



## FAIRHAVEN SELECT BOARD

### Meeting Minutes November 12, 2024

FAIRHAVEN TOWN CLERK  
RCUD 2024 NOV 26 AM 8:58

**Present:** Vice-Chair Charles Murphy Sr., Clerk Andrew B. Saunders, Members Keith Silvia and Andrew Romano

**Not Present:** Chair Stasia Powers, Assistant Town Administrator of Finance/Town Accountant Anne Carreiro

Mr. Murphy opened the Select Board meeting at 6:30p.m.

#### EXECUTIVE SESSION

**Motion:** Mr. Romano motioned to enter Executive Session pursuant to G.L. c. 30A, § 21(a)(1) To discuss complaints or charges against an employee (Name withheld) AND Pursuant to G.L. c. 30A, § 21(a)(2) to discuss collective bargaining strategy regarding health insurance (all unions) AND to return to Open Session. Roll Call Vote. Mr. Romano in favor, Mr. Saunders in favor, Mr. Murphy in favor and Mr. Silvia in favor. The motion passed unanimously (4-0-0).

**Meeting adjourned to Executive Session at 6:32p.m.**

**Meeting returned to Open Session at 7:24p.m.**

#### APPOINTMENT AND COMMUNITY ITEMS

##### Town Administrator Interim Search Committee Member

The Board reviewed the applications received from five applicants: Paul Jellison, Maria J. Carvalho, Pam Kuechler, David Darmofal and Kevin Gallagher and two that verbally asked to be included: Bob Grindrod and Jeff Osuch.

Paul Jellison and Bob Grindrod addressed the Board and reviewed their interest and qualifications.

Discussion ensued about the candidates and clarifications on the two that verbally shared interest.

**Motion:** Mr. Romano motioned to appoint Kevin Gallagher to the Town Administrator Search Committee. No second to the motion, the motion failed.

**Motion:** Mr. Silvia motioned to appoint Jeff Osuch to the Town Administrator Search Committee. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

#### MINUTES

**Motion:** Mr. Romano motioned to accept the October 28, 2024 Open Session minutes. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

**Motion:** Mr. Romano motioned to accept the November 4, 2024 Open Session minutes. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

#### TOWN ADMINISTRATOR REPORT

Acting Town Administrator Charlie Murphy reported to the Board:

- **Staffing Update:** A Department Head meeting was held and each Department Head shared an update from their department. The discussion was very positive, employees are doing a great job. A suggestion was made to send a survey to the Department Heads regarding qualities of leadership and suggestions to consider for the next Town Administrator.  
Mr. Murphy also visited departments and check in with employees.

Mr. Murphy will be on radio station WBSM to discuss 40R with Planning Board Chair Cathy Melanson and Director of Land Use Bruce Webb.

- Town Board and Committee Opportunities: There is an opening on the Conservation Commission, see the Volunteer Opportunities page for all openings.

### **ACTION / DISCUSSION**

#### **Handicap Parking Sign Request: In Front of 12 Delano Street**

Lt. Kevin Swain and Safety Officer Scott Coelho addressed the Board about the request for a handicap parking sign in front of 12 Delano Street and the report Officer Coelho prepared.

**Motion:** Mr. Romano motioned to approve the Handicap Parking Sign in front of 12 Delano Street as outlined by the Fairhaven Police. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

#### **Broadband Update**

Mr. Romano addressed the Board and explained the Broadband Study Committee is looking to use funds approved in Article 9 at Town Meeting in 2019, there is a balance of \$19,072.41 according to Media Director Derek Frates. Bob Espindola addressed the Board via zoom and referred to an updated proposal from CTC Technology and Energy (*Attachment A*). The proposal and scope were updated from an earlier version to be within the balance of the account. Southeastern Regional Planning and Economic Development District (SRPEDD) will assist at no cost as outlined (*Attachment A*).

Discussion ensued regarding the scope of Request for Proposals (RFP), whether the RFP would be for new technology or for competition and the status of a feasibility study raised in previous meetings. Mr. Romano and Mr. Espindola explained the RFP would be for a broadband option within the community with a parallel infrastructure and goal to increase competition. The technology would be fiber versus copper. The feasibility study costs were too high to consider. Mr. Espindola referred to the directive from the Board as the guidance followed in the process.

Cathy Melanson of Adams Street addressed the Board and asked for clarification on the reference to Article 9 from 2019 and the balance; she also stated the Planning Board does not have funds for recommended training and she would rather see a Public Safety building versus broadband because everyone would benefit.

Rui daSilva of Bayview Avenue addressed the Board. He said this is a luxury and there are other things more important than cable like water, funding for roads and safety.

Mr. Romano said no new funds are being asked for, the funds were allocated for a consultant and if not used do not go back to the General Fund.

Doug Brady of Pleasant Street addressed the Board via zoom and asked for clarification on what the Board is being asked to vote on and the minimum and maximum of the costs, finances and expenses. Mr. Romano referred to page three of the CTC proposal for the cost breakdown (*Attachment A*). Mr. Saunders asked for clarification on the amounts listed on the original and revised proposals. Mr. Romano said that Mr. Espindola went back to the consultant asked for the tasks to be tailored to the available funds.

Mr. Espindola said the minimum cost to the Town would be zero and provided a brief history of how the broadband work started, a previous RFP with no responses, the Select Board directive to work to find competition and said survey results showed there was interest in Town. He added that the maximum would be what the Select Board determines and that some parts of the work could be in-kind services versus a cost to the Town. Mr. Espindola said a consultant would be needed to review the RFP submissions and answer questions about the RFPs.

Patrick Carr of Pleasant Street asked Mr. Romano for clarification on the role of a Select Board liaison and how he has a motion before discussion. Mr. Carr continued and questioned how the amount asked for was twenty to forty million dollars over time and tonight the cost could be zero. He said elected officials take an oath to the betterment of the Town and not New Bedford. He said nineteen thousand dollars could be used by cable access versus paying a consultant and the Town should disband broadband because of the potential financial crisis the Town will be facing

and other important needs like infrastructure, water or public safety.

Michelle Costen of Precinct One addressed the Board and said she agrees with what she has heard, now is not the time; competition is important but other issues are more important to discuss like 40R and ADU (accessory dwelling units). The amount of competition and savings is minimal, luxury would be waterfront condos and the need is to keep it stable right now.

Mr. Espindola addressed some of the previous questions and said, New Bedford is discussed due to the Select Board's directive to find a low or no cost alternative and the New Bedford RFP could bring a regional possibility, no capital money is to be spent because this is to look for an interested party to come in and provide a competitive service. The twenty million would have been if the Town was willing to fund the infrastructure and own it with a loan period.

Mr. Brady asked the cost for the optional tasks and legal expenses to review an RFP and anything not covered by the \$19,000. Mr. Espindola said tasks 1-3 take it to the RFP, answering questions and a recommendation. If tasks 1-3 are a no-go 4 and 5 are not considered.

Discussion ensued regarding reviewing what other communities do with their RFP, get a better estimate for Spring Town Meeting, whether the opportunity for a regional approach would remain if we wait and if there would be federal grants and whether there is an advantage or disadvantage to delaying.

Despina Longinitis of Washington Street addressed the Board and said Mr. Espindola said he has no self-interest in this and is doing out of genuine concern and asked by the Town to do it; it is disingenuous to question his motives.

Ms. Melanson addressed the Board and said the reason to question is that the new paper says \$19,000 and if you say that is what you have then that is what you get. The Town will not have extra money come Spring Town Meeting and it is not questioning Mr. Espindola, it is that the Town does not have the money and why do an RFP for something we can't afford.

**Motion:** Mr. Romano motioned to approve the funding request as proposed to assist the Town of Fairhaven in evaluating responses to a Town-drafted broadband RFP for an amount not to exceed \$19,000 and contingent upon verification of funds in the Broadband Consultant account. No second to the motion, the motion failed.

No other motions offered.

### **Town Administrator Interim Search Planning**

Mr. Saunders will work to schedule a meeting with Ms. Carreiro and Mr. Osuch.

### **Review Recommendations for Articles for Special Town Meeting**

Article 1: Chapter 40R Zoning Bylaw and Map Amendments. Articles 1 and 13 had "At Town Meeting" recommendations from the Board. This item is to review each and determine if the Board will make a recommendation.

Brief discussion regarding 40R ensued. Mr. Romano said 40R is not a project, it is a zoning overlay proposal and no developers ready to dig at this time; also, hearing that this will become the City of Fairhaven and Mr. Romano asked that people listen to the consultants, if the maximum number of units are added, the population remains under that of surrounding cities like Dartmouth and Wareham. Mr. Murphy read a statement from Ms. Powers (**Attachment B**). Mr. Silvia added that the waterfront is already mixed use and by-right

**Motion:** Mr. Romano motioned to rescind recommendation of At Town Meeting for Article 1. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

**Motion:** Mr. Romano motioned to recommend Adoption for Article 1. Mr. Saunders seconded. The motion passed unanimously (4-0-0).



Article 13: Bylaw Amendments, Chapter 198 Zoning

**Motion:** Mr. Romano motioned to rescind recommendation of At Town Meeting for Article 13. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

**Motion:** Mr. Romano motioned to recommend Adoption for Article 13. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

**Authorize Town Counsel for Zoning Board of Appeals to Review Appeal**

Building Commissioner Rick Forand requested to contact Town Counsel to review an appeal received by the Zoning Board of Appeals related to the building project at Fairhaven High School.

**Motion:** Mr. Romano motioned to approve the use of Town Counsel by the Zoning Board of Appeals to review a pending appeal. Mr. Saunders seconded. The motion passed unanimously (4-0-0).

**2024 Annual Town Report Photo Submissions**

The Select Board office is calling for submissions for the 2024 Annual Town Report cover photo. Please send your digital photos to: [ahart@fairhaven-ma.gov](mailto:ahart@fairhaven-ma.gov). No more than two submissions per person, please. Deadline is noon Friday, January 10, 2025. Photos should be owned by the submitter, no screenshots and cannot be a copyrighted image. This will be posted on social media.

**BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS**

*Mr. Saunders reported:*

No meetings to report on.

*Mr. Romano reported:*

Thanked Veterans Agent Mike Jenney and Brad Fish for coordinating the parade and Martha Reed from the Council on Aging for the rededication of the Veterans Wall. Thank you to the Town Clerk's Office for their work on the election and special shout out to Cathy Melanson, Claire Millette, Joanne St. Amand, Bernadette Costa, Linda Therien and Linda Chevalier who worked multiple days and hours to make sure the process flowed. Also, Jodi Duvall, Paula Vieira and Lissa Horan for working until 3:00a.m. on election day to ensure everything was cleaned up and taken care of. Contact the Town Clerk's Office about working future elections.

*Mr. Silvia yielded his time to Patrick Carr:*

Mr. Carr addressed the Board, he said he appreciates the Town moving towards an interim and those selected tonight are more than qualified. He said this does not have to do with anyone personally, these questions are about Town finances that are public knowledge and the amount spent between February and July of \$24,791.25 on attorneys' fees. There was a vote to send one member to the attorney about the Town Administrator's (TA) contract and then the strategy to terminate the contract. Mr. Carr said he is not for or against the TA, the question simply is, almost twenty-five thousand dollars spent in attorneys' fees in less than a year concentrating on this and if the TA was acting in a manner that she needed to be removed or terminated immediately, could you clarify the provision that you could terminate her contract because of just cause. Is there something in the TA Act so you would not have to pay her a dime if she got terminated; she would be done and you move on.

Second, if you allowed the TA to carry out her contract in full, the money was already allocated and it's been six months and that's over a hundred thousand dollars. If she was doing things that she shouldn't have done it's your charge in the checks and balances to keep her in check. If you let her term expire we would not be looking for an interim TA now.

Third, we are going to have to pay an interim TA and the last time you had to do it, it was one thousand dollars a week. Last, there is a buy-out that exceeds three-hundred thousand dollars. How is the Town moving forward causing the taxpayers to have almost a half a million dollars in expenses when you could have terminated her legally without repercussions if she did something wrong, or let her contract expire and you would have six months to find someone. What was the sudden urgency that we needed to remove the TA? Why are we spending these

exorbitant amounts of money when we're going to be running into a financial shortfall in April to begin with. Where is the money going to come from, who are you taking the money from? Mr. Carr said these are the questions being asked by citizens every day and elected officials take an oath to assure the people that you are going to act in their best interests. What was the reason to terminate her contract so urgently that's going to cost the Town and put the Town in a financial difficulty?

*Mr. Murphy reported:*

In regards to voting, something unique he observed when a first-time voter cast their ballot, the whole gymnasium applauded; it was really encouraging young people to get out and vote and see how much their vote really matters.

### **PUBLIC COMMENT**

Michelle Costen of Precinct One addressed the Board and said when you say the Town and doing something for the people like the 40R, is it the incentive money mainly you are talking about because earlier today Ms. Melanson said if condos are sold for a million, that is going to give a lot of money and revenue. We've been talking about how poor we are and this makes it very enticing but how is it helping median income families and people to actually find housing.

Ms. Costen continued and said it breaks down to two to three affordable units and we don't have any offers anywhere else. It is an overlay and it is about zoning, but trying to understand, how can it help the people directly over the next few years. She doesn't see it really helping the majority of median income families. The one million-dollar condos will increase your sales price to a higher rate and create a greater gap for home purchasing for your families. Not everyone wants to live in an ADU (Accessory Dwelling Unit). Leaving seniors to live in ADUs, the expense to the family to build an ADU so they are not getting a break from the 40R. Can someone say how it is helping the majority, middle-median income families for Fairhaven.

Kevin Gonsalves of Laurel Street addressed the Board representing Fairhaven Firefighters Local 1555. He asked what the formal process is to get on the Select Board agenda because he has emailed the Chair weeks in advance with no success. Also, for clarification on what the delay on Fire Department promotions is. It is our understanding that currently we are still governed under Civil Service and have missed this year's Civil Service promotions. Now we will have to wait longer which means acting positions which will be an increase in overtime costs for the Town. Mr. Gonsalves said he understands no comment tonight and will also try reaching out to the Board offline.

Cathy Melanson of Adams Street addressed the Board and said there will be additional Coffee and Conversation sessions about 40R on Wednesday and Thursday this week. These are for anyone to come, sit down and ask questions, have a one-on-one conversation and get answers from the people that can answer the questions, there is a lot of misinformation out there.

### **CORRESPONDENCE**

Public Comment Submissions: Greater New Bedford Regional Vocational Technical High School. Regarding programs identified by the Department of Secondary Education as "declining opportunities"

**Meeting adjourned at 9:04p.m.**

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

### **ATTACHMENTS:**

- A. CTC Technology and Energy Proposal
- B. 40R Statement: Stasia Powers

Approved on November 25, 2024



# ctc technology & energy

engineering & business consulting

November 10, 2024

Mr. Robert Espindola  
Town of Fairhaven Broadband Study Committee  
Fairhaven, MA  
By email: [bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)

*Subject: Proposal to assist the Town of Fairhaven in evaluating responses to a Town-drafted broadband RFP*

Dear Mr. Espindola:

It was a pleasure speaking with you this week. I understand that the Town of Fairhaven plans to issue a Town-prepared broadband RFP that seeks a ubiquitous fiber-to-the-premises (FTTP) provider and describes the Town's goals.

CTC Technology & Energy is pleased to provide the proposal below, with the scope of helping the Town answer questions from proposers, providing a written analysis of the responses, and offering a recommendation based on the responses received. This proposal also offers optional tasks associated with preparing a term sheet.

## Task 1: Hold initial strategy and scope meeting

We will start the engagement with a teleconference call with Town officials to confirm the scope of work, review the timeline, and answer questions from the Town about the RFP process. Per our discussion, the Town shall be solely responsible for defining its goals and preparing and releasing its own RFP.

## Task 2: Respond to bidder questions and perform initial assessment

Between the RFP release date and proposal due date, CTC will, if requested by the Town, engage in a teleconference call with the Town to assist the Town in formulating responses to questions from potential respondents. The Town shall then be responsible for preparing the written answers. Then, once proposals are received, we will review and evaluate them on the Town's behalf. By teleconference, we will discuss the responses with you and

verbally advise you of our analysis and recommendation. Our recommendation will then be formalized in the memorandum described in the next Task.

### Task 3: Develop summary memorandum with evaluation matrix and recommendation

We will write a memorandum that summarizes the Town's options and provides an evaluation matrix that scores the responses based on the criteria in the Town's RFP. The matrix will describe to what extent each proposal meets Town goals and criteria and will assess the capacity of the respondents to deliver on their proposals. Our analysis will be based on information provided in the responses and CTC's decades of experience in broadband business planning. Our memorandum will also recommend with which company we believe the Town should negotiate.

### Optional Task 4: Draft a term sheet

As an optional task we will draft the technical and business elements of a term sheet (one that will form the basis of the eventual contract) that formalizes the provider's proposal. We will work to ensure that the term sheet sets forth the commitments the provider is making with respect to the goals and requests stated in the Town's RFP. The term sheet may also define what connection fee the provider may request of customers and under what conditions any extra fee would be imposed. The term sheet would detail any contribution by the Town of broadband-enabling assets, construction facilitation, and any subsidy (if applicable). CTC does not provide legal advice; the Town is responsible for any legal review of the document.

### Optional Task 5: Conduct negotiations to final term sheet

If requested by the Town, or required by changes the provider is seeking to our draft Term Sheet, we will negotiate with the provider to develop a draft acceptable to both parties. As with Task 4, our negotiations will be on business and technical terms; CTC does not provide legal advice.

## Project Fees

CTC's not-to-exceed fees shall be as follows, billed as flat fees except as described in the optional Task 5:

Tasks 1-3: \$19,000

Optional Task 4: \$8,000



Optional Task 5: Because it is not possible to precisely estimate the time required for term sheet negotiations, the initial not-to-exceed fee shall be \$6,000, billed at actual hourly rates per the rate table below. We will seek your approval if more time is required to complete the term sheet negotiations.

The CTC team will bill at the following hourly rates:

<b>Labor Category</b>	<b>Hourly Rate</b>
Subject Matter Expert/Expert Testimony	\$450
CTO/Director of Business Consulting	\$350
Director	\$325
Principal Analyst / Engineer	\$300
Senior Analyst / Engineer	\$275
Staff Analyst / Engineer	\$250

Local travel (if required) is billed at current standard mileage rates. Non-routine expenses and long-distance travel are recovered at direct cost without mark-up.

Sincerely,



David Talbot  
Director of Research Services  
CTC Technology & Energy  
dtalbot@ctcnet.us  
857-998-1606



## Fairhaven Broadband Procurement Timeline

### Step 1: Develop RFP (Mid-October to Mid-November)

- SRPEDD staff will review RFP examples, including the recent RFP from New Bedford.
- SRPEDD staff will draft an RFP and relevant documentation and will send it to Fairhaven Town staff for review.

### Step 2: Provide Public Notice for the RFP (Late-November to Mid-December)

- SRPEDD staff will post the RFP on COMMBUYS for at least 2 weeks before proposals are due.
- Due to the potential cost of over \$100,000 for this procurement, SRPEDD will also post on the *Goods and Services Bulletin* on the Secretary of State's webpage for at least 2 weeks before proposals are due.
- We will also need to post an ad in a local newspaper relevant to the Town of Fairhaven at least 2 weeks before proposals are due.
- SRPEDD and the Town of Fairhaven will post the RFP on their respective websites for at least 2 weeks before proposals are due.

### Step 3: Review Proposals (Late-December to Mid-January)

- SRPEDD and Fairhaven Town staff will establish a committee to review proposals, which is usually 3 or 5 staff.
- This window also allows for proposals to be corrected, modified, or withdrawn.

### Step 4: Awarding Proposal (Late-January to Late-February)

- The CPO will determine the most advantageous proposal based on the most responsible and responsive offeror while considering price and the evaluation criteria set forth in the RFP.
- The CPO will award the contract by written notice to the selected offeror within the time for acceptance specified in the RFP.
- The CPO will debrief the unawarded vendors about why they were not awarded.

For any additional question please contact:

Chris Welch, Principal Comprehensive Planner – SRPEDD

[cwelch@srpedd.org](mailto:cwelch@srpedd.org) | 508-824-1367 ext. 321

Vice Chair Charles K Murphy Sr. and Members of the Fairhaven Select Board,

*Please read the following statement at tonight's Select Board Meeting RE: E4 Review Recommendations for Articles for Special Town Meeting.*

Although I cannot be in attendance this evening, I would like to express my support for Article 1.

I have attended the 40R working groups since their inception under Planning Director Paul Foley in 2022. I have witnessed firsthand the due diligence and community participation that has gone into this process.

It is my belief that the creation of a 40R Overlay Zoning District will strongly benefit the Town of Fairhaven.

A few important things to remember when considering this article:

1. Housing options are needed in the Town of Fairhaven. Not only for seniors, but for young people looking to begin their adult lives. Housing options are limited and affordable options are needed.
2. We want to preserve the beauty and character of our town, and 40R allows us to have some control over how this housing is built through, location, density and design standards. 40R also provides financial incentives from the state for a developer to choose this option over a 40B development, under which we would have minimal say in how it is built. This will also encourage developers to build in areas that are already developed as opposed to using precious undeveloped land, allowing us to preserve what little open space we still have left in town.
3. Finally, a concern that I have heard about is that with further development the town will struggle with infrastructure. We have heard from Police, Fire, Schools and the Department of Public Works that this growth can be managed. Our school enrollment has continued to decline, along with most communities, so there is capacity there. Further financial growth will only result in the opportunity to expand these services.
4. The growth in our community through 40R will not only provide some one-time money to the town that can be used for infrastructure improvements but will also grow the tax base which will help to keep our property taxes low.

I honestly don't see any downside of this zoning bylaw. Do your homework, ask questions, but make sure you are getting your answers from a trusted source, not Facebook.

We will probably see some projects under 40R zoning in the short-term, but development to its full capacity is not something any of us will see in our lifetimes.

As the consultants have stated, in their experience throughout the commonwealth, this bylaw doesn't massively increase development, it just gives Fairhaven more control over it.

I ask you to please join me in voting to support Article 1 at the Special Town Meeting on Tuesday, November 19th."

Respectfully Submitted,

Stasia Powers  
Fairhaven Select Board Chair