Oliveira	Nicholas Oliveira	11 Homestead Ave.
6. Lisa Oliveira	Lisa Oliveira	11 Homestead Ave.
7. Julie Barardi	Julie Barardi	56 Washington St.
8. Janice Rose	Janice Rose	44 Jerusalem Rd
9. Alan Rose	Alan Rose	44 Jerusalem Rd
10. Vicki Oliveira	Vicki Oliveira	125 Budge St.
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. <i>[Signature]</i>	GARY F. SOUZA	14 BLOSSOM ST
2. <i>[Signature]</i>	Timothy FRANKO	25 RIUARD ST
3. <i>[Signature]</i>	Neil Charbonneau	26 Temple Place
4. <i>[Signature]</i>	BRENT SOUZA	58 HOWARD RD
5. <i>[Signature]</i>	GARY PEDROZZO	16 James St
6. <i>[Signature]</i>	JUDITH PAGE	16 James St
7. <i>[Signature]</i>	CAROL FALLON	9 Castle Ave
8. <i>[Signature]</i>	DIANNA SOUZA	28 OLIVER ST
9. <i>[Signature]</i>	Adam Souza	28 OLIVER ST
10. <i>[Signature]</i>	38 SPINE AV	FAR
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you NOT renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

2-22-24

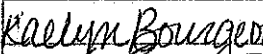
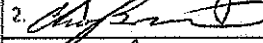



11.	Joseph Boulay	Joseph P Boulay	22 Cherrystone Rd Fairhaven MA
12.	Ronald Valiquette	Ronald Valiquette	109 Spring St 2nd Fl
13.	Adrian...	ABA SIMPSON	14 HAROLD MIST DR
14.	Sharon M. Dufrenoy	Sharon M. Dufrenoy	38 Jesse Street
15.	Daniel Lopes	Daniel Lopes	12 Bernese St.
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Eason, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 1/2 tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
	Kaelyn Bourgeois	5 Academy Ave.
	Chad Bourgeois	5 Academy Ave
	Amie Bourgeois	5 Academy Ave.
	Lindsey Bourgeois	5 Academy Ave
	Kyan Depina	5 Academy Ave
6.		
7.		
8.		
9.		
10.		
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

36
45
71

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. Rose-Marie Souza	Rose-Marie Souza	135 Adams St.
2. James N. Souza	James N. Souza	60 Hacker St.
3. Katelyn E. Aiello	Katelyn E. Aiello	109 Bridge St.
James D. Souza	James D. Souza	135 Adams St.
5. Jacob Arreda	Jacob Arreda	109 Bridge St.
6. Steve Wright	Steve Wright	349 SCOTICUT NK RD
7. Susan Wright	Sue Wright	349 SCOTICUT Neck
8. Sara Wright	Sara Wright	349 SCOTICUT NK RD
9.		
10.		
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

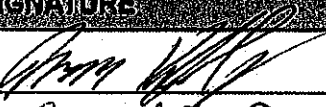




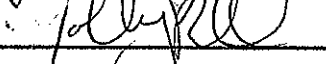
11. Jane Howland	Jane Howland	38 Hattleston Ave
12. Charles W. Martini	Charles W. MARTINI	38 HATTLESTON AVE.
13. Deane W. Johansen	Deane W. Johansen	42 Harding Rd
14. Sheila Johansen	Sheila Johansen	42 Harding Rd
15. Dennis Latuch	Dennis Latuch	118 Bridya street.
16. Randall S. Fleurent	Randall S. Fleurent	19 Blossom St
17. Ann Rezendes	Ann Rezendes	19 Blossom St.
18. Gary Ananda	Gary Ananda	12 Dover St.
19. Roberta A. Rose	ROBERTA. A. ROSE	6 Sunset Lane
20. Edward G. Rose	Edward G. Rose	6 Sunset Ln
21. Candace Gustafson	Candace Gustafson	80 Fort St
22. Julie Tsakson	Julie Tsakson	70 Fort Str
23. Ann Robinson	Ann Robinson	18 Church Street
24. Linda Therien	Linda THERIEN	287 Hattleston Ave
25. Lee Baumgartner	Lee Baumgartner	97 Pleasant St.
26. Phillip Stanley	Phillip Stanley	2 MANUEL ST
27. Dorothy Stanley	Dorothy Stanley	22 John St.
28. David Coleman	DAVID COLEMAN	142 WEEDEN Rd.

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.




SIGNATURE	NAME	ADDRESS
1. 	JASON REDDY (PCT. #4)	34 SUMMER ST, FAIRHAVEN
2. 	CYNTHIA REDDY	34 SUMMER ST FHVN.
3. 	KIMBERLY MACHADO	34 Summer St Fairhaven
4. 	37 Summer St	
5. 	MOLLY RUSSELL	44 Summer St
6.		
7.		
8.		
9.		
10.		
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. 	Brian Messier	92 PLEASANT ST PCT 1 2/18
2. 	R. Todd MacVegor	70 Church St. 2/27/24
3. 	Max Cruz	30 Spring St APT 2 Fairhaven, MA
4. Jose Rosa	Jose Rosa	6 Teal Circle 226-24
5.		
6.		
7.		
8.		
9.		
10.		
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

- Within her first term as Town Administrator, Fairhaven was faced with a Proposition 2 ½ tax override but still failed to produce a balanced budget.
- In 2023 Fairhaven was projected to have a \$450,000 budget shortfall for 2024. As of February 2024, Fairhaven is projected to have a budget shortfall of approximately \$2,000,000 for 2025.
- The amount of money spent on legal counsel from July 2022 - June 2023 was \$365,000 for a 12 month period. The amount of money spent on legal counsel from July 2023 - January 2024 was \$230,000 in just a 6 month period (projected \$460,000 or 26 % increase from most recent 12 months to previous 12 months).
- Fairhaven has lost valuable town employees with decades of working knowledge and history, including key leadership positions: Assistant to Town Administrator, Planning Director, Town Clerk, Building Inspector, Conservation Agent and Finance Director.
- The Town administrator has subjected Fairhaven to the possibility of several lawsuits stemming from civil service hirings and promotions.

SIGNATURE	NAME	ADDRESS
1. <i>Linda J. Smith</i>	LINDA J. SMITH	24 Rogers St.
2. <i>Cynthia J. Pomfret</i>	CYNTHIA J. Pomfret	156 Pleasant St.
3. <i>Mark P. Blanchard</i>	Mark P. Blanchard	12 Shaw Rd.
4. <i>Elizabeth Fane</i>	Elizabeth Fane	22 Tripp St
5. <i>Lisa M. Sylvia</i>	LISA M. SYLVIA	141 New Bolton Rd
6. <i>Trace M. Smith</i>	Trace M. Smith	24 Rogers St
7. <i>Randy Westgate</i>	Randy Westgate	16 Church St
8.		
9.		
10.		
SIGNATURE	NAME	ADDRESS

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you NOT renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

11. <i>Aerin Curry</i>	<i>Ug</i>	45 Capeview Street 2/16
12. <i>Brian Curry</i>	<i>Br</i>	45 Capeview St 2/16
13. <i>David Hevert</i>	<i>David Hevert</i>	9 Holiday Drive 2/16
14. <i>Mark A. Koss</i>	MARK A. KOSS	273 Scott Wick Rd 2/16
15. <i>Paula Pires</i>	PAULA PIRES	5 DIAMOND ST 2/16
16. <i>Wayne Sewall</i>	WAYNE SEWALL	62 HACKER ST 2/16
17. <i>John Spangler</i>	John Spangler	31 Day St 2/16
18. <i>Sandra Perrone</i>	1 Mountain Pl	SANDRA PERRONE 2/17
19. <i>Linda Pisz</i>	Linda Pisz	13 Grandview Ave
20. <i>Linda Leja</i>	LINDA LEJA	5 Diamond St 2/17
21. <i>Ellen Ouellette</i>	Ellen Ouellette	7 Billy's Way
22. <i>Donald Barrittan</i>	32 OUITAN AVE	DONALD BARRITTAN
23. <i>Edward G. Ouellette</i>	Edward G. Ouellette	7 Billys way 2/19/24
24. <i>Raymond Maco</i>	Raymond MACO	10 Welpare Pt Rd
25. <i>Samantha Dargun</i>	Samantha Dargun	295 SCOTCUT Neck Rd. Pithome
26. <i>Tara Wotton</i>	Tara Wotton	384 SCOTCUT Neck rd
27. <i>John Monil</i>	John Monil	51 HERBERT ST 2/16
28. <i>Ken Monil</i>	Ken Monil	23 HARVARD ST

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

Dear Honorable Select Board:

We, the residents of Fairhaven, ask that you **NOT** renew the contract for the current Town Administrator, Angie Lopes Ellison, and/or call for her early termination for the following reasons:

2/18/24	11. Stephen PIVA	25 EVERGREEN ST	STEPHAN PIVA
2/18/24	12. Laurie Amaral	25 EVERGREEN ST	LAURIE AMARAL
2/14/24	13. Patricia Krosschell	21 Evergreen St Thun	PATRICIA KROSSCHELL
2/11/24	14. Suzanne Lecker	SUZANNE Lecker	315 MAIN Street
	15. Christine Motz	Christine Motz	315 Main Street 2N
	16. Garry Motz	Garry Motz	315 Main Street 2N
	17. Garry Brecklin	GARRY BRECKLIN	315 MAIN STREET
2/22/24	18. Crystal Aguiar	Crystal Aguiar	283 Huttleston Ave
	19. Michael Aguiar	Michael Aguiar	283 Huttleston Ave.
	20. Jo-Ann Aguiar	Jo-Ann Aguiar	283 Huttleston Ave.
	21. Jennifer Thatcher	Jennifer Thatcher	9 St. Mary St.
	22.		
	23.		
	24.		
	25.		
	26.		
	27.		
	28.		

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

TOWN OF FAIRHAVEN

FINANCIAL MANAGEMENT REVIEW UPDATE

AUGUST 2022



DLS

DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

INTRODUCTION

At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Fairhaven's implementation of recommendations from our 2012 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the select board, finance committee, town administrator, finance director/treasurer/collector, accountant, assessor, and information technology director. We reviewed various documents, including the town bylaws, special acts, outside audits, credit rating reports, and other financial records. Throughout this project, we also consulted with the Division of Local Services' Bureau of Accounts (BOA), Bureau of Local Assessment (BLA), and Bureau of Municipal Finance Law (BMFL).

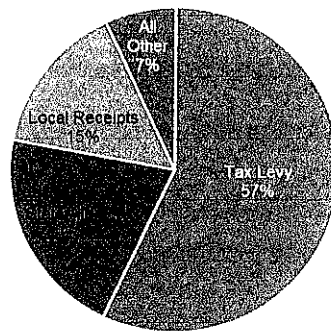
Fairhaven is located on the southern coast of Massachusetts, bordered by New Bedford on the west and Mattapoisett on the east. The town has a long maritime history and was a center of the shipbuilding and whaling industries in the 18th and 19th centuries. Modern-day Fairhaven ranges from dense business and residential areas to rural and agricultural locales along with vibrant seaside attractions. In addition, Fairhaven is the site of the corporate headquarters of the Acushnet Company (parent company of golf equipment brands Titleist, FootJoy, and Pinnacle), a major regional employment center.

The town's economic conditions have not changed dramatically since our original report in 2012. The city's unemployment rate was about 6% in 2020, an improvement from the 8.4% rate in 2012. However, that rate was likely the result of the economic downturn associated with the start of the Covid-19 pandemic in 2020. In 2019, the town had a record low unemployment rate of 3.3%, the lowest in the past 20 years. Despite lower unemployment, the 2023 per capita income of \$32,597 lags the state average of \$48,696 by \$16,099, more than double the gap from 2012 (\$23,399 versus the state average of \$31,265). Similarly, while Fairhaven's Equalized Valuation (EQV) per capita has increased to \$155,891 from \$127,934 in 2012, there is still a sizeable gap of \$86,240 compared to the state average of \$242,131, which is slightly wider than the 2012 gap of \$83,481. Essentially, while unemployment may have seen some improvement in 10 years, per capita income and property valuation continue to lag the rest of the state.

Fairhaven's FY2022 total revenue was about \$65 million, including \$55.2 million in general fund revenue, \$9 million in enterprise fund receipts, and about \$835k in community preservation act surcharges. General fund revenue is made up primarily of the tax levy (57%), state aid (21%), and

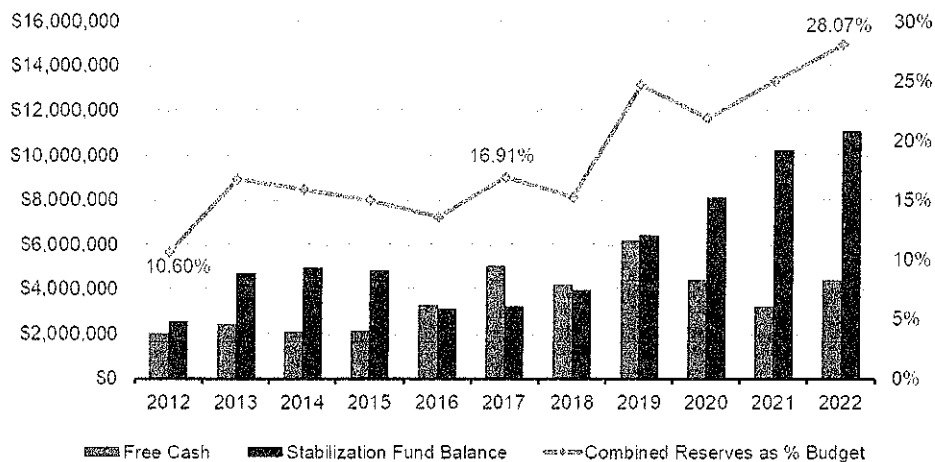
local receipts (15%). Other sources of revenue and available funds account for about 7% of total general fund revenue.

FY2022 General Fund Revenue



Over the past decade, Fairhaven has built up substantial financial reserves, maintaining consistently high levels of free cash and increasing its stabilization fund balance significantly. Healthy reserves are a key indicator for ratings agencies, which in turn can reduce the cost of borrowing for the town. In part because of its ample reserves (as well as for good financial management), Fairhaven received a bond rating of Aa+ from Standard and Poor's when it refinanced debt from a prior borrowing in September 2021. Maintaining ample reserves and a good rating will be helpful in the future as well, especially since the town is currently evaluating options for constructing a combined fire/police public safety facility that it will need to fund with debt.

Reserves as a Percentage of Budget



Fiscal Year	Budget	Free Cash	Free Cash as % Budget	Stabilization Fund Balance	Stabilization Fund as % Budget	Combined Reserves	Combined Reserves as % Budget
2012	\$ 43,242,276	\$ 2,013,301	4.66%	\$ 2,570,795	5.95%	\$ 4,584,096	10.60%
2013	\$ 42,971,915	\$ 2,448,733	5.70%	\$ 4,750,620	11.06%	\$ 7,199,353	16.75%
2014	\$ 44,549,614	\$ 2,115,828	4.75%	\$ 4,953,577	11.12%	\$ 7,069,405	15.87%
2015	\$ 46,889,884	\$ 2,162,682	4.61%	\$ 4,862,029	10.37%	\$ 7,024,711	14.98%
2016	\$ 47,219,300	\$ 3,286,979	6.96%	\$ 3,130,563	6.63%	\$ 6,417,542	13.59%
2017	\$ 49,216,313	\$ 5,068,586	10.30%	\$ 3,254,710	6.61%	\$ 8,323,296	16.91%
2018	\$ 53,408,692	\$ 4,194,238	7.85%	\$ 3,953,770	7.40%	\$ 8,148,008	15.26%
2019	\$ 51,189,530	\$ 6,187,488	12.09%	\$ 6,431,728	12.56%	\$ 12,619,216	24.65%
2020	\$ 57,202,702	\$ 4,393,392	7.68%	\$ 8,114,944	14.19%	\$ 12,508,336	21.87%
2021	\$ 53,993,124	\$ 3,222,371	5.97%	\$ 10,273,403	19.03%	\$ 13,495,774	25.00%
2022	\$ 55,232,999	\$ 4,411,068	7.99%	\$ 11,094,632	20.09%	\$ 15,505,700	28.07%