



FAIRHAVEN SELECT BOARD AGENDA

May 12, 2025 6:00 p.m.

FAIRHAVEN TOWN CLERK

Town Hall – 40 Center Street – Fairhaven

RCUD 2025 MAY 8 PM2:41

The meeting can also be viewed on Channel 18 or on FairhavenTV.com

A. PUBLIC HEARING – 6:00P.M.

Transfer of an Annual All Alcohol Retail Package Store License, Pledge of Inventory and Pledge of Collateral submitted by Ramadhuta, Inc., for the license currently held by ICJ Corp d/b/a Fairhaven Wine & Spirits at 105 Sconticut Neck Rd., Fairhaven, MA 02719.

B. PUBLIC COMMENT

C. EXECUTIVE SESSION

Pursuant to G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to litigation where the chair declares that an open session would have a detrimental effect on the Town's litigating position (Fairhaven School Committee v. Fairhaven Zoning Board of Appeals, Land Court 25MISC000064);

G.L. c. 30A, s. 21(a)(6) to consider the purchase, exchange, lease or value of real property where the chair declares that an open session would have a detrimental effect on the negotiating position of the Select Board; and G.L. c. 30A, s. 21(a)(7) to comply with, or act under the authority of, the Public Records Law, G.L. c. 4, s. 7(26) (Fairhaven Wind and privileged written legal opinion regarding same)

D. APPOINTMENTS AND COMMUNITY ITEMS

1. Select Board Statement to Town Board, Committee and Commission Members
2. Board and Committee Handbook Policies Discussion Refresher
3. Appointment Request: Zoning Board of Appeals: Kenneth Kendall, Cathy Melanson
4. Dispatch Discussion
5. Wind Turbine Update
6. Use of Town Hall Auditorium: Millicent Library, Level Up! Magic Show, July 12, 2025, 10:30-11:30AM
7. Use of Town Hall Auditorium: Fairhaven Summer Art Gallery: Art Talk, July 18, 2025, 7:00-9:00PM
8. Special One-Day All Alcohol License: Pride Event, June 22, 2025, 4:00-7:30PM
9. Special One-Day All Alcohol Licenses: Huttleston HarborFest, Multiple Dates: June 21, 2025 from 11:00AM-9:30PM; July 19, 2025, August 23, 2025 and September 20, 2025 from 11:00AM-3:30PM
10. Flag/Banner Request: Disability Pride Flag during the month of July

E. ACTION / DISCUSSION

1. Conservation Restriction: Camel Street Property - Sconticut Neck
2. File Home Rule Petition: Article 15, Annual Town Meeting, May 3, 2025
3. File Home Rule Petition: Article 16, Annual Town Meeting, May 3, 2025
4. Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) Self-Nominations

F. TOWN ADMINISTRATOR REPORT

G. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

H. MINUTES

1. Accept the Select Board minutes of April 14, 2025 – Open Session
2. Accept the Select Board minutes of April 14, 2025 – Executive Session

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e. urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

I. CORRESPONDENCE

1. Invitation: July 4th Parade

J. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting is *Tuesday, May 28, 2025* at 6:00PM

ADJOURN



A

Monday, May 12, 2025

Public Hearing – 6:00p.m.

Transfer of an Annual All Alcohol Retail Package Store License, Pledge of Inventory and Pledge of Collateral submitted by Ramadhuta, Inc., for the license currently held by ICJ Corp d/b/a Fairhaven Wine & Spirits at 105 Sconticut Neck Rd., Fairhaven, MA 02719.

Fairhaven Select Board Public Hearing

**Notice is hereby given that the Fairhaven Select Board
will vote on a public hearing on
Monday May 12, 2025 at 6:00 p.m. in the Town Hall
40 Center Street, Fairhaven, MA**

The purpose of the hearing is to consider approval for the **transfer of an Annual All Alcohol Retail Package Store License, Pledge of Collateral, and Pledge of Inventory submitted by Ramadhuta, Inc. for the license held by ICJ Corp d/b/a Fairhaven Wind & Spirits located at 105 Sconticut Neck Rd Fairhaven, MA 02179.

**Advertising is only needed for the transfer of license

**For:
Jayshreeben S. Patel
3 Winter St
Fairhaven, MA 02719**

Legal Notice Fairhaven Select Board

APRIL 30, 2025 BY STAFF WRITER

Fairhaven Select Board

Public Hearing

Notice is hereby given that the Fairhaven Select Board will hold a public hearing on Monday, May 12, 2025, at 6:00 p.m., at Fairhaven Town Hall, 40 Center St., Fairhaven. The purpose of the hearing is to consider approval of the application for the transfer of an Annual All Alcohol Retail Package Store License submitted by Ramadhuta, Inc., for the license currently held by ICJ Corp d/b/a Fairhaven Wine & Spirits at 105 Sconticut Neck Rd., Fairhaven, MA 02719.”

Fairhaven Select Board

FNN: 5/1/25

...

[Click here to download the 5/1/25 issue: 05-01-25 W15K](#)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

APPLICATION FOR A TRANSFER OF LICENSE

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.**

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT**

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN **STATE** **ZIP CODE**

For the following transactions (Check all that apply):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input checked="" type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input checked="" type="checkbox"/> Other <input type="text" value="Pledge of Inventory"/> | <input type="checkbox"/> Change of DBA |

**THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL**

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358



C

Monday, May 12, 2025

Executive Sessions

Pursuant to G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to litigation where the chair declares that an open session would have a detrimental effect on the Town's litigating position (Fairhaven School Committee v. Fairhaven Zoning Board of Appeals, Land Court 25MISC000064);

G.L. c. 30A, s. 21(a)(6) to consider the purchase, exchange, lease or value of real property where the chair declares that an open session would have a detrimental effect on the negotiating position of the Select Board; and G.L. c. 30A, s. 21(a)(7) to comply with, or act under the authority of, the Public Records Law, G.L. c. 4, s. 7(26) (Fairhaven Wind and privileged written legal opinion regarding same)

AND to return to Open Session



Monday, May 12, 2025

Appointments and Community Items

1. Select Board Statement to Town Board, Committee and Commission Members
2. Board and Committee Handbook Policies Discussion Refresher
3. Appointment Requests:
Zoning Board of Appeals: Kenneth Kendall and Cathy Melanson
4. Dispatch Discussion
5. Wind Turbine Update
6. Use of Town Hall Auditorium: Millicent Library, Level Up! Magic Show,
July 12, 2025, 10:30-11:30AM
7. Use of Town Hall Auditorium: Fairhaven Summer Art Gallery: Art Talk,
July 18, 2025, 7:00-9:00PM
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June 21, 2025 from 11:00AM-9:30PM; July 19, 2025, August 23, 2025 and
September 20, 2025 from 11:00AM-3:30PM
10. Flag/Banner Request: Disability Pride Flag during the month of July



D 3

Town of Fairhaven

40 Center Street

Fairhaven, MA 02719

Tel: (508) 979-4023

selectboard@Fairhaven-MA.gov

SELECT BOARD

2025APR15 9:49 9:49

VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee or Commission are requested to complete this form and send it to the Select Board Office at the Town Hall.

(Please print or type)

Date: 4/9/25

Title: <input checked="" type="radio"/> Mr. <input type="radio"/> Mrs. <input type="radio"/> Ms. <input type="radio"/> Dr.	First Name: <u>Kenneth</u>	Last Name: <u>Kendall</u>
Street Address: <div style="background-color: black; height: 80px; width: 100%;"></div>		
How long have you been a Fairhaven resident?		

What Board(s) or Committee(s) are you interested in joining?

Zoning board of appealsHave you attended a meeting of this Board of Committee? ☒ YES ☐ NO

Have you (or are you currently) served on any Town of Fairhaven Boards? If so, please indicate what Board and number of years

Zoning board of appeals - yrs

Interests and Qualifications (tell us about yourself) – use additional paper if needed

Thank you for your interest in volunteering! If you have questions, please contact the office of the Select Board at (508) 979-4023 ext. 2 or e-mail selectboard@Fairhaven-MA.gov.

New submission from Volunteer Opportunities

1 message

Cathy Melanson Cathy Melanson <no-reply@jgpr.net>

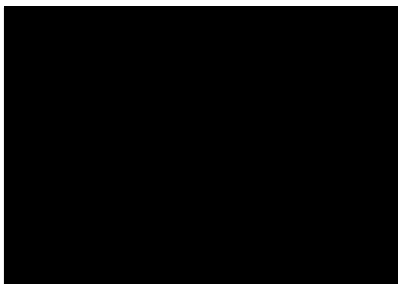
Thu, May 8, 2025 at 8:01 AM

Reply-To: cathymelanson@yahoo.com

To: Selectboard@fairhaven-ma.gov

Full Name

Cathy Melanson



How long have you been a Fairhaven resident?

65 years

What Board(s) or Committee(s) are you interested in joining? What is your reason for joining?

Zoning board of appeals

Have you attended a meeting of this Board or Committee?

Yes

Have you (or are you currently) served on any Town of Fairhaven Boards? If so, please indicate what Board and number of years

Capital Planning
Economic development
Charter

Interstes and Qualifications (tell us about yourself)

I have served on the planning board for 8 years. I have taken all the training to do with the zone board through our town council and all required training for all boards and committee and understand the town's hand book. I know pretty much all in and outs being a member of this town. I've worked diligently on different boards and committees for the town and I'm very committed to everything I do.

Consent

☒ I agree to the privacy policy.

SELECT BOARD'S MEETING

Action Item

Monday May 12, 2025

**Level Up! Magic Show
in collaboration with the Millicent Library
is requesting use of the
Town Hall Auditorium**

Application submitted by:

Allison Thiel

Date and Times to be held:

Saturday July 12, 2025

From

10:30 a.m.-11:30 a.m.



**Town of Fairhaven
Massachusetts
Select Board**

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079
Selectboard@Fairhaven-MA.gov

APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization Millicent Library
Responsible Officer Allison Thiel Tel. No. 508-992-5342
Address 45 Center St.
Purpose of Use Level Up! Magic Show
Date Requested July 12 2025 Begin Time 10:30 End Time 11:30

REQUESTED USE APPROVED TO AVAILABILITY: Summer Reading Magic Show Event

Conditions:

REQUEST FOR AUDIO / VISUAL TECHNICIAN: YES _____ NO ☒

Fee will be \$100.00 (up to three hours). Each additional hour will be charged \$25.00. Additional fee will be charged once additional hour begins. Cash or Check made out to The Town of Fairhaven /Town Cable

Select Board

Police Chief/Representative

Date

Fire Department Inspection

Board of Health

Building Department Inspection

FEES (To be completed by the Office of the Select Board)

Office Use only

Rental Fee x 1 hrs. at \$ 50.00 hr. = \$ 50.00

Plus refundable security deposit in the amount of the rental fee = \$ _____

N/A Audio \$100.00 plus x _____ hrs. at \$25.00 /hr. = \$ _____

☒ Custodian x 2 hrs. at \$ 50.00 hr = \$ 100.00

N/A Police x _____ hrs. at \$ _____ hr = \$ _____

TOTAL FEES = \$ 150.00

I have received \$ _____ in fees and security deposit for the use of the Town Hall Auditorium on behalf of
Town of Fairhaven from _____
Organization

Date: _____ Signed: _____
Select Board Office

(Security Deposit will be returned after inspection of the premises by the Select Board or its designee, less any charge for clean up or repair.)

SELECT BOARD'S MEETING
Action Item

Monday May 12, 2025

**Fairhaven Summer Art Gallery
is requesting use of the
Town Hall Auditorium**

**Application submitted by:
Susan Darwin
525 Ridgewood Rd
Maplewood, NJ 07040**

Date and Times to be held:

**Friday July 18, 2025
From
7 p.m.-9 p.m.**



**Town of Fairhaven
Massachusetts
Select Board**

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079
Selectboard@Fairhaven-MA.gov

APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization FAIRHAVEN SUMMER ART GALLERY
Responsible Officer SUSAN DARWIN Tel. No. 917-545-5428
Address 525 RIDGEWOOD ROAD MAPLEWOOD, NJ 07040 -- LOCAL 29 CENTER ST 6/19/25-8/2/25
Purpose of Use ART LECTURE
Date Requested JULY 18, 2025 Begin Time 7PM End Time 9PM

REQUESTED USE APPROVED TO AVAILABILITY:

Conditions:

REQUEST FOR AUDIO / VISUAL TECHNICIAN: YES YES NO NO

Fee will be \$100.00 (up to three hours). Each additional hour will be charged \$25.00. Additional fee will be charged once additional hour begins. Cash or Check made out to The Town of Fairhaven /Town Cable

Select Board

PoliceChief/Representative

Date

Fire Department Inspection

Board of Health

Building Department Inspection

FEES (To be completed by the Office of the Select Board)

Office Use only

Rental Fee x <u>2</u> hrs. at \$ <u>100</u> hr.	=	\$ <u>200.00</u>
Plus refundable security deposit in the amount of the rental fee	=	\$ _____
<u>X</u> Audio \$100.00 plus x <u> </u> hrs.at \$25.00 /hr.	=	\$ <u>100.00</u>
<u>X</u> Custodian x 3 hrs. at \$50 hr	=	\$ <u>150.00</u>
<u>N/A</u> Police x _____ hrs. at \$ _____ hr	=	\$ _____
TOTAL FEES	=	\$ <u>450.00</u>

I have received \$ _____ in fees and security deposit for the use of the Town Hall Auditorium on behalf of
Town of Fairhaven from _____

Organization

Date: _____

Signed: _____
Select Board Office

(Security Deposit will be returned after inspection of the premises by the Select Board or its deignee, less any charge for clean up or repair.)



TOWN OF FAIRHAVEN

D 8

APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

Date: April 15, 2025

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

All Alcoholic Beverages

(Beer and Wine)

or

(All Alcoholic Beverages)

For a PRIDE Event to be held at

Center and Walnut Streets. Served by The Gallery Bar on the Fairhaven Town Hall lawn on the Walnut Street side.

by Belonging Committee, Discover Fairhaven & Fairhaven PRIDE Working Group

date Sunday, June 22nd

from 4pm to 7:30pm

Name of Applicant: Alyssa Botelho

Address of Applicant: Town Hall

40 Center St, Fairhaven MA

Telephone: (508) 979-4085

For a banquet or public dinner, the applicant should be responsible, manager of the banquet or public dinner.

For a picnic, field day or outing, applicant should be a representative of responsible organization or individual.

FEE:

Beer & Wine \$50.00

All Alcoholic \$75.00



TOWN OF FAIRHAVEN

D 9

APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

Date: 4-22-25

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

X

(Beer and Wine)

or

(All Alcoholic Beverages)

For a Huttleston HarborFest to be held at

Grimshaw Park, Fort Phoenix

by **Discover Fairhaven**

date **Saturday, June 21st, 2025**

from **11AM** to **9:30PM**

Name of Applicant: **Alyssa Botelho**

Address of Applicant: **40 Center Street**

Fairhaven, MA 02719

Telephone: **(508) 979-4085**

For a banquet or public dinner, the applicant should be responsible, manager of the banquet or public dinner.

For a picnic, field day or outing, applicant should be a representative of responsible organization or individual.

FEE:

Beer & Wine \$50.00

All Alcoholic \$75.00



TOWN OF FAIRHAVEN

APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

Date: 4-22-25

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

X

(Beer and Wine)

or

(All Alcoholic Beverages)

For a Huttleston HarborFest to be held at

Grimshaw Park, Fort Phoenix

by Discover Fairhaven

date Saturday, July 19th, 2025

from 11AM to 3:30PM

Name of Applicant: Alyssa Botelho

Address of Applicant: 40 Center Street

Fairhaven, MA 02719

Telephone: (508) 979-4085

For a banquet or public dinner, the applicant should be responsible, manager of the banquet or public dinner.

For a picnic, field day or outing, applicant should be a representative of responsible organization or individual.

FEE:

Beer & Wine \$50.00

All Alcoholic \$75.00



TOWN OF FAIRHAVEN

APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

Date: 4-22-25

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

X

(Beer and Wine)

or

(All Alcoholic Beverages)

For a Huttleston HarborFest to be held at

Grimshaw Park, Fort Phoenix

by Discover Fairhaven

date Saturday, August 23rd, 2025

from 11AM to 3:30PM

Name of Applicant: Alyssa Botelho

Address of Applicant: 40 Center Street

Fairhaven, MA 02719

Telephone: (508) 979-4085

For a banquet or public dinner, the applicant should be responsible, manager of the banquet or public dinner.

For a picnic, field day or outing, applicant should be a representative of responsible organization or individual.

FEE:

Beer & Wine \$50.00

All Alcoholic \$75.00



TOWN OF FAIRHAVEN

APPLICATION FOR SPECIAL LICENSE

General Law Chapter 138, Section 14

Date: 4-22-25

To the Licensing Board:

The undersigned hereby applies for a SPECIAL LICENSE under provisions of Chapter 138, Section 14 to sell

X

(Beer and Wine)

or

(All Alcoholic Beverages)

For a Huttleston HarborFest to be held at

Grimshaw Park, Fort Phoenix

by Discover Fairhaven

date Saturday, September 20th, 2025

from 11AM to 3:30PM

Name of Applicant: Alyssa Botelho

Address of Applicant: 40 Center Street

Fairhaven, MA 02719

Telephone: (508) 979-4085

For a banquet or public dinner, the applicant should be responsible, manager of the banquet or public dinner.

For a picnic, field day or outing, applicant should be a representative of responsible organization or individual.

FEE:

Beer & Wine \$50.00

All Alcoholic \$75.00

Fwd: Commission on Disability Flag Request

1 message

Martha Reed <mreed@fairhaven-ma.gov>

Thu, May 1, 2025 at 3:17 PM

To: Select Board <selectboard@fairhaven-ma.gov>, Amy Hart <ahart@fairhaven-ma.gov>

Cc: Krystal Lunn <krystal.lunn@gmail.com>

On Thu, May 1, 2025 at 2:37 PM Martha Reed <mreed@fairhaven-ma.gov> wrote:

Hi Amy,

Attached please find a request from the Commission on Disability to fly the Disability Pride Flag during the month of July, which is Disability Pride Month.

Please feel free to reach out with any questions.

Thanks,

Martha

--

*Martha Reed
Executive Director
Fairhaven Council on Aging
Interim ADA Coordinator
Town of Fairhaven
229 Huttleston Ave.
Fairhaven, MA 02719
E-mail: mreed@fairhaven-ma.gov
Phone: 508-979-4029 Fax: 508-979-4116*

I sometimes send emails outside of normal working hours; I do not expect others to do so and your immediate response is not expected.

*Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c.66.s.10
Confidentiality should not be expected.*

 **COD Disability Flag Request 5.1.2025.pdf**
118K

SELECT BOARD

2025MAY16:3316:33

**General Release and Indemnity
Flag/Banner Policy**

I/we, Commission on Disability in consideration of the approval of my/our request to the Town of Fairhaven to be allowed to display a flag or banner on public property, do hereby agree to release the Town, and its officers, agents, and employees, from any and all liability for damage or injury suffered by me/us including but not limited to personal injury or property damage resulting from, or related to, the placement, display or removal by me/us or by any other person, of the flag or banner; and further I/we agree to indemnify, defend and hold harmless the Town, and its officers, agents, and employees, from any and all claims for damage or injury, including but not limited to personal injury or property damage resulting from, or related to, the placement, display or removal by me/us or by any other person, of the flag or banner.

5/11/25
Date:

Krystal Lunn
Name (print)

Secretary
Title (if signed on behalf of an organization):

Krystal Lunn
Signed:

Office Use only

Received on _____
By _____
Approved by Select Board _____
Dates to be displayed _____



Monday, May 12, 2025

Action / Discussion

1. Conservation Restriction: Camel Street Property - Sconticut Neck
2. File Home Rule Petition: Article 15, Annual Town Meeting, May 3, 2025
3. File Home Rule Petition: Article 16, Annual Town Meeting, May 3, 2025
4. Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) Self-Nominations

Request for May 12 Agenda

1 message

Mark Rasmussen <rasmussen@savebuzzardsbay.org>

Mon, May 5, 2025 at 10:44 AM

To: Charles K Murphy <cmurphy@fairhaven-ma.gov>

Cc: "asaunders@fairhaven-ma.gov" <asaunders@fairhaven-ma.gov>, "TownAdmin@fairhaven-ma.gov" <TownAdmin@fairhaven-ma.gov>, "ahart@fairhaven-ma.gov" <ahart@fairhaven-ma.gov>

Hi Charlie – I am writing to request time on the Select Board's next meeting Agenda – Monday, May 12 – to request the Board's approval of the Trott Woods Conservation Restriction (CR) on Camel Street. I had thought that this item had been continued to your last meeting, but it was not on the agenda. Therefore my new request.

As you know, the Trott CR is an important part of the "Widemarsh Farm & Coastal Land Protection Project" which aims to protect some of the town's highest priority open spaces as identified in the Master, Open Space and Climate Resilience Plans. The CR's approval by the Select Board is required to receive an already-awarded \$300,000 Conservation Partnership Grant from the MA Executive Office of Environmental Affairs.

I have provided the Board with supplemental information on the project as requested since your last discussion of it.

Thank you,

Mark

Mark Rasmussen

President

BUZZARDS BAY COALITION

Main - 114 Front Street, New Bedford, MA 02740 USA

Tel: 508-999-6363 x.201 - www.savebuzzardsbay.org



Benefits of Widemarsh Farm & Coastal Land Protection Project *Wide Marsh Farm, Viveiros Field, Trott Woods - Fairhaven*

1. **Farmland and Coastal Land Protection are consistently listed as THE TOP priorities** in Fairhaven Open Space and Master Plans...for decades. These projects are fulfilling specific Goals set by Fairhaven at NO COST to the town.

Excerpts from GOALS: Fairhaven Open Space & Recreation Plan (2020-2024)

- *Goal 1: Preserve our farmland and working agricultural landscapes*
- *Acquire specific critically located parcels of land to prevent development in inappropriate (e.g., coastal) areas in Fairhaven.*
- *Protect inland and coastal wetlands and wildlife habitat through... restrictions that apply to areas subject to coastal flooding.*
- *Continue to work with conservation partners to acquire lands that are significant to state recognized Core Habitat, Critical Natural Landscapes, and climate change resilient land.*

2. WideMarsh Project preserves the town's coastal farmland, salt marshes and historic stone walls – the **character of the Neck**.
3. Opens up new **Walking Trails for use by the General Public**, with no future cost to the town for this public use. BBC will maintain land and trails at its own expense.
4. **Improves Water Quality:** 2 old septic systems removed, Municipal Sewer Line run to 4 new house sites (2 existing, 2 new): Reduces pollution to Nasketucket Bay AND adds ratepayers to Fairhaven Water and Sewer system.
5. Project requested **NO funding from the Town of Fairhaven**. BBC raised all funds through Federal and State Grants and private donations.
6. Project is very **close to Tax Revenue Neutral** to Town of Fairhaven. Adds 2 new houses to existing 2; new construction will assess higher going forward.
7. Prevents new construction and the cost of protecting people and property in **Flood Prone Areas**; allows for Sea Level Rise Climate Adaptation.
8. Fairhaven Conservation Commission has approved holding the **Conservation Restriction (CR) which gives the town authority over BBC's ownership** to enforce the terms of the CR.

Widemarsh Farm & Coastal Land Protection Project - 53 acres on Fairhaven's Sconticut Neck
Buzzards Bay Coalition (2022-2025)

	Widemarsh Farm (26 acres)		Viveiros Field (16 acres)		Trott Woods (11 acres)		Totals	
	Before	After	Before	After	Before	After	Before	After
Land Use Change								
Number of Residential Units	2	3	0	1	0	0	2	4
Septic v. Sewer	2 Septic Systems	All on Sewer	none	Sewer to new lot	none	none	2 Septic Systems	All 4 lots on Sewer
Well v. Drinking Water	1 Well, 1 Town	All on Town	none	1 on Town	none	none	1 Well, 2 Town	All 4 Lots Town Water
Key Protections/Uses Acquired								
Farmland Protection	No protection	15 acres in 4 fields	No Protection	10 acres	No protection	none	No protection	25 Acres Prime Farmland preserved
Coastal Resilience Protection	No protection	5.6 acres	No Protection	2.3 acres	No protection	4 acres	No protection	12 acres of CAA protected
Public Access	none	YES, new trail	none	possible future	none	YES, new trail	None	2 new coastal trails
Local Property Tax Implications*								
Town Assessed Value	\$ 1,142,000	\$ 1,078,000	\$ 3,536	\$ 305,000	\$ 348,000	\$ -	\$ 1,493,536	\$ 1,383,000
Annual Property Tax Payment*	\$ 10,643	\$ 10,047	\$ 33	\$ 2,843	\$ 3,243	\$ -	\$ 13,920	\$ 12,890
Project Funding								
Purchase Price from landowners	\$ 2,000,000		\$ 900,000		\$ 610,000		\$ 3,510,000	
(, etc)	\$ 265,000		\$ 65,000		\$ 35,000		\$ 365,000	
Total Cost of Land Protection	\$ 2,265,000		\$ 965,000		\$ 645,000		\$ 3,875,000	
Income Sources								
Federal Grants	\$ 697,500		\$ 450,000		\$ -		\$ 1,147,500	
State Grants	\$ -		\$ -		\$ 300,000		\$ 300,000	
Town of Fairhaven	\$ -		\$ -		\$ -		\$ -	
Resale of Lots/Houses	\$ 1,250,000						\$ 1,250,000	
BBC Private Fundraising	\$ 317,500		\$ 515,000		\$ 345,000		\$ 1,177,500	
Land Protection Outcome	Resale of house lots, Resale of Farm to private buyer, CR held by BBC		Farm remains with Viveiros Family, CR held by BBC		Land owned by BBC, CR held by Fairhaven Conservation Comm			

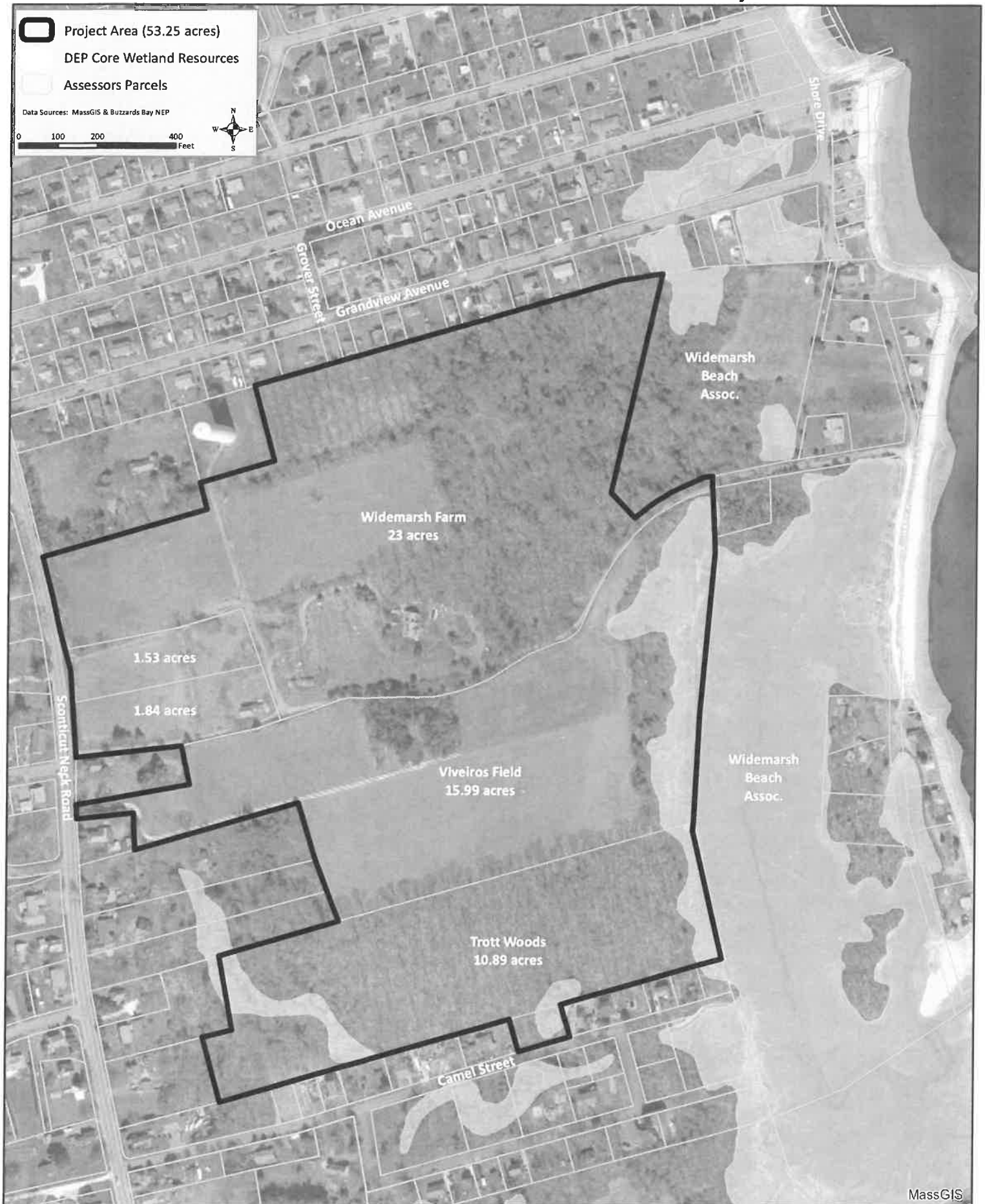
summary prepared April 10, 2025

* Estimates assume average Buildable Lot Value of \$300,000, and average 2024 Fairhaven house value of \$478,000 (per comps)

* FY2025 Residential Tax Rate: \$9.32/thousand

* Note: Future Assessed Values expected to increase due to constrction of 3 new houses, and 1 renovation

Widemarsh Farm & Coastal Land Protection Project



MassGIS

Camel Street Property CR - Sconticut Neck

1 message

Allen Decker <decker@savebuzzardsbay.org>

Mon, Mar 17, 2025 at 3:05 PM

To: "Amy Hart - Town of Fairhaven ()" <ahart@fairhaven-ma.gov>

Cc: "spowers@fairhaven-ma.gov" <spowers@fairhaven-ma.gov>

Hi Amy, touching base to find out if it's possible to get on the Select Board agenda for March 24 seeking approval of a Conservation Restriction on Sconticut Neck.

I've attached the CR, some airphoto maps and a support letter signed by the Conservation Commission.

BBC is going to acquire this property and we're using a state Conservation Partnership grant to help with the acquisition cost.

The grant program requires a CR be placed on the property and I was with the Con Comm last Fall to explain the project and seek its support for holding the CR to comply with the grant (which led to the signed letter).

As noted from the airphoto maps, the property is forested with some wetlands and a lot of costal adaptation area allowing saltmarsh to move west as a result sea level rise.

You'll see that the eastern end of the property is already part of the expanse of Widemarsh Salt Marsh.

In addition, a large portion is mapped as BioMap Critical Natural Landscape and the project is part of a larger effort by BBC to preserve vulnerable land on Sconticut Neck.

BBC will add the property to our publicly-accessible Nasketucket Bay Reserve.

Please let me know that you received this email and let me know about the meeting.

I appreciate the consideration and thanks in advance!

Cheers, Allen

Allen Decker, Director of Land Protection
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Tel - 508-999-6363 x.204
www.savebuzzardsbay.org<<http://www.savebuzzardsbay.org>>

6 attachments



Camel Street CR.pdf

910K



Nasketucket Bay - Trott_Fairhaven_Aerial Map.pdf

1373K



Nasketucket Bay - Trott_Fairhaven_BioMap3.pdf

1294K



Nasketucket Bay - Trott_Fairhaven_Open Space Context.pdf

1434K



Nasketucket Bay - Trott_Fairhaven_Wetlands & CAA.pdf

1342K



FCC Letter of Support to BBC Trott Lot - SIGNED.pdf

854K



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 40 Center Street • Fairhaven, MA 02719

July 8, 2024

Melissa Cryan
EOEEA
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Nasketucket Bay - Trott Conservation Project
Fairhaven, Massachusetts

Dear Ms. Cryan:


The Town of Fairhaven Conservation Commission (Con Comm) is pleased to support Buzzards Bay Coalition (BBC) in the above referenced project for funds to help complete the protection of approximately 11 acres of land along the Widemarsh saltmarsh on the Nasketucket Bay side of Sconticut Neck in Fairhaven. This application and project protects this undeveloped property and will prevent land use conversion (as the property would support multiple house lots), open the area for public access, protect water quality and fish and wildlife habitat associated with the saltmarsh complex along the shoreline of the Bay.

The property is principally forested uplands with its eastern edge abutting saltmarsh. The topography is such that protection of the property will provide resiliency to the effects of climate change and make it possible for the saltmarsh to migrate westerly over time as sea level rises. My understanding in discussing the project with the BBC is that the BBC has the property under agreement to acquire as part of a building block of conservation land in the immediate area which will add to the overall expanse of conservation land on Sconticut Neck (see enclosed maps). BBC envisions managing the property as a publicly-accessible open space reserve.

The Con Comm commits to holding the conservation restriction (CR) required by the grant program if the application is selected for funding and the Fairhaven Select Board approves. We will work with BBC and the Fairhaven Select Board to create a CR for the property that allows public access for passive recreational activities while protecting important natural resources associated with the coastal habitats.

Thank you for your attention to this letter and working with our partners to protect this important property.

Sincerely,



Hugh Bruce Webb
Conservation Agent and Sustainability Coordinator

Nasketucket Bay - Trott, Fairhaven - Aerial Map



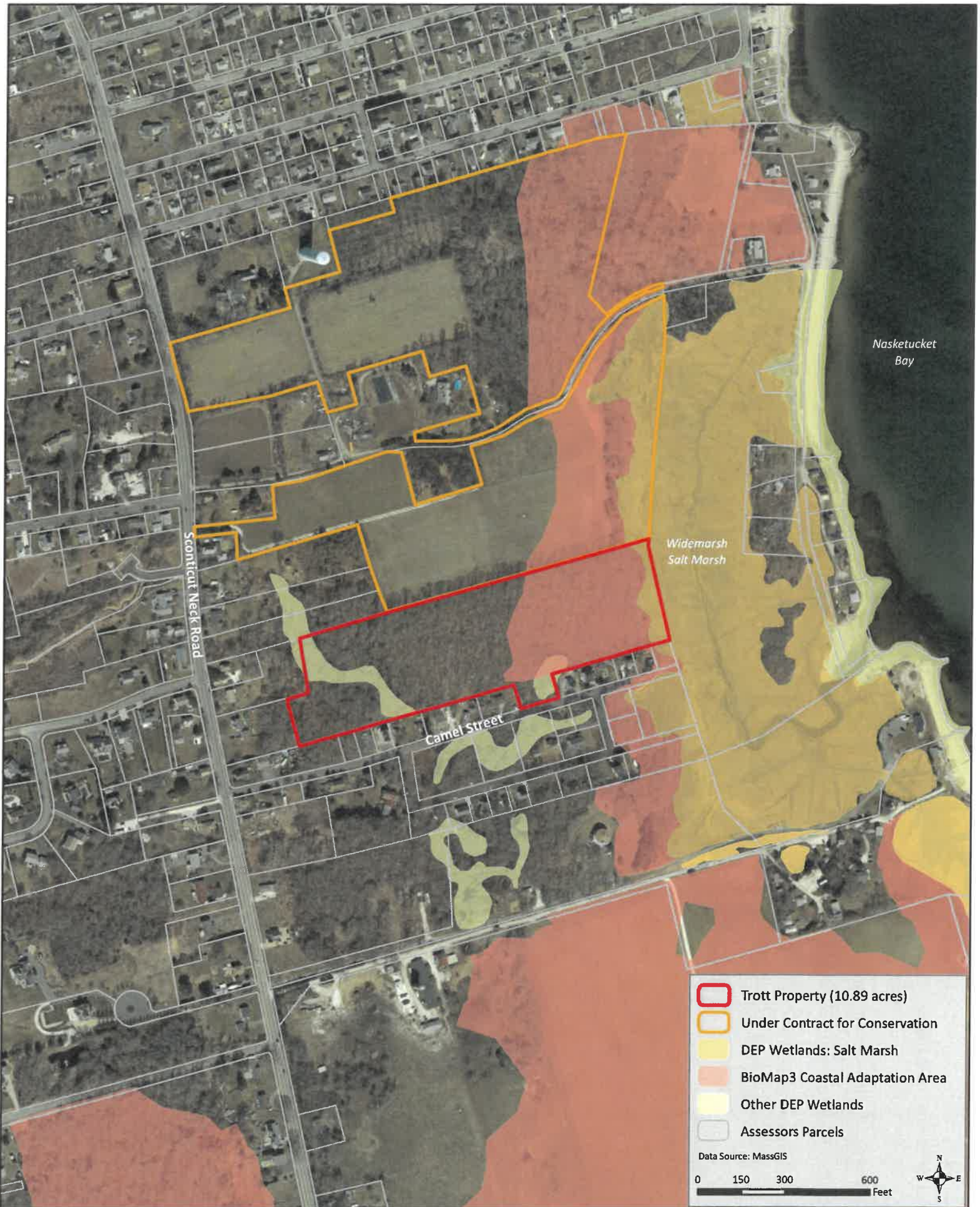
Nasketucket Bay - Trott, Fairhaven - Open Space Context



Nasketucket Bay - Trott, Fairhaven - NHESP/TNC BioMap3



Nasketucket Bay - Trott, Fairhaven - Wetlands and Coastal Adaptation Area



GRANTOR: BUZZARDS BAY COALITION, INC.
GRANTEE: TOWN OF FAIRHAVEN
ADDRESS OF PREMISES: North Side of Camel Street (Vacant Land)
Fairhaven, Massachusetts 02719;
FOR GRANTOR'S TITLE SEE: Bristol County South Registry District
Certificate of Title _____ and
Bristol County (Southern District) Registry of Deeds
Book _____ at Page _____

GRANT OF CONSERVATION RESTRICTION

Camel Street Property, Camel Street, Fairhaven

I. STATEMENT OF GRANT

BUZZARDS BAY COALITION, INC., a Massachusetts non-profit corporation with an address of 114 Front Street, New Bedford, Bristol County, Massachusetts 02740 being the sole owner of the Premises as defined herein, constituting all of the owner(s) of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, to **TOWN OF FAIRHAVEN**, a political subdivision of the Commonwealth of Massachusetts, acting by and through its Conservation Commission, a duly constituted and empowered board of the Town of Fairhaven by the authority of Section 8C of Chapter 40 of the Massachusetts General Laws with an address of 40 Center Street, Fairhaven, Bristol County, Massachusetts 02719, its permitted successors and assigns ("Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in Fairhaven, Bristol County, Massachusetts consisting of three parcels containing 10.89-acres ± ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copies of survey plans in Exhibits B-1 and B-2, all of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its

natural, scenic, or open condition and available for agricultural use, forestry use and passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The fee interest in the Premises was acquired utilizing, in part, assistance from the Conservation Partnership program which requires, pursuant to Section 2A of Chapter 286 of the Acts of 2014 and Section 2A of Chapter 102 of the Acts of 2021, the conveyance of this Conservation Restriction.

The Conservation Values protected by this Conservation Restriction include the following:

- **Open Space.** The Premises contributes to the protection of the scenic and natural character of Sconticut Neck in Fairhaven and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is part of a larger conservation project involving neighboring properties and is just slightly north of a large assemblage of land already conserved, including lands protected by the Grantor, the Grantee, Fairhaven-Acushnet Land Preservation Trust and the Commonwealth's Department of Agricultural Resources.
- **Water Quality.** Protection of the Premises will prevent the potential development of up to five (5) residential house lots and the associated impacts from impervious surfaces, stormwater runoff, fertilizers and pesticides and will provide buffer to an expansive and critical saltmarsh to the east along the shoreline of Nasketucket Bay. Preventing land use conversion will keep the Premises from further degradation of the water quality in Nasketucket Bay.
- **Public Access.** Public access to the Premises will be allowed for passive outdoor recreation, scenic vista enjoyment, nature study and exploration, environmental education and research and there is the potential to connect hiking/walking trails from the Premises to other surrounding protected open space resulting in an extensive network of trails for exploration and enjoyment.
- **Biodiversity.** The Premises includes areas designated as Critical Natural Landscape as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap, last updated in 2022, was designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- **Climate Change Resiliency.** The Premises is identified as having upland buffer adjacent to coastal habitat per Massachusetts GIS mapping. Such coastal adaptation areas are critical for protection as they provide resiliency to the effects of sea level rise over time due to climate change. In particular, such areas provide an opportunity for salt marsh to migrate inland as saltwater inundation due to sea level rise becomes more prevalent in the

immediate area. The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.

- Consistency with Clearly Delineated Local Governmental Conservation Policy. Protection of the Premises supports the Town of Fairhaven's 2017-2024 Open Space and Recreation Plan ("OSRP") that calls for an increased awareness of open space and protection of habitats and landscapes. Specifically, protection of the Premises supports acquiring critically located parcels of land to prevent development in inappropriate (e.g. coastal) areas (Goal 1, Objective A) and setting aside more land for conservation and open space (Goal 3) as protection of the Premises will prevent land use conversion and its associated impacts and the goal of preserving cultural landscapes important to the Town (Goal 6) such as those that maintain scenic views and the rural character of Sconticut Neck. These OSRP goals are echoed in the Town of Fairhaven's 2018 Master Plan evidencing their importance. The Town of Fairhaven's understanding of the importance of preparation for the effects of climate change are voiced in the Town's Municipal Vulnerability Preparedness Program and protection of the Premises helps achieve high priority actions noted like the importance of land conservation and the effectiveness of natural protective systems.
- Consistency with Clearly Delineated State Governmental Conservation Policy. Conservation of the Premises is in furtherance of the clearly delineated policies of the Commonwealth of Massachusetts to encourage land conservation as exhibited by the designation of areas of the Premises as being NHESP BioMap-designated Critical Natural Landscape which helps protect terrestrial biodiversity within the Commonwealth. Protection of the Premises is consistent with the Buzzards Bay Comprehensive Conservation and Management Plan. This plan, developed in 1991 by the Buzzards Bay National Estuary Program (a cooperative effort sponsored by the Executive Office of Environmental Affairs and the United States Environmental Protection Agency) includes protecting open space in its action plan, with the objectives of improving water quality and protecting biodiversity.
- Consistency with Clearly Delineated Federal Governmental Conservation Policy. Protection of the Premises is for the scenic enjoyment of the general public using Nasketucket Bay and traveling along Sconticut Neck Road and will yield a significant public benefit meeting IRS Code Section 170(h)(4)(A)(iii)(I) and is pursuant to clearly delineated federal, state and local conservation policies meeting IRS Code Section 170(h)(4)(A)(iii)(II).

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;

12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
 2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
 3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises;
 4. Natural Habitat and Ecosystem Improvement. Conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
 5. Indigenous Cultural Practices. Allowing indigenous peoples to:
 - a. Conduct cultural land ceremonial uses. Cultural practices are defined, for the purposes of this Conservation Restriction, as including traditional spiritual ceremonies, seasonal celebrations, offerings, and cultural, educational, and interpretive programming; and
 - b. Harvest plant-life for traditional cultural practices, using methods which, in the sole judgment of the Grantee, ensure sustainable populations of the harvested species within the Premises, including regrowth and replanting;
 6. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
7. Trails. Maintaining and constructing trails as follows:
- a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to twenty (20) feet in width overall, with a treadway up to twelve (12) feet in width.
 - b. New Trails. Constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - c. Trail Features. Constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
8. Signs/Minor Structures. Constructing, installing, maintaining, and replacing gates, barriers, fences, natural resource monitoring equipment, land stewardship/ environmental education sheds, signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
9. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments or as necessary for engaging in the Permitted Acts and Uses as permitted herein;
10. Parking Area. The construction, maintenance and use of one (1) parking area designed to accommodate safe and adequate motorized vehicle, bicycle and pedestrian access to the Premises (the "Parking Area"). The Parking Area shall be sized to no more than 3,000 square feet and must be constructed using pervious materials, unless site drainage issues or the permit-granting authority requires otherwise, or unless necessary to provide one (1) accessible parking space for those with mobility impairments, in which case measures shall be taken to limit the impacts of stormwater runoff. Prior to any construction permitted in this Paragraph III.B.10., Grantor shall provide written notice to Grantee;
11. Stone Walls. The maintenance and repair of existing stone walls, including the use of field stone and boulders to repair stone walls, and the construction of new stone walls in the style of those existing, and the removal or alteration of existing stone walls to:
(a) create openings related to the Parking Area described above in Paragraph III.B.10, and (b) create openings (not to exceed fifteen (15) feet) for New Trails described above in Paragraph III.B.7.b.;
12. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, cross-country skiing, snowshoeing, hunting, trapping, nature observation, nature and

educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;

13. Forest Management.

- a. Harvesting For Personal Use. The sustainable cutting of trees only for the Grantor's personal use, not to exceed two (2) cords or equivalent volume, shall not require a Forest Stewardship Plan;

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Acts and Uses requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) calendar days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed

activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantee's failure to respond within sixty (60) calendar days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) calendar days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) calendar days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking

reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.12. provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.12. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary") and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right will be determined as of the date of termination, release, or extinguishment.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If less than a fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) calendar days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) calendar days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or

8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Fairhaven and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Buzzards Bay Coalition, Inc.
114 Front Street
New Bedford, Massachusetts 02740
Attn: Watershed Protection

To Grantee: Town of Fairhaven
c/o Conservation Commission
40 Center Street
Fairhaven, Massachusetts 02719

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Release of Homestead

The Grantor attests that there is no residence on or abutting the Premises (including areas excluded from the Premises) that is occupied or intended to be occupied as a principal residence by a spouse, former spouse, or children of the grantor, or a spouse, former spouse, or children of a beneficiary of the trust, if Premises is owned by a trust.

C. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

F. Maintenance and Upkeep Costs

Grantor shall retain all responsibilities and shall bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the Premises, including maintenance of adequate comprehensive general liability insurance coverage or such like liability insurance coverage as may be appropriate from time to time. Upon request, Grantor will supply a certificate of such insurance to Grantee. Grantor shall keep the Premises free of any liens arising out of work performed for, materials furnished to, or obligations incurred by Grantor.

G. Taxes

Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on, or assessed against, the Premises by competent authority (collectively "Taxes"), including any Taxes imposed upon, or incurred as a result of, this Conservation Restriction and shall furnish Grantee with satisfactory evidence of payment upon request.

H. Title Warranty

Grantor warrants that Grantor has good title to the Premises, that the Grantor has the right to convey this Conservation Restriction and that the Premises is free and clear of any encumbrances. Grantor also warrants that Grantor has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Premises.

I. The following signature pages are included in this Grant:

Grantor
Grantee Acceptance
Approval of Select Board
Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts

J. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises
Exhibit B-1: Reduced Copy of Filed Plan of Premises (Registered Land)
Exhibit B-2: Reduced Copy of Recorded Plan of Premises (Recorded Land)

WITNESS my hand and seal this ____ day of _____, 2025.

BUZZARDS BAY COALITION, INC.

Mark Rasmussen, President, duly authorized

Michael T. Huguenin, Assistant Treasurer, duly authorized

THE COMMONWEALTH OF MASSACHUSETTS

County, ss:

On this ____ day of _____, 2025, before me, the undersigned notary public, personally appeared Mark Rasmussen and Michael T. Huguenin, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they were duly authorized and signed it voluntarily for its stated purpose as President and Assistant Treasurer, respectively, of Buzzards Bay Coalition, Inc.

Notary Public
My Commission Expires: _____

ACCEPTANCE OF TOWN OF FAIRHAVEN CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of Fairhaven, Massachusetts, hereby certify that at a public meeting duly held on _____, 2025, the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from Buzzards Bay Coalition, Inc. pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and authorized the undersigned to execute the foregoing Conservation Restriction on behalf of the Commission, and do hereby accept the foregoing Conservation Restriction.

TOWN OF FAIRHAVEN CONSERVATION COMMISSION:

Brandon Estrella

Anthony Couto

Wendy Drumm

Karyn Ferreira

Jake Galary

Karen Goodhue

Diane Tomassetti

THE COMMONWEALTH OF MASSACHUSETTS

County, ss:

On this ____ day of _____, 2025, before me, the undersigned notary public, personally appeared Brandon Estrella, Wendy Drumm, Jake Galary, Anthony Couto, Karyn Ferreira, Karen Goodhue and Diane Tomassetti, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

APPROVAL OF TOWN OF FAIRHAVEN SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Fairhaven, hereby certify that at a public meeting duly held on _____, 2025, the Select Board voted to approve the foregoing Conservation Restriction from Buzzards Bay Coalition, Inc. to the Town of Fairhaven, acting by and through its Conservation Commission, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF FAIRHAVEN SELECT BOARD

Stasia Powers

Keith Silvia

Charles K. Murphy, Sr.

Andrew Romano

Andrew B. Saunders

THE COMMONWEALTH OF MASSACHUSETTS

County, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Stasia Powers, Charles K. Murphy, Sr., Andrew B. Saunders, Keith Silvia and Andrew Romano and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from Buzzards Bay Coalition, Inc. to the Town of Fairhaven, acting by and through its Conservation Commission, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2025

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of the Premises

The land in Fairhaven, Bristol County, Massachusetts, containing 10.89 acres \pm and consisting of three (3) parcels described as follows:

REGISTERED LAND

"Lot 3" and "Lot 4" on a plan of land titled "Plan of Land in Fairhaven", dated March 22, 1957, by William F. Kirby, Surveyor, filed in the Bristol County (South) Registry District as plan of land 27550A.

Said lots being currently identified as Fairhaven Assessors Map 29, Lots 71 and 54, respectively.

Being the same property conveyed to Buzzards Bay Coalition, Inc. by a deed filed _____, 2025 as Document _____ in the Bristol County (South) Registry District.

RECORDED LAND

"Map 29, Lot 22D" on a plan of land titled "Approval Not Required Plan of Land, 463 Sconticut Neck Road, Fairhaven, MA", dated December 8, 2023, by G.A.F. Engineering, Inc., 266 Main Street, Warcham, MA 02571, recorded in Plan Book 187 at Page 2 in the Bristol County (Southern District) Registry of Deeds.

Said Lot being currently identified as Fairhaven Assessors Map 29, Lot 22D.

Being the same property conveyed to Buzzards Bay Coalition, Inc. by a deed recorded _____, 2025 in Deed Book _____ at Page _____ in the Bristol County (Southern District) Registry of Deeds.

EXHIBIT B-1

Reduced Copy of Filed Plan of Premises (Registered Land)

For official full size plan see Bristol County (South) Registry District Plan 27550A

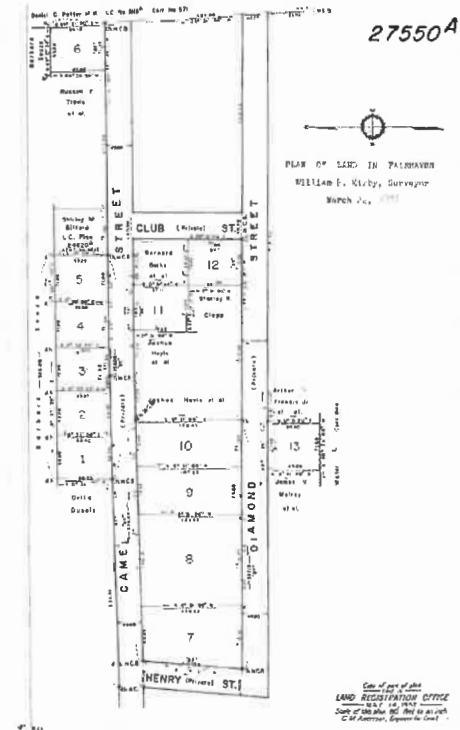
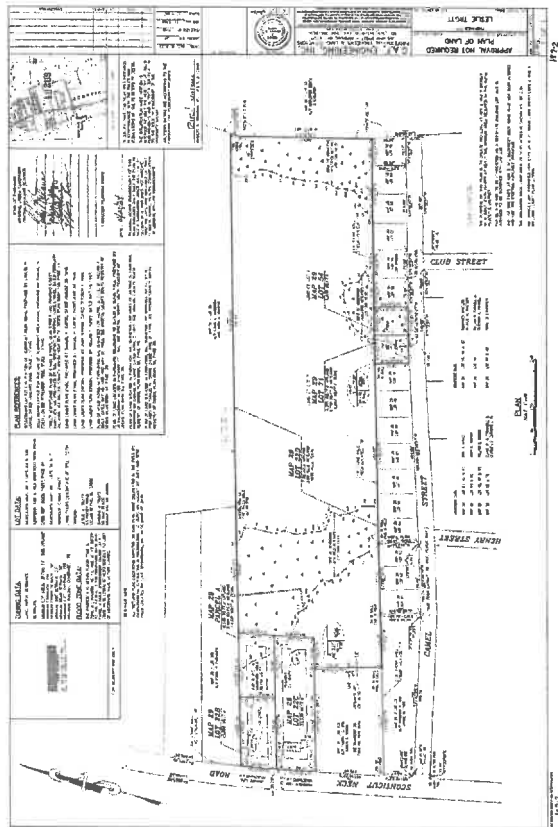


EXHIBIT B-2

Reduced Copy of Recorded Plan of Premises (Recorded Land)

For official full size plan see Bristol County (Southern District) Registry of Deeds
Plan Book 187 at Page 2



PETITION OF THE TOWN OF FAIRHAVEN TO AMEND CHAPTER 160 OF THE ACTS OF 2003

Chapter 160 of the acts of 2003 is hereby amended as follows:

1. The first sentence of Section 1 is amended by striking out the words “board of selectmen of the town of Fairhaven” and inserting in place thereof “chief of police of the town of Fairhaven, with town administrator approval”.
2. Section 1 is further amended by adding the following sentence after the second sentence: - “No retired police officer shall be appointed as a special police officer pursuant to this act if that officer has been retired for more than five (5) years.”
3. Section 1 is further amended by striking out the words “The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of the General Laws.” and inserting in place thereof “The special police officers shall not be subject to the same maximum age restrictions as applied to regular Fairhaven police officers under chapter 32 of the General Laws, but shall not be eligible, to serve as special police officers if they have reached the age of 70.”
4. Section 1 is further amended by striking out the words “he is” and replacing them with “they are.”
5. Section 2 is amended by striking out the words “or to”.
6. Section 2 is further amended by adding the words “or chapter 150E of the General Laws” at the end of said Section 2.
7. The first sentence of Section 4 is amended by striking out the words “board of selectmen of the town of Fairhaven” and inserting in place thereof “chief of police of the town of Fairhaven, with town administrator approval”
8. The second sentence of Section 4 is amended by striking out the words “board of selectmen” and inserting in place thereof “chief of police”
9. Section 4 is further amended by adding a new third sentence: - “A special police officer’s appointment shall automatically terminate upon the officer reaching the age of 70.”
10. Section 7 is amended by striking out the words “when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from the current 65 years of age, the termination of benefits under said section 111F, as provided herein to special police officers, shall terminate at such a higher age limit but in no event shall the benefits extend beyond the age of 70 for any special police officer.” and inserting in place thereof “in accordance with said section 111F or at the conclusion of the employment term, whichever occurs sooner.”
11. Section 8 is amended by adding the word “not” following the word “shall”.

To amend Chapter 160 of the Acts of 2003 for the appointment of retired police officers as special police officers, to allow retired police officers to work until the age of 70 instead of 65 as is currently allowed and to clarify the appointing authority by striking some of the existing language as indicated in strikethrough, or adding language as indicated in bold/underlined below; or take any other action relative thereto.

Request to amend as follows:

SECTION 1. ~~The Board of Selectmen~~ **The Chief of Police** of the Town of Fairhaven, **with Town Administrator approval**, may appoint, as they deem necessary, retired Fairhaven police officers as special police officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The retired police officers must have been regular Fairhaven police officers and retired based on superannuation. **No retired police officer shall be appointed as a special police officer pursuant to this act if that officer has been retired for more than five (5) years.** The special police officers shall **NOT** be subject to the same maximum age restrictions as applied to regular Fairhaven police officers under chapter 32 of the General Laws, **but shall not be eligible, to serve as special police officers if they have reached the age of 70.** A special police officer must pass a medical examination, by a physician or other certified professional chosen by the town, to determine that ~~he is~~ **they are** capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer, prior to performing police details.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, ~~or to~~ section 99A of chapter 41 of the General Laws **or chapter 150E of the General laws.**

SECTION 3. Special police officers shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the Town of Fairhaven.

SECTION 4. Special police officers shall be appointed for an indefinite term, subject to removal by the ~~Board of Selectmen~~ **Chief of Police, with Town Administrator approval**, at any time with 14 days written notice. Upon request, the ~~Board of Selectmen~~ **Chief of Police** shall provide reasons for removal in writing. **A special police officer's appointment shall automatically terminate upon the officer reaching the age of 70.**

SECTION 5. Special police officers shall also be subject to the rules and regulations, policies and procedures and requirements of the Fairhaven police department and Chief of Police of the Town of Fairhaven including restrictions on the type of detail assignment, requirements regarding medical examinations to determine continued capability to perform the duties of a special police officer, requirements for training, requirements for firearm licensing and qualification and requirements regarding

uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General laws.

SECTION 6. Special police officers shall be sworn before the town clerk of the Town of Fairhaven who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to section 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of chapter 41 shall terminate ~~when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving the town is increased from the current 65 years of age, the termination of benefits under said section 111F of said chapter 41, as the benefits extend beyond the age of 70 for any special police officer.~~ **in accordance with said section 111F of said chapter 41 or at the conclusion of the employment term, whichever occurs sooner.** Special police officers appointed under this act shall not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer shall **NOT** entitle any individual appointed as such to assignment to any detail.

SECTION 9. Retired Fairhaven police officers serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.



FINAL DRAFT

Town of Fairhaven Charter

Submitted by: Charter Committee

Submitted to: Fairhaven Representative Town Meeting

Version Date: 25 April 2025

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ARTICLE I – INCORPORATION & POWERS OF THE TOWN

Section 1-1 Authorities and Understandings

The Town of Fairhaven Charter defines the government structure under which Fairhaven operates, and that may create local offices; distribute powers, duties, and responsibilities among local offices; and that may establish and define certain procedures to be followed by Fairhaven.

Section 1-2 Incorporation

The present Town of Fairhaven, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Fairhaven.

Section 1-3 Short Title

This document shall be known and may be cited as the Town of Fairhaven Charter. For the purposes of this document, it is referred to as “the Charter.”

Section 1-4 Division of Powers

The administration of the fiscal, prudential, and municipal affairs of the Town of Fairhaven, with the government thereof, shall be vested in a representative Town Meeting-Select Board-Town Administrator form of government.

Section 1-5 Powers of the Town

Subject only to express limitations on the exercise of any power or function by a municipal government under the constitution or general laws of the Commonwealth of Massachusetts, it is the intent and purpose of the voters of the Town of Fairhaven, through the adoption of this charter and its amendments to secure for the town all the powers possible to secure under the constitution and statutes of the Commonwealth of Massachusetts, as fully as completely as though each such power were specifically and individually enumerated herein.

Section 1-6 Interpretation of Powers

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power is not intended to limit in any way the general powers of the Town as stated in section 1-5. To the extent that any provision of this charter shall conflict with any special act or general law adopted by the municipality to the contrary, the provision of this charter shall prevail.

Section 1-7 Intergovernmental Relations

Consistent with any constitutional or statutory provisions, the Town may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more municipalities, civil divisions, sub-divisions, or agencies of the Commonwealth, other states or of the United States government.

ARTICLE II – EXECUTIVE BRANCH

Section 2-1 The Select Board

(a) Composition and Term of Office

The Select Board, consisting of five (5) members, shall be elected at large for three (3) years with overlapping terms. The general election for the office of Select Board members shall be held in accordance with the provisions of the general laws. Vacancies in the office of Select Board members shall be filled by special election in accordance with provisions of general law. At the first meeting following the annual town election, the Select Board shall elect a Chair, Vice-Chair, and Clerk from among its members.

(b) General Powers

The executive powers of the Town shall be vested in the Select Board, who shall have all the powers given to Select Boards by the General Laws, except for those executive powers granted to the Town Administrator. The Select Board shall serve as the chief goal-setting and policy-making agency of the Town. The duties and responsibilities for day-to-day management of the Town shall be delegated to the Town Administrator. The Select 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 Select Board members shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board.

The Select Board shall:

- i. enact rules and regulations to implement policies and to issue interpretations;
- ii. exercise directly or through the Town Administrator, general supervision over all matters affecting the interests or welfare of the town;
- iii. 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.
- iv. have administrative oversight of such boards, committees and commissions appointed by the Select Board;
- v. 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;
- vi. issue all town meeting warrants;
- vii. review the annual proposed budget submitted by the Town Administrator and make recommendations or changes 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 decisions of the Select Board;
- viii. appoint, and may re-appoint, and enter into a contract for the employment of a Town Administrator for a term of not more than three (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. Appointments and re-appointments of the Town Administrator shall require affirmation by four (4) members voting in the affirmative; except in the event of a member's recusal three (3) out of four (4) votes shall be required.

- ix. discipline the Town Administrator at any time, for just cause, including a written notice and opportunity to appeal. Disciplinary action of the Town Administrator shall require affirmation by four (4) members voting in the affirmative; except in the event of a member's recusal which shall require three (3) out of four (4) votes.
- x. 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. The written response and public hearing shall be completed within thirty (30) days after the issuance of a written intent to dismiss, in accordance with the terms of the Town Administrator's contract. Removal of the Town Administrator shall require affirmation by four (4) members voting in the affirmative; except in the event of a member's recusal which shall require three (3) out of four votes (4).
- xi. set the compensation for the Town Administrator, not to exceed an amount appropriated by the town meeting; and
- xii. designate a qualified person as acting Town Administrator to perform the duties of the office during any vacancy caused by the Town Administrator's suspension, removal, or resignation; provided, that the appointment of an acting Town Administrator shall be for a period not to exceed 180 days. An additional 180 days may be allotted by vote of the Select Board if no qualified replacement is hired within the initial 180-day time period.

Section 2-2 Town Administrator

The Town Administrator shall be the chief administrative officer of the town and shall act as the agent for the Select Board. The Town Administrator shall be responsible to the Select Board for coordinating and administering all town affairs under the jurisdiction of the Select Board.

The Town Administrator's powers and duties shall include:

- (a) Consult and advise the Select Board regarding its policies and implement those policies.
- (b) Attend all meetings of the Select Board, except when excused, and consult with and advise the Select Board 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 Select Board.
- (d) Attend all Finance Committee meetings, except when excused by the Select Board or when the Town Administrator's qualified designee attends; and keep the Finance Committee informed on all matters under the jurisdiction of the Town Administrator that comes before the committee.
- (e) Manage and direct the daily reporting and supervision of all town departments, boards, committees, and commissions under the jurisdiction of the Select Board, including the Fire

Department but subject to section 42 of chapter 48 of the General Laws, and not including the School Department or the Public Works Department.

- (f) Review and advise the Select Board 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 day-to-day management and 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 Select Board, in cooperation with the Town Administrator, shall recommend by-laws to the Town Meeting, establishing the wages, salaries and other benefits of employees.
- (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 prior approval of the Select Board.
- (i) Subject to the approval of the Select Board, appoint, suspend, and remove department heads under the direct control of the Town Administrator. The Town Administrator shall file a notice of intent for such action with the Select Board. The Select Board shall have fifteen (15) days to affirm or deny the intended action. Within the fifteen (15) day period, the Select Board may, by a majority vote of the full board: (1) affirm such action, in which case the decision becomes effective immediately; or (2) deny such action; provided that if the Select Board does not make a decision to affirm or deny the action, the Town Administrator's decision shall become effective on the fifteenth (15) day. If the Select Board is unable to meet within the fifteen (15) day window, the Chair of the Select Board shall notify the Town Administrator in writing, at which time the appointment, suspension, or removal action shall be delayed and subject to vote by the Select Board at the next scheduled meeting. If the Select Board does not wish to take any action, it shall also notify the Town Administrator of such a decision.
- (j) Each department head, with the prior 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.
- (k) With the prior approval of the Select Board, reorganize any departmental structures under the jurisdiction of the Town Administrator. The Town Administrator shall submit to the Select Board the financial details and impacts, alterations to staffing structures and hierarchy, changes to town infrastructure or asset modifications, and any other information the Town Administrator or Select Board sees fit to include.
- (l) With the prior approval of the Select Board, negotiate all collective bargaining agreements on behalf of the town, except that collective bargaining agreements for the School Department shall be negotiated by the School Committee with the Town Administrator participating and voting as a member. 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 Select Board, and funded by vote of Town Meeting.

- (m) With the prior approval of the Select Board, 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.
- (n) Submit to the Select Board and Finance Committee, a written proposed budget for town government for the ensuing fiscal year, due annually, no later than December 31st. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current, and ensuing five (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, financial justification, 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.
- (o) 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.
- (p) In consultation with the Select Board, establish calendar dates by which the proposed budget, revenue statement and tax rate estimate are to be submitted to the Select Board and the Finance Committee.
- (q) Submit annually to the Select Board and Finance Committee, 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 five (5) years; (ii) cost estimates, methods of financing, and recommended time schedule; (iii) the estimated annual cost of operating and maintaining any facility to be constructed or acquired, and (iv) identified return on investment for capital expenditures as applicable.
- (r) Advise the Select Board at least monthly, of all departmental year-to-date revenues and expenditures.
- (s) 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.

- (t) Keep and complete records of the office of the Town Administrator and annually submit to the Select Board, unless requested to do so more frequently, a full report of the operations of the office.
- (u) With direction and guidance from the Select Board, coordinate the operational and strategic planning of the town.
- (v) Serve as the Procurement Officer for the town, establish and enforce procurement policies and guidelines in accordance with applicable state laws.
- (w) Manage and oversee the use, maintenance, security and, with the prior approval of the Select Board, 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.
- (x) Prepare the application of all town warrants for approval by the Select Board.
- (y) With the prior approval of the Select Board, 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.
- (z) Delegate and direct any qualified town official or employee to carry out any duty that is within the authority of the Town Administrator.
- (aa) During a temporary absence, with the prior approval of the Select Board, the Town Administrator may designate a qualified administrative employee or officer to exercise the powers and perform the duties of the Town Administrator.
- (bb) Perform any other duties or tasks assigned by the Select Board, assigned by the town meeting or mandated by applicable state law.
- (cc) 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.
- (dd) With the prior approval of the Select Board, sell or dispose of town property or assets. The Town Administrator shall work collaboratively with departments, committees, and boards by notifying in writing any town items declared surplus that can be first utilized by another department, committee, or board, and wait a minimum of thirty (30) days before said surplus is released for sale or disposal.
- (ee) Except as otherwise authorized by general law or special law, the town administrator may not enter, sign, nor bind the town to any agreement or contract regardless of the length of contract, and with or without an auto-renew clause, if the total value of the contract exceeds \$50,000.00 USD, without the prior approval of the Select Board.

ARTICLE III – ELECTED OFFICERS

Section 3-1 Elected Offices

The following offices shall be filled by vote at the annual town election, or by special election as required:

	<u>Number of Members</u>	<u>Length of Term (Years)</u>
Select Board	5	3
Board of Public Works	5	3
Planning Board	9	3
School Committee	5	3
Housing Authority	5	5
Town Moderator	1	3
Board of Health	3	3
Commissioners of Trust Funds	3	3
Town Clerk	1	3

Members of elected offices shall perform the duties and have the authority set forth in the constitution and general laws, this charter, town by-laws, statutes and applicable regulations of other government jurisdictions.

The number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall be as specified in the general laws. When a vacancy occurs in any elected office, the office shall be filled in accordance with the general laws.

Section 3-2 Planning Board

There shall be a Planning Board consisting of nine (9) members elected to overlapping three (3)-year terms of office with all the powers and duties provided to planning boards under the General Laws.

Section 3-3 Housing Authority

There shall be a Housing Authority consisting of five (5) members, one of whom shall be appointed under authority of the Commonwealth and four of whom shall be elected. All members shall serve five (5) year overlapping terms.

The purpose of the Housing Authority is to provide quality, affordable housing for low to moderate income, elderly, disabled individuals and families.

Section 3-4 Board of Health

The Board of Health shall consist of three (3) members elected for three (3) year overlapping terms. The Board of Health shall appoint and supervise a Health Agent in accordance with the Personnel Bylaw and regulations and policies adopted thereunder. The Health Agent shall be subject to the Personnel Bylaw unless exempted as provided therein. The Board of Health shall comply with all state and federal regulations in their duties and responsibilities. These include, but are not limited to, control of communicable diseases, control over dairy products, standards and regulations for food service establishments, sewage systems, dumping, littering and related inspections and fees.

Section 3-5 Town Clerk

The Town Clerk is a primary provider of information and quality services to the community and works cooperatively and in coordination with the varied departments and groups in compliance with state and local laws. The Town Clerk is the official record keeper of the municipality.

The Town Clerk shall be elected for a three (3) year term and receive a salary.

Section 3-6 Board of Public Works

- (a) The Board of Public Works shall consist of five (5) members elected at large. Upon the expiration of the term of any member, a successor shall be elected at an annual Town election to serve for a term of three (3) years. In all cases the members of the Board of Public Works shall serve until their successors are qualified. The members of the Board of Public Works shall, after each annual Town election, elect from among its members a Chairperson and a Clerk for the ensuing year. In the case of a vacancy, the Select Board shall, within thirty (30) days, fill such vacancy until the next annual Town election, when a member shall be elected to fill an unexpired term resulting from such vacancy. No person shall serve on the Board of Public Works who holds an elected or appointed office in said Town other than Town meeting member and no employee of the Town shall serve on the board.
- (b) The Board of Public Works shall have all the powers and duties now and from time to time vested by general or special laws, Town charter or Town by-laws in the following boards, departments and offices having corresponding powers and duties in the Town of Fairhaven, to wit: Highway Department, Water and Sewer Commissioners, Park Commissioners, Cemetery Commissioners, refuse and garbage collection, and with respect to construction and maintenance only, the Town dump.

The Board of Public Works shall have such additional powers with respect to the furnishing of engineering services for public works projects and the performance of such duties of any other boards, departments and offices of the Town as may be reasonably related to the duties and responsibilities of a Board of Public Works, as the Town may, from time to time, by by-law provide, and other provisions of law to the contrary notwithstanding.

- (c) The Board of Public Works shall appoint and fix the compensation of a Superintendent of Public Works who shall exercise and perform, under the supervision and direction of the Board of Public Works, such powers, rights and duties assigned to it under sections (b) and (c) as it may, from time to time, designate. The superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the Board of Public Works and shall not be subject to any provisions of chapter thirty-one of the general laws. The superintendent shall be specially fitted by education, training, and experience to perform the duties of said office and need not be a resident of the town.

During tenure the Superintendent shall hold no elective office nor shall be engaged in any other business or occupation. The superintendent shall give to the Town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of their duties, in such sum and upon such conditions as the board may require, and shall, subject to the approval of the Board of Public Works, appoint such assistants, agents and employees as the exercise and performance of the superintendent's powers, rights and duties may require. The Superintendent shall keep full and complete records of the doings of the office and render to the Board of Public Works as often as it may require a full report of all operations under the Superintendent's control during the period reported upon; and annually, and from time to time as required by the Board of Public Works, the Superintendent shall make a synopsis of such reports for publication. The Superintendent shall keep the Board of Public Works fully advised as to the needs of the Town within the scope of the superintendent's duties and shall furnish to the Board of Public Works each year upon its request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

- (d) The Board of Public Works shall appoint and fix the compensation of the Superintendent of Highways who shall exercise and perform, under the supervision and direction of the board, such powers, rights and duties, assigned to it under sections (b) and (d) as it may, from time to time, designate. The Superintendent of Highways shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the Board of Public Works and shall not be subject to any provisions of chapter thirty-one of the General Laws. The superintendent of highways shall be specially fitted by education, training, and experience to perform the duties of said office and need not be a resident of the town. During tenure the Superintendent of Highways shall hold no elective or other appointive office, nor shall engage in any other business or occupation.

Section 3-7 Commission of Trust Funds

There shall be a Commission of Trust Funds consisting of three (3) members elected for overlapping three (3) year terms. The Commission of Trust Funds shall have the management of all trust funds given or bequeathed for the benefit of the town or the inhabitants thereof, unless the donor in making the gift or bequest shall provide otherwise and shall have such other duties as assigned to commissions of trust funds by the general laws.

Section 3-8 Recall of Elected Officials

- (a) Any person who holds an elected office in the Town of Fairhaven, with more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in section (b), may be recalled from office by the registered voters in said town, in the manner herein provided.
- (b) Fifty (50) or more voters of the Town of Fairhaven may file with the Town Clerk of said Town an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The Town Clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which he shall keep available. Said blanks may be completed by writing or typewriting; they shall be addressed to the Select Board; they shall contain the names of the persons who filed the affidavit and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the Town Clerk. A copy of the petition shall be kept on file in the office of the Town Clerk in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the Town Clerk within fourteen (14) days following the date the petitions were issued, signed by at least twenty percent (20%) of the total number of registered voters duly recorded on the registration list of the Town Clerk as of the preceding Town election. The Town Clerk shall, within twenty-five (25) hours following such filing, submit said petitions to the registrars of voters who shall, within seven (7) days certify thereon the number of signatures which are names of registered voters of the town.
- (c) If the petition shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit the same to the Select Board. Upon its receipt of the certified petition, the Select Board shall within forty-eight (48) hours give written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign the office within five (5) days following delivery of the said notice, the Select Board shall order an election to be held not less than sixty (60) nor more than ninety (90) days after the date of the Registrars' certificate of the sufficiency of the petition. If, however, another Town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall hold the recall election on the date of said other Town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.
- (d) An officer whose recall is sought may be a candidate at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided in this act.
- (e) The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled in the election the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided herein. If the officer is recalled in the election, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

- (f) Ballots used at a recall election shall contain the following propositions in the order indicated:
 - i. For the recall of (name of officer)
 - ii. Against the recall of (name of officer)
 - iii. Adjacent to each proposition, there shall be a place to mark a vote. After the propositions shall appear the word "Candidates" followed by the names of candidates arranged alphabetically, by surname. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for the candidates need not be counted, except as provided in section (c) above.
- (g) No recall petition shall be filed against an officer within six (6) months after taking office, or in the case of an officer subjected to a recall election and not recalled thereby until at least six months after the election at which the recall was submitted to the voters.

ARTICLE IV – LEGISLATIVE BRANCH

Section 4-1 Representative Town Meeting

- (a) The territory of the Town is divided into not less than four (4) nor more than eight (8) voting precincts, each of which shall be plainly designated and shall contain not less than five hundred registered voters. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well-defined limits. Their boundaries shall be reviewed and, if need be, wholly or partially revised by the districting board in November, once in five (5) years, or in November of any year when so directed by a vote of a representative Town meeting not later than October thirtieth of that year.

The Town Clerk shall notify every registered voter affected by a change in precinct boundaries or a change in polling place. The Districting Board shall, within twenty (20) days after any establishment or revision of the precincts, but not later than December twentieth of that year, file a report of their doings with the Town Clerk, the Registrars of Voters and the Assessors, with a map or maps or descriptions of the precincts and the names and residences of the registered voters therein. The Districting Board shall also cause to be posted in the Town Hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein.

The division of the Town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the Districting Board with the Town Clerk. Whenever the precincts are established or revised, the Town Clerk shall forthwith give written notice thereof to the state secretary, stating the number and

designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the Town as the Select Board shall in the warrant for such meeting direct. The provisions of the general laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the Town upon the establishment of voting precincts as hereinbefore provided.

- (b) Other than the officers designated in section (c) as Town Meeting Members-at-Large, the representative Town meeting membership shall in each precinct consist of the largest number divisible by three (3) which will not exceed two and seven tenths' percent (2.7%) of the persons residing in the precinct. The registered voters in every precinct shall, at a special election called for that purpose, to be held not sooner than thirty (30) days after the establishment of precincts under this act, or at the first annual Town election held after the establishment thereof, and at the first annual Town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section (c) as Town Meeting Members-at-Large, provided for in the first sentence of this section, to be Town meeting members of the town. The first third in order of votes received of members so elected shall serve three (3) years, the second third in such order shall serve two (2) years, and the remaining third in such order shall serve one (1) year, from the day of the annual Town meeting, or, in case such election is at a special meeting, from the next annual Town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual Town election the registered voters of each precinct shall, in like manner, elect one third of the number of Town meeting members to which that precinct is entitled for the term of three (3) years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of Town Meeting Members in their respective precincts.

The ballot shall include a separate line for each available term length, either three (3) years, two (2) years, or one (1) year. Voters may write in a candidate's name under the appropriate term length to which they wish to elect the candidate. Write-in votes will be counted only for the term specified on the corresponding ballot line. If a voter writes-in a candidate's name on multiple lines for separate term lengths, the vote shall only be counted for the lesser of the term lengths. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all Town meeting members from every precinct shall cease upon the election of their successors. The Town Clerk shall, after every election of Town Meeting Members, forthwith notify each member by mail of their election.

- (c) Any representative Town Meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section (b), together with the

following, designated Town Meeting Members-at-Large; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the Town Clerk, the members of the Select Board, the members of the Board of Health, the members of the School Committee, the members of the Planning Board, the members of the Board of Public Works, the Commissioners of Trust Funds, the elected members of the Housing Authority, and the chair of the Finance Committee. All the foregoing shall be included within the general designation of Town Meeting Members. The Town Clerk shall notify the Town Meeting Members of the time and place at which representative Town Meetings are to be held, the notices to be sent by mail at least seven (7) days before the meeting.

The Town Meeting Members, as aforesaid, shall be the judges of the election and qualifications of their members. One hundred (100) Town Meeting Members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, and at an adjourned meeting seventy-five (75) Town meeting members shall constitute a quorum. Notice of every adjourned representative Town meeting shall be posted by the Town Clerk in at least one (1) public place in each precinct. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All Town Meetings shall be public. The Town Meeting Members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative Town Meeting, any voter of the Town who is not a Town Meeting Member may speak at any representative Town Meeting, but shall not vote. A Town Meeting Member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles them to be a member at large shall act as a member at large during such time as he remains an elected member. A Town Meeting Member who removes from the Town shall cease to be a Town Meeting Member and an elected Town Meeting Member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election.

- (d) Nomination of candidates for Town Meeting Members to be elected under this act shall be made by nomination papers signed by not less than ten (10) voters of the precinct in which the candidate resides, and filed with the Town Clerk at least twenty-eight (28) days before the election; provided, that any Town Meeting Member may become a candidate for reelection by giving written notice thereof to the Town Clerk at least forty-nine (49) days before election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.
- (e) The articles in the warrant for every Town Meeting, so far as they relate to the election of the Town officers, Town meeting members, and, as herein provided, to referenda and all matters to be acted upon and determined by ballot of the town, shall be acted upon and determined by the voters in their respective meetings by precinct. All other articles in the warrant for any Town Meeting, beginning with the elected, shall be acted upon and

determined exclusively by Town Meeting Members at a meeting to be held at such time and place as shall be set forth by the Select Board in the warrant for the meeting, subject to the referendum provided for by section (h).

- (f) Any vacancy in the full number of Town Meeting Members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled until the next annual election by the remaining elected Town Meeting Members of the precinct from among the registered voters thereof. Notice of any vacancy shall be given by the Town Clerk to the remaining members from the precinct in which the vacancy or vacancies exist and the Town Clerk shall call a special meeting of such members prior to any annual or special Town Meeting for the purpose of filling any vacancy. The Town Clerk shall cause to be mailed to every such member, not less than seven (7) days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting one third of the elected members from such precinct shall constitute a quorum, and they shall elect from their own number a Chair and a Clerk. The choice to fill any vacancy shall be by written ballot, unless waived by a two-thirds vote of those present, and a majority of the votes cast shall be required for a choice. The Chair and Clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the Town Clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified a Town Meeting Member or Members, subject to the right of all the Town Meeting Members to judge of the election and qualifications of the members as set forth in section (c).

- (g) A vote passed at any representative Town Meeting authorizing the expenditure of twenty thousand dollars (\$20,000) or more, as an appropriation other than Town charges, shall not be operative until after the expiration of five (5) days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five (5) days a petition, signed by not less than five (5%) percent of the registered voters of each precinct, containing their names and addresses as they appear on the list of registered voters, is filed with the Select Board requesting that the question or questions involved in such vote be submitted to the voters of the Town at large, then the Select Board, within fourteen (14) days after the filing of the petition, shall call a special meeting, which shall be held within ten (10) days after the issuing of the call, for the purpose of presenting to the voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of Town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the Town voting thereon, but no action of the representative Town Meeting shall be reversed unless at least twenty percent (20%) of the registered voters shall vote to disapprove such action. The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to said representative Town meeting by the moderator as appears from the records of the said meeting. If such petition

is not filed within the said period of five (5) days, the vote of the representative Town meeting shall become operative upon the expiration of the said period.

- (h) The Town of Fairhaven, after the acceptance of this act, shall have the capacity to act through and be bound by its said Town meeting Members who shall, when convened from time to time as herein provided, constitute representative Town Meetings; and the representative Town Meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of Town affairs in Town Meetings shall, when taken by any representative Town Meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a Town Meeting open to all the voters of the Town is heretofore organized and conducted.
- (i) The representative Town Meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.
- (j) The representative Town Meeting may appoint such committees for investigation and report as it may consider necessary.
- (k) The provisions of Chapter forty-four of the General Laws shall continue to apply in the Town of Fairhaven notwithstanding the provisions of this Charter.
- (l) This Charter shall not abridge the right of the inhabitants of Fairhaven to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative Town Meeting in Fairhaven the power finally to commit the Town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the Town at large, using the ballot and the check list therefor.

Section 4-2 Town Moderator

- (a) A Town Moderator shall be elected by ballot for a three (3) year term, and shall serve as moderator of all Town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective Town officers, and any vacancy in the office may be filled by the Town Meeting Members at a meeting held for that purpose.
- (b) At any time during or within thirty (30) days prior to a Town Meeting, the moderator may appoint an Assistant Town Moderator who may preside at all or a portion of the meeting and otherwise act in the stead of the Moderator. When so designated, the Assistant Town Moderator shall have all the powers vested by law in the Moderator to preside at and regulate the proceedings in the meeting.
- (c) If a Moderator is absent, a moderator pro tempore may be elected by the Town Meeting Members.

Section 4-3 Town Meeting Warrants

- (a) **In General** – Every Town Meeting shall be called by a Warrant issued by the Select Board which shall state the time and place of the Meeting and, by separate Articles, the subjects which are to be acted upon. The warrant lists all matters to be voted on at the Town Meeting and the date, time and location.
- (b) **Initiation of Warrant Articles** – Registered voters of the town may secure inclusion of an article on the warrant by written petition submitted in accordance with the general laws.
- (c) **Warrants** – After voting to open any Annual Town Meeting or Special Town Meeting Warrant, the Select Board, within the ensuing twenty-four (24) hours, shall post notice of such vote on the Town’s website. The warrant for any Town Meeting shall be served by posting a printed copy thereof at or near the front entrance of the Town Hall and at or near the public entrances of all the polling places in the Town at least seven (7) days before the date of said meeting. The notice shall identify the opening and closing dates of the Warrant and shall identify the place or places where citizen petitioned articles may be submitted. No Annual or Special Town Meeting Warrant may close until such notice has been posted for at least ten (10) calendar days. Subsequent to the posted Warrant opening and closing dates, the Select Board may vote to reopen and close the Warrant in order to receive additional Warrant Articles.
- (d) **Circulation of Warrant** – Annual and Special Town Meeting Warrants shall be posted: on the Town Clerk bulletin board; on the Town website; and in the local media. No later than twenty-one (21) days before the Annual Town Meeting and any Special Town meeting, the Select Board shall deliver the Warrant to the Finance Committee and Moderator.

ARTICLE V – FINANCE

Section 5-1 Finance Committee

- (a) **Appointment of members; terms.** There shall be a Finance Committee consisting of thirteen (13) members, two (2) members to be appointed from each voting precinct in the manner and at the time hereinafter prescribed, and one (1) member to be appointed at large. There shall be appointed each year by the Chair of each precinct one (1) member from such precinct to serve for a period of two (2) years. The Moderator, Chair of the Select Board, and Chair of the Finance Committee for the preceding year shall, annually at a meeting called for the purpose, appoint one (1) member at large, who shall serve for a period of one (1) year.
- (b) **Organizational meeting.** The Finance Committee shall as soon as convenient after notification of appointment, and at least within two months after the Annual Town Meeting, meet and perfect an organization by the election of a Chair and a Clerk who shall serve until their successors are elected.
- (c) **Duties.** The duties of the Finance Committee shall be to thoroughly investigate all articles on the warrant for the Annual and Special Town Meetings that call for appropriations of money for town purposes and also all articles that in any way may affect the finances of the town, and shall report in writing to the Town Meeting members its recommendations thereto.

- (d) **Compensation.** The Finance Committee shall serve without pay but may be reimbursed for all necessary expenses incurred in performance of its duties upon approval of such expenditures by the Select Board. Such expense when incurred and approved for payment by the Select Board shall be charged to the Town Meeting Expense Account.
- (e) **Filling of vacancies.** Vacancies among the members of the Finance Committee which may occur by death, resignation or removal from the town shall be filled in the manner heretofore specified by appointment for the unexpired term only.
- (f) **Hearings.** The Finance Committee shall, upon written request from any petitioner on any article on the warrant, grant such petitioner a hearing upon said article before final action on same is determined.
- (g) **Annual report.** The Finance Committee shall, annually, not later than one week prior to the time fixed for the Annual Town Meeting, prepare and publish for the benefit of Town Meeting Members and voters and distribute to the same its recommendations as to the several articles on the warrant coming under its jurisdiction, and the amounts required to be appropriated to cover the expenditures of the various departments of the town for the next fiscal year. It shall also report, in detail, the amounts of maturing bonds or notes and the amount required for interest or other outstanding indebtedness of the town. It shall also at the same time prepare and publish a comparative statement, in parallel columns, of each department of funds and the expenditures thereof for the previous two (2) years. It shall at the same time report and publish estimates of revenues from all sources, as far as possible, with the probable amount to be levied and raised by taxation to defray the expenses and liabilities of the town for the next ensuing fiscal year.
- (h) **Eligibility of members.** No person shall be eligible to serve on the Finance Committee who is an employee of the town or who holds an elective or appointive position in the town government, whether or not the employment or position carries any salary or compensation, except Town Meeting Members elected under section 4-1 of this Charter and except appointed members of any advisory or ad hoc committees.

Section 5-2 Director of Finance

- (a) **Director of Finance; Divisions.** There shall be a Department of Finance which will be under the direction of the Director of Finance. The Department of Finance shall provide personnel and equipment to the offices of the Treasurer, Board of Assessors, Town Accountant, Town Collector, which shall be the Divisions of the Department of Finance. The Director of Finance will coordinate the activities of the various Divisions of the Department of Finance and, subject to applicable law, shall supervise the operation of those Divisions.
- (b) **Appointment of Director; duties and qualifications.** The Director of Finance shall be appointed by the Select Board and may be removed at its discretion. The Director of Finance shall be sworn to the faithful performance of the duties of the office. During the time that Director of Finance holds office, the Director of Finance shall hold no elective Town office, but the Director of Finance may be appointed by the Select Board or, with its approval, by any other Town officer, board, committee or commission to any other Town office or position consistent with the office. The Director of Finance shall receive such aggregate compensation, not exceeding the amount appropriated therefore, as the Select

Board may determine. The Director of Finance shall act by and for the Select Board in any matter which it may assign to the office relating to the administration of the financial affairs of the Town or of any Town office or department under its supervision and control or, with the prior approval of the Select Board, may perform such other duties as may be requested of the Director of Finance by any other Town officer, board, committee or commission.

- (c) In addition to those duties otherwise established by law, the specific duties and qualifications of the Director of Finance shall be as follows:

The Director of Finance shall be responsible for assisting the Town Administrator in the preparation of the budget and the long-range strategic financial plan.

Section 5-3 Fiscal Year

The Town of Fairhaven shall operate on a fiscal year, commencing on July 1 and terminating on June 30 of each year, unless another period is required by general law.

Section 5-4 Capital Planning

- (a) A Capital Improvement Program is established for land purchases, construction and renovation of buildings, major equipment and machinery purchases, road and drainage reconstruction, and the construction and reconstruction of special facilities such as local school projects, sewer and water mains, and water treatment and sewage disposal facilities.
- (b) There shall be a Capital Planning Committee ("Committee") appointed by the Select Board and consisting of seven (7) voting members, and three or more nonvoting ex officio members, to assist and advise the Town Administrator in preparing a five (5) year Capital Improvement Plan. The voting members shall serve terms of three (3) years. Initially two (2) voting members shall serve for one (1) year, two (2) for two (2) years, and three (3) for three (3) years, and they may be reappointed. The Committee shall be comprised as follows:
- i. Voting members:
 - i. One (1) member of the Board of Public Works or an appointee thereof;
 - ii. A person who is a member of the Fairhaven local School Committee or an appointee thereof;
 - iii. A resident of Fairhaven who represents the business, financial, or banking community;
 - iv. A resident of Fairhaven with experience in the management of construction activities;
 - v. A resident of Fairhaven knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;
 - vi. The Finance Director;
 - vii. The Town Administrator; and
 - ii. Such other nonvoting ex officio members as the Select Board deems appropriate from time to time.

Section 5-5 Board of Assessors

- (a) The Board of Assessors shall consist of three (3) members, appointed by the Select Board to serve on a part-time basis for a term of three (3) years.
- (b) The members of the Board of Assessors shall be responsible for hearing appeals and deciding abatements and shall have such other duties as prescribed by the general laws and bylaws.

ARTICLE VI – SCHOOL COMMITTEE

- (a) **Term of Office** There shall be a duly elected School Committee consisting of five (5) members who shall be elected for three (3) year overlapping terms.
- (b) **Reports To – Voters.** The School Committee is responsible to the voters and residents of the town. The School Committee shall report on the state of the schools directly to Town Meeting and shall also meet jointly with the Select Board, at least once each calendar year for the purpose of sharing information.
- (c) **Powers & Authority.** The School Committee shall have all powers and duties which are conferred on school committees by general law, this Charter, or town bylaws, that are not inconsistent with the granting of powers conferred by the General Laws. The powers and duties of the School Committee shall include the following:
 - i. To appoint a superintendent of the schools who shall manage the school system in a fashion consistent with law and the policy determinations of the School Committee and, upon the recommendation of the Superintendent, the School Committee may also establish and appoint positions of assistant or associate superintendents as provided by law.
 - ii. To appoint the school business administrator, administrator of special education, school physicians and/or registered nurses, supervisors of attendance, and legal counsel.
 - iii. To establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the State Board of Education.
 - iv. To propose and to oversee the administration of an annual operating budget for the School Department, subject to appropriation by the Town Meeting.
 - v. To have general charge and superintendence of all school buildings and grounds and furnish all school buildings with proper fixtures, furniture and equipment.

ARTICLE VII - GENERAL PROVISIONS

Section 7-1 Charter Changes

- (a) **In General** - This Charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX (eighty-nine) of the amendments to the State Constitution and any legislation enacted to implement said amendment.
- (b) **Periodic Review.** Within three (3) years of adoption of this Charter (or earlier if a serious problem has arisen) the Select Board shall direct the Town Moderator to appoint a committee to review and suggest any changes needed to the charter, referred to as the Initial review. The committee shall consist of seven (7) residents of the Town of Fairhaven, excluding Town employees or members of the Select Board. The committee shall report and recommend any changes at the next subsequent town meeting. After the Initial review, this Charter shall be reviewed every nine (9) years in the same manner described above.

Section 7-2 Severability

The provisions of the Charter are severable. If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-3 Specific Provisions to Prevail

To the extent that any specific provision of the Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 7-4 Rules and Regulations

A copy of all rules and regulations adopted by Town agencies shall be placed on file in the office of the Town Clerk and made available for review by any person who requests such information. No rule or regulation adopted by any Town agency shall be effective until ten (10) days following the date it has been published, in full, in local media and on the town website, and placed on file in the office of the Town Clerk, or the later of the three.

Section 7-5 Uniform Procedures Governing Multiple-Member Bodies

- (a) All multiple-member bodies of the Town, whether elected, appointed, or otherwise constituted, shall meet regularly at such times and places within the Town as they may prescribe. Special meetings of any multiple-member body shall be held on the call of the respective Chair or by one-third of the members thereof. Such call shall be by written notice delivered in hand or to the place of business or residence of each member at least forty-eight (48) hours before the time set. Such call shall contain notice of the subjects which are to be acted upon, and no other business shall be in order. A copy of the said notice shall be posted on the Town bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public and to the press.
- (b) A multi-member body may act only as a body at a legally called, posted meeting with a quorum present. Documents and other information provided to any individual member of a multi-member body shall be provided to all eligible members whenever relevant to a matter

with the purview of the body. No individual member of a multi-member body may act on behalf of the body unless duly authorized by the body.

- (c) Each multiple-member body shall determine its own rules and order of business, unless otherwise provided by law or by the Charter, and shall provide for keeping a record of its proceedings. These rules and records shall be public, certified by the Town Clerk, and kept available in the office of the Town Clerk, and on the Town website.
- (d) Documents provided to multi-member bodies relating to meeting agenda items shall be provided no later than forty-eight (48) hours in advance of the meeting. If documents are provided less than forty-eight (48) hours in advance, unanimous consent from those present at the multi-member body meeting shall be required to accept those documents as part of the meeting materials.

Section 7-6 Definitions

- (a) **Charter** – The word "Charter" shall mean this Charter and any amendments to it made through any of the methods provided under Article LXXXIX (eighty-nine) of the amendments to the State Constitution.
- (b) **Days** – The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays, when the time set is less than seven days. When the time set is seven (7) days or more every day shall be counted.
- (c) **Department Head** – The head of a department or section, the supervisor.
- (d) **Emergency** – The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (e) **Facilities** – Any piece of Town property that has been improved with a fixture.
- (f) **Fixture** – An improvement that is attached to the ground.
- (g) **general laws** - The words "general laws" (all lower-case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Fairhaven is a member.
- (h) **General Laws** – The words "General Laws" (used with initial capital letters) shall refer to the General Laws of the Commonwealth of Massachusetts as they exist at the time this Charter is adopted and are intended to include all applicable amendments and revisions or to the corresponding chapters and sections of any recodification or rearrangement of statutes adopted subsequent to the adoption of this Charter.
- (i) **Majority vote** – The words "majority vote" shall mean a majority of those present and voting, providing a quorum of the body is present.
- (j) **Media** – A means of communicating information to as wide a variety of people as possible which may include newspapers, bulletin boards, radio and television, and 26 the Internet.
- (k) **Multiple-Member Body** – The words "multiple-member body" shall mean anybody consisting of two (2) or more persons, whether elected, appointed or otherwise constituted.
- (l) **Town** – The word "Town" shall mean the Town of Fairhaven.
- (m) **Policy** – The general principles by which a government is guided in its management of public affairs. This term, as applied to law, ordinance, by-law, Town Charter, or rule of law, denotes a general purpose or tendency considered as directed to the welfare or prosperity of the state or community.

(n) **Qualify** – To take oath of office.

(o) **Voters** – The word "voters" shall mean persons registered to vote in the Town of Fairhaven.

Section 7-7 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular. All language in the Charter aspires to be gender neutral and will extend to and be applied to all people.

Section 7-8 Removals and Suspensions

Any appointed full-time, part-time, or seasonal employee of the Town, not subject to the provisions of the civil service law or collective bargaining agreement, whether appointed for a fixed or for an indefinite term, may be removed or suspended from their duties by the Appointing Authority.

ARTICLE VIII – TRANSITIONAL PROVISIONS

Section 8-1 Continuation of Existing Laws

All general laws, special laws, Town by-laws, votes, rules and regulations of or pertaining to the Town, which are in force when this Charter takes effect and which are not specifically or by clear implication repealed hereby, shall continue in full force and effect until amended, repealed, or rescinded by due course of law or expire by their own limitation.

Section 8-2 Continuation of Government

- (a) **Continuation of agencies.** All Town agencies shall continue to perform their duties until reappointed, or reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred and assumed by another Town agency.
- (b) **Planning Board.** Notwithstanding any provision to the contrary, the members of the Planning Board shall be elected in accordance with this section. The members in office at the time this Charter takes effect shall remain in their elected positions until the expiration of their current terms. Thereafter, the members of the Planning Board shall be elected according to the following schedule:
 - i. The Planning Board shall become a nine-member board beginning in 2027. In 2027, three members shall be elected, each for a term of three years.
 - ii. In 2028, three members shall be elected, each for a term of three years, and one member shall be elected for a term of one year. The three candidates who receive the highest number of votes in the 2028 election shall be elected for a term of three years each, and the candidate receiving the next highest number of votes in the 2028 election shall be elected for a term of one year.
 - iii. Beginning in 2029 and each year thereafter, three members shall be elected for a term of three years each.

Section 8-3 Continuation of Personnel

Any person holding a Town office or employment under the Town shall retain such office or employment and shall continue to perform the duties of the office or employment until provision shall have been made, in accordance with the Charter, for the performance of the said duties by another person or agency. No person in the permanent, full -time service of the Town shall, as a result of the adoption of the Charter, forfeit pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical to do.

Section 8-4 Time of Taking Effect

The provisions of this Charter shall become effective upon the approval of the voters of the Town voting hereon, except as in hereinafter provided:

- (a) All persons serving in an elected Town office which, under the provision of the Charter is to become an appointive office, shall continue to serve and shall continue to perform the duties of the office until the expiration of the term for which they were elected. When such term has expired, the appointing Authority shall appoint a suitable person to fill the vacancy, given due consideration to the incumbent whose term has expired.
- (b) Not more than forty-five (45) days following the election at which the Charter is adopted or amended, the Select Board shall appoint a special committee of at least three (3) members to review the existing by-laws of the Town, in order to bring them into conformity with the provisions of the Charter. Said committee shall file a report, with recommendations, at the following Town Meeting.

[End of Document]



Acushnet
Attleboro
Berkley
Carver
Dartmouth
Dighton
Fairhaven
Fall River
Freetown
Lakeville
Mansfield
Marion
Mattapoisett
Middleborough
New Bedford
N. Attleborough
Norton
Plainville
Raynham
Rehoboth
Rochester
Seekonk
Somerset
Swansea
Taunton
Wareham
Westport

May 1, 2025

Charles Murphy Sr., Chair

Board of Selectmen

40 Center St.

Fairhaven, MA 02719

ATTN: Mr. George Samia, Town Administrator

Dear Mr. Murphy:

The Southeastern Regional Planning and Economic Development District (SRPEDD) has begun the annual process to elect selectpersons/town representatives to serve on the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO), the committee responsible for development and review of transportation policies, priorities, federal funds, and projects for the 27 communities in the SRPEDD region.

The SMMPO is comprised of 13 members including Massachusetts Secretary of Transportation Monica Tibbits-Nutt, MassDOT Highway Division Administrator Jonathan L. Gulliver, the Mayors from the region's four cities (Attleboro, Fall River, New Bedford, and Taunton), the Chair of the SRPEDD Commission, the administrators from the two regional transit authorities (SRTA and GATRA) and four (4) select persons/town representatives. Each year, two of these selectpersons/town representatives are elected to the SMMPO by a vote of the SRPEDD Commission.

The four selectpersons/town representatives that currently serve on this board include: **Diana Bren (Mansfield), Andrew Saunders (Fairhaven), Sarah Hewins (Carver), and Craig Dutra (Westport)**. Both Ms. Hewins' and Mr. Dutra's terms will expire this year (July 31, 2025) and they are eligible to seek re-election for another two-year term, but anyone will be allowed to contest their seats by seeking election. SMMPO election procedures and bylaws require that at least one, but not more than two, of the four selectpersons/town representatives elected to the SMMPO represent towns within Plymouth County (Middleborough, Lakeville, Carver, Rochester, Wareham, Mattapoisett, or Marion) and/or Norfolk County (Plainville). This requirement will continue to be met by Ms. Hewins if she seeks re-election and is re-elected. If not, at least one selectperson/town representative from the towns of Middleborough, Lakeville, Carver, Rochester, Wareham, Mattapoisett, Marion, or Plainville must be elected to serve on the SMMPO.

If they are unable to attend monthly meetings, SMMPO members are strongly encouraged to send a designee who is directly responsible and accountable to them in their absence; the designee may vote only with written and signed authorization from the SMMPO member provided before or at the time of the meeting.



SRPEDD
Southeastern Regional Planning
& Economic Development District

Acushnet
Attleboro
Berkley
Carver
Dartmouth
Dighton
Fairhaven
Fall River
Freetown
Lakeville
Mansfield
Marion
Mattapoisett
Middleborough
New Bedford
N Attleborough
Norton
Plainville
Raynham
Rehoboth
Rochester
Seekonk
Somerset
Swansea
Taunton
Wareham
Westport

We formally request the distribution of this letter and the enclosed materials to your fellow select board members or any member of a comparable executive branch of town government (Town Council member/Town Manager or Administrator) for consideration to serve on the SMMPO. The enclosed materials include a list of current members, the by-laws governing the SMMPO and an explanation of the purpose and responsibilities of the SMMPO. This is an individual decision and does not require approval of select board members. If elected, a vote on transportation issues will be based on that elected member's judgment of what is good for their town and for the region as a whole.

If any member of the select board or comparable executive branch of town government is interested in serving on the SMMPO, please email (in PDF format) the enclosed **Self Nomination Form along with a resume or biography** to lestrela@srpedd.org by **Monday, June 16, 2025**. The election for new SMMPO members shall take place at the monthly SRPEDD Commission meeting on Wednesday, June 25, 2025, and all nominees are encouraged to attend and speak as to why they would like to serve on the SMMPO.

After reviewing the enclosed material, please feel free to email me at lestrela@srpedd.org if you have any questions regarding the SMMPO or this process.

Respectfully,

Lisa Estrela-Pedro

Lisa Estrela-Pedro
Assistant Director of Transportation Planning

Enclosures:
SMMPO By-laws
SMMPO Info & Election By-laws
Self-Nomination Form 2025

Self-Nomination Form

Select Board Member or an Elected Member of a Comparable Executive Branch of Town Government (Town Council) to be a Representative to the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO)

I _____, as an Elected Member of the Board of Selectmen/Town Council for the Town of _____, declare my interest as a candidate for election by the SRPEDD Commission to the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) for a two-year term commencing on August 1, 2025.

Print Name: _____

Title: _____

Street Address: _____

Town: _____, MA Zip Code: _____

Phone: _____ Email: _____

Signature: _____ Date: _____

* If unable to attend monthly meetings, SMMPO members are strongly encouraged to send a designee who is directly responsible and accountable to them in their absence; the designee may vote only with written and signed authorization from the SMMPO member provided before or at the time of the meeting.

Please return this form along with a resume/biography
by 5:00 PM, Monday, June 16, 2025 to Lisa Estrela-Pedro at: lestrela@srpedd.org



Monday, April 28, 2025

Town Administrator Report



TOWN OF FAIRHAVEN **GUIDELINES FOR FOR PERMITTING** **OUTDOOR SEATING AND PARKLETS¹**

A. Process Checklist for Outdoor Seating Approval:

1. Applicants should have a pre-application consultation with the Director of Planning and Economic Development to discuss the proposal and understand the requirements.
2. Written application describing the proposed area with a specific plan outlining the outdoor seating area/table service area² must be submitted to the office of the Town Administrator for approval. The Town Administrator will notify Select Board Members of the application and any conditions therein.
3. Permitting fees are \$75 with common victualler license and \$150 for extension of liquor license.

¹ On April 30, 2024, Governor Healey signed into law “An Act Making Appropriations for the Fiscal Year 2024 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.” Chapter 88 of the Acts of 2024. Section 4 of the new law made changes to Section 3A of Chapter 40A by adding a new Section 3B. Under the new law, notwithstanding the provisions of this chapter (Chapter 40A), any special permit, variance or other approval issued thereunder or any general or special law to the contrary, a town may approve a request for expansion of outdoor table service, including in the description of the licensed premises as described in subsection (c), or an extension of an earlier granted approval. Before such approval, the select board shall establish a process for approving such requests. Such process shall not be required to comply with the notice and publication provisions of section 11. An approval under this section may be exercised immediately upon filing of notice thereof with the city or town clerk, without complying with any otherwise applicable recording or certification requirements.

Also, pursuant to subsection (b), a local licensing authority may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the local licensing authority deems reasonable and proper and may issue an amended license to existing license holders, without further review or approval from the ABCC prior to issuance. Upon approval of an amended license, the local licensing authority shall provide notice of the amended license to the commission. Nothing in this section shall prevent the commission from exercising the commission’s enforcement authority over an amended license nor limit any appeals that can be submitted to the commission pursuant to section 67 of chapter 138.

Lastly, before approving any request to extend an earlier granted approval, the Select Board may modify the scope of the approval as the Select Board deems proper and appropriate, including, but not limited to, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic or similar concerns.

² “Outdoor table service” is defined restaurant service that includes food prepared on-site and under a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area or other outdoor space.

4. If outdoor seating area includes a request to serve alcoholic beverages, applicant must already be licensed, and application must include explanation as to how the proposed area will comply with ABCC outdoor patio guidelines (even if area is not a patio).
5. A certificate of insurance naming the Town of Fairhaven as an additional insured.
6. Advertisement and notice to abutters. If the parklet extends in front of adjacent properties, written consent from affected property owners.
7. A signed agreement indemnifying the town against any claims related to the use of the public right-of-way.
8. Written approval or food service permit is issued by Select Board and filed with Town Clerk.
9. Only after issuance by the Select Board and filing with Town Clerk will outdoor seating area be permitted to be used.
10. Approval/Permit will be effective one year from date of issuance as long as compliance with applicable law, terms and conditions or otherwise no longer permitted by state or local law. The permit must be renewed annually.
11. Approval/Permit may be suspended or revoked by Select Board for any violation of applicable laws and regulations or violation of any term or condition.

B. Restrictions; Limitations and Conditions.

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.
2. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy and be shown on a design plan.
3. The outdoor area/premises must be enclosed by a fence, rope, barriers or other means to prevent access from a public walkway or injury from vehicles where applicable.
4. The outdoor area/premises must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.
5. The Select Board will consider the type of neighborhood and the potential for noise in the environs.
6. All outdoor seating must be compliant with ADA accessibility standards.

Fairhaven Outdoor Seating and Parklet Permit Application

Applicant Information

Business Name: ICE Cream Cottage
Business Address: 12 Ferry St
Applicant Name: Philip Marten
Applicant Phone: 508-496-7262
Applicant Email: philmart24@gmail.com

Property Owner Information (if different from Applicant)

Owner Name: Same as
Owner Address:
Owner Phone: above
Owner Email:

Proposal Details

Type of Application:

Outdoor Seating on Private Property
Outdoor Seating in Public Right-of-Way

Description of Proposal:

Proposed Seating Area Location:

Dimensions of Seating Area:

Other Installations (e.g., planters, umbrellas):

Required Attachments

Site Plan: Detailed site plan showing the location, layout, and dimensions of the proposed seating area, including furniture and other installations.

Insurance Certificate: Naming the Town of Fairhaven as additional insured.

Operational Plan: Including proposed hours of operation and maintenance plan.

Abutter Consent: If the seating area extends in front of adjacent properties, written consent from affected property owners.

Hold Harmless Agreement: Signed agreement indemnifying the town against claims related to the use of public right-of-way.

Additional Information (if applicable)

Liquor License: ☐ Yes ☒ No

If yes, please attach a copy of the current liquor license.

Historical District: ☐ Yes ☒ No

If yes, please attach a copy of the Certificate of Appropriateness from the Fairhaven Historical Commission.

Applicant Certification

I hereby certify that the information contained in this application is true and complete to the best of my knowledge. I agree to comply with all applicable laws and regulations regarding the proposed outdoor seating area. I understand that any misrepresentation or omission of information may result in the denial or revocation of this permit.

Applicant Signature: 

Date: 4-29-25

For Office Use Only

Application Received By: 

Date Received: 4/29/25

Application Fee: 75

Review Completed By:

Date of Review:

Approval:

Approved

Approved with Conditions

Denied

Conditions (if any):



**Town of Fairhaven
Massachusetts
Office of the Select Board**

40 Center Street | Fairhaven, MA 02719
Tel: (508) 979-4023 | Fax: (508) 979-4079

PARKLET HOLD HARMLESS AGREEMENT

This Hold Harmless Agreement ("Agreement") is made and entered into as of this 29 day of April, 20, by and between the Town of Fairhaven ("Town") and Ice Cream Cottage ("Business").

Business Information:

- Business Name: Ice Cream Cottage
- Business Address: 12 Ferry St
- Contact Person: Philip Martin
- Phone Number: 508-496-7262
- Email Address: Philmart24@gmail.com

WHEREAS, Business has applied for and received a permit from the Town for the use of public right-of-way for outdoor seating and/or a parklet located at 12 Ferry St (the "Location");

WHEREAS, the Town has granted such permit subject to certain conditions, including the execution of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. Indemnification and Hold Harmless:

- Business agrees to indemnify, defend, and hold harmless the Town, its officers, agents, employees, and volunteers from and against any and all claims, damages, losses, liabilities, and expenses, including reasonable attorneys' fees, arising out of or in connection with Business's use of the public right-of-way for outdoor seating and/or a parklet, including but not limited to claims for bodily injury, personal injury, property damage, or death, except to the extent such claims, damages, losses, liabilities, or expenses are caused by the sole negligence or willful misconduct of the Town.

2. Insurance:

- Business shall maintain, at its own expense, a policy of commercial general liability insurance with coverage of not less than \$1,000,000 per occurrence and

Adopted by the Select Board June 24, 2024

\$2,000,000 aggregate, naming the Town of Fairhaven as an additional insured. A certificate of insurance evidencing such coverage shall be provided to the Town prior to the commencement of the use of the public right-of-way for outdoor seating and/or a parklet.

3. Compliance with Laws:

- Business agrees to comply with all applicable federal, state, and local laws, regulations, and ordinances in connection with its use of the public right-of-way for outdoor seating and/or a parklet.

4. Term and Termination:

- This Agreement shall commence on the date first written above and shall remain in effect for as long as Business is permitted to use the public right-of-way for outdoor seating and/or a parklet. The Town may terminate this Agreement immediately upon written notice to Business for any violation of the terms of this Agreement or applicable laws and regulations.

5. Miscellaneous:

- This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether written or oral, relating to such subject matter.
- This Agreement may be amended only by a written instrument executed by both parties.
- If any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.
- This Agreement shall be governed by and construed in accordance with the laws of the State of Massachusetts.

IN WITNESS WHEREOF, the parties hereto have executed this Hold Harmless Agreement as of the day and year first above written.

Business:

By: _____

Name: Philip Martin

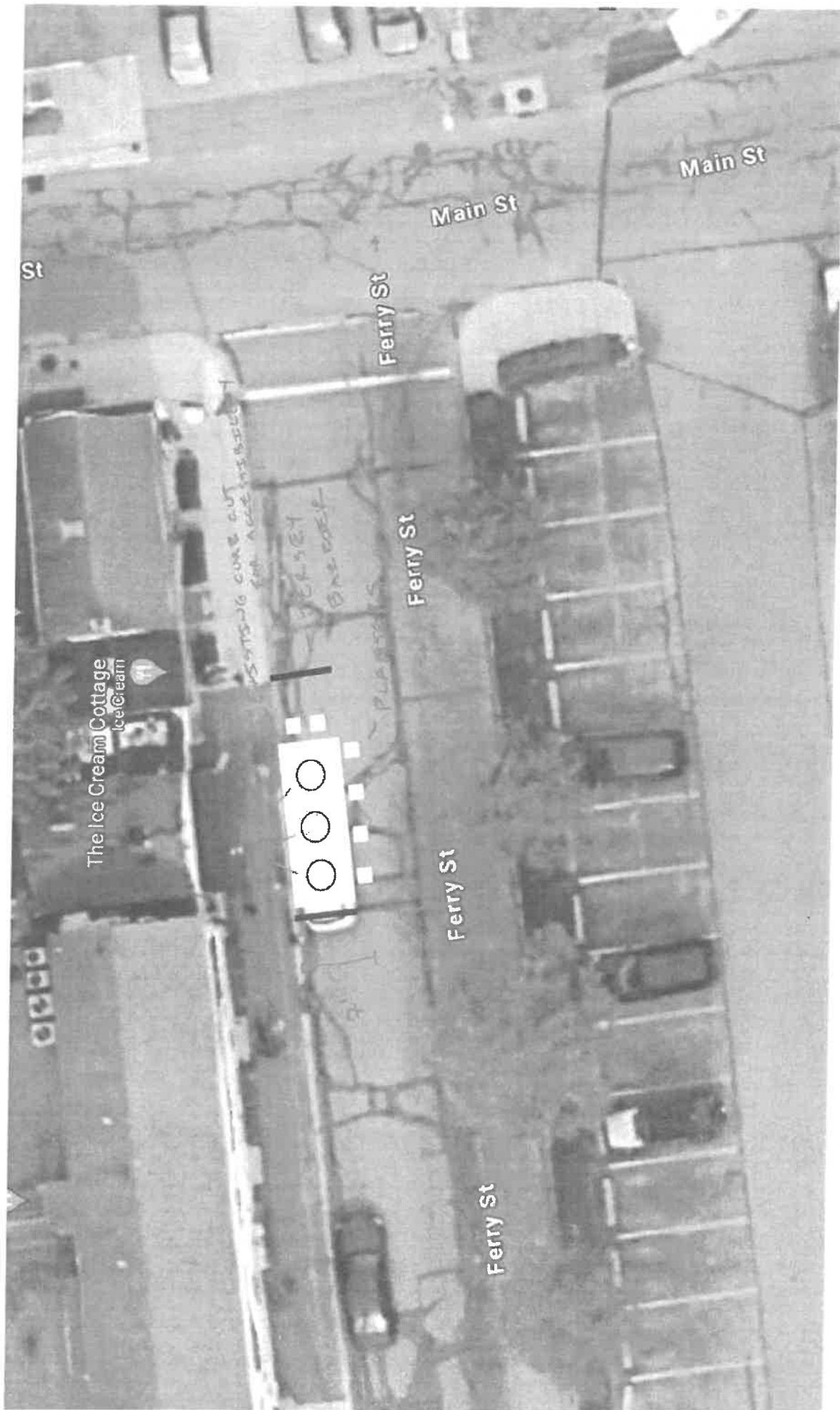
Title: Owner/Operator

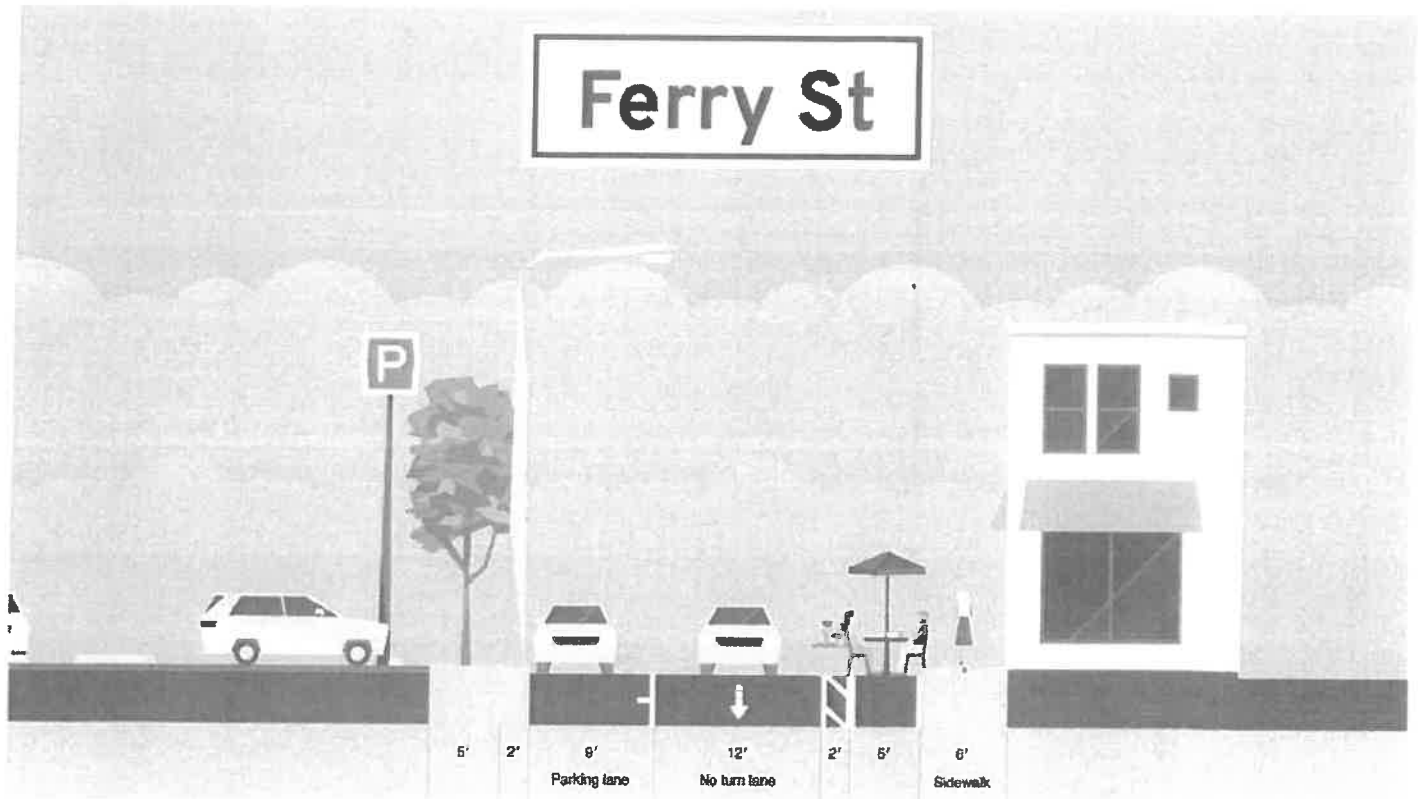
Town of Fairhaven:

By: _____

Name: _____

Title: _____







Monday, May 12, 2025

Minutes

1. Accept the Select Board minutes of April 14, 2025 – Open Session
2. Accept the Select Board minutes of April 14, 2025 – Executive Session



FAIRHAVEN SELECT BOARD
Meeting Minutes
April 14, 2025

H 1

Present: Charles Murphy Sr., Andrew B. Saunders, Keith Silvia, Andrew Romano, Natalie A. Mello and Interim Town Administrator George Samia

Mr. Murphy opened the meeting at 6:00p.m.

SELECT BOARD REORGANIZATION AND SEATING

Mr. Samia facilitated discussion and nominations for Chair, Vice Chair and Clerk

Motion: Mr. Silvia motioned to appoint Charles Murphy, Sr. as Chair. Mr. Romano seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Silvia motioned to appoint Andrew Romano as Vice Chair. Mr. Saunders seconded. The motion passed (5-0-0).

Motion: Mr. Saunders motioned to appoint Natalie Mello as Clerk. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

PUBLIC HEARING

Transfer of an Annual All Alcohol Liquor License for JPTS Wine & Spirits dba Southcoast Wine & Spirits to Jason O. Silva

Mr. Murphy opened the public hearing at 6:07pm and read the notice.

Jason Silva addressed the Board regarding his application.

No public comments were received.

Mr. Murphy closed the public hearing at 6:09pm.

Motion: Mr. Saunders motioned to approve the Transfer of an Annual All Alcohol Liquor License for JPTS Wine & Spirits dba Southcoast Wine & Spirits to Jason O. Silva. Ms. Mello seconded. The motion passed unanimously (5-0-0).

PUBLIC HEARING

Transfer of an Annual All Alcohol Liquor License for for Fairhaven Wine & Spirits to Jayshreeben S. Patel

Mr. Murphy opened the public hearing at 6:10pm and read the notice.

Jackson Cushman, attorney for the applicant addressed the Board regarding the application.

No public comments were received.

Mr. Murphy closed the public hearing at 6:12pm.

Atty. Cushman asked the Board for the motion to include the managers and transfer of collateral to Rockland Trust. Discussion ensued as to the advertisement and requirements prior to the Board's vote. Atty. Cushman will contact the licensing clerk to clarify and reschedule the public hearing.

APPOINTMENTS AND COMMUNITY ITEMS

Special One-Day Liquor License: Annual Full Bloom Festival, June 29, 2025

Applicants Samantha Dungca and Alexis Costa addressed the Board about this annual event. This is the first time they are applying for a Special One-Day Liquor License.

Motion: Mr. Saunders motioned to approve the Special One-Day Liquor License: Annual Full Bloom Festival, June 29, 2025. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Event Request and Temporary Street Closure Request: Cherry Blossom Festival, Sunday, May 4, 2025

Gerry Rooney addressed the Board about the application. He reviewed a brief history of the event.

Motion: Ms. Mello motioned to approve the event and temporary street closure request for the Cherry Blossom Festival on Sunday, May 4, 2025, pending approval of Police/Fire/Public Works. Mr. Saunders seconded. The motion passed unanimously (5-0-0).

The applicant is responsible to coordinate with Police, Fire and Public Works.

Event Request: Tour de Crème, Sunday, June 1, 2025

The notice was reviewed. No questions from the Board.

Motion: Mr. Saunders motioned to approve the Event Request for the Tour de Crème, Sunday, June 1, 2025. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Event Request: Motorcycle Run for ALS, Sunday, June 22, 2025 (rain date, June 29, 2025)

Applicant Jacqueline Tome addressed the Board about the event and details. The route is from Fairlawn Funeral Home on Washington Street to Bourne, MA and then to return to Fairlawn's parking lot for entertainment from 12:00-4:00PM. Ms. Tome said a letter was sent to abutters and she will provide a valid copy of the insurance policy due to the current policy expiring in May prior to the event.

Motion: Mr. Saunders motioned to approve the Event Request for a Motorcycle Run for ALS, Sunday, June 22, 2025 (rain date, June 29, 2025) pending notification of abutters and working with Police/Fire on the event details. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Use of Town Hall Request: Fairhaven Improvement Association: Summer Concerts

The request was reviewed and brief discussion on fees for town hall being waived and the custodian fee not being waived.

Motion: Mr. Saunders motioned to approve the use of Town Hall by the Fairhaven Improvement Association for the Summer Concerts as written in the application, waiving the town hall fee, the custodian fee does apply. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Public Safety Committee Membership

Fire Chief Todd Correia and Police Chief Dan Dorgan addressed the Board regarding the membership recommendation for the Public Safety Complex Committee, 13 members: Fire Chief, Police Chief, Fire Labor Representative, Police Labor Representative, Select Board Member, 2 Finance Committee Members, 4 Citizens at Large, Building Department Representative and a Planning/Conservation Representative.

Discussion ensued on membership. The Fire and Police Chief would select the labor representatives. At-Large applications can be submitted through the Select Board office. Mr. Silvia and Mr. Saunders volunteered and the Board reduced the number of At-Large from four to three.

Motion: Mr. Romano motioned to appoint Andrew Saunders and Keith Silvia as Select Board representatives to the Public Safety Complex Committee. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Romano motioned to take items H4 and H5 out of order. Mr. Saunders seconded. The motion passed unanimously (5-0-0).

ACTION / DISCUSSION

Open, Review and Vote Recommendations for Articles Annual Town Meeting Warrant **Close and Sign Annual Town Meeting Warrant**

Chief Correia addressed the Board about discussion with the Finance Committee and the reduction of the amount in Article 20 from four million to two and a half million as well as removal of the reference to the School Administration.

Motion: Mr. Saunders motioned to open the 2025 Annual Town Meeting Warrant. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Discussion continued on the reduced amount, removal of the reference to the School Administration and potential for grant funds.

Motion: Mr. Saunders motioned to reconsider the vote on Article 20A and 20B, reduce the amount from four million dollars to two and a half million dollars and remove the School reference. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Mr. Samia addressed the Board about Article 10, lines 11 and 12 regarding retiree cost-of-living-adjustment and insurance. Mr. Samia spoke with the Retirement Board and there is a potential to take this item up at a fall town meeting. The Board had previously voted to recommend adoption of this article.

Motion: Mr. Saunders motioned to reconsider the vote on Article 10, line 11 and change recommendation to pass over. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to close the 2025 Annual Town Meeting Warrant. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to approve and sign the 2025 Annual Town Meeting Warrant. Ms. Mello seconded. The motion passed unanimously (5-0-0).

EXECUTIVE SESSION

Motion: Mr. Romano motioned to enter into executive session Pursuant to G.L. c. 30A, s. 21(a)(3) discuss strategy with respect to litigation where the chair declares that an open session would have a detrimental effect on the Town's litigating position; and G.L. c. 30A, s. 21(a)(7) to comply with, or act under the authority of, the Public Records Law, G.L. c. 4, s. 7(26) (Fairhaven School Committee v. Fairhaven Zoning Board of Appeals, Land Court 25MISC000064) AND Pursuant to G.L. c. 30A, s. 21(a)(3) discuss strategy with respect to anticipated litigation where the chair declares that an open session would have a detrimental effect on the Town's litigating position; and G.L. c. 30A, s. 21(a)(7) to comply with, or act under the authority of, the Public Records Law, G.L. c. 4, s. 7(26) (anticipated litigation by Patrick Carr and Ruy daSilva; written attorney-client privileged communications regarding same) AND to return to Open Session. Ms. Mello seconded. Roll Call Vote: Mr. Saunders, Ms. Mello, Mr. Murphy, Mr. Romano and Mr. Silvia all in favor. The motion passed unanimously (5-0-0).

Mr. Saunders advised that he would recuse himself from Pat Carr's Conflict of Interest item and any potential Executive Session discussion related to Mr. Carr. Mr. Murphy advised he would recuse himself from any potential Executive Session discussion related to Ruy daSilva.

Meeting adjourned to Executive Session at 6:54pm

Meeting returned to Open Session at 8:08pm

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session minutes of March 24, 2025. Mr. Romano seconded. The motion passed (4-0-1) Ms. Mello abstained.

Motion: Mr. Saunders motioned to accept the Executive Session minutes of March 24, 2025. Mr. Romano seconded. The motion passed (4-0-1) Ms. Mello abstained.

TOWN ADMINISTRATOR

Mr. Samia reported:

- Board Resignations were received from Amy Goyer from the Zoning Board of Appeals and Pam Whynot from the Commission on Disability. Mr. Samia thanked them for their contributions and reminded anyone interested in volunteering for a board, committee or commission can complete the volunteer application on the Town's website.
- The Town website is being worked on, the new site was launched and the IT Department has been working on it.
- The Harbormaster submitted a letter regarding the City of New Bedford offering to supply Fairhaven and Dartmouth with mitigation funds to plant one thousand bushels of shellfish per year for the next three years (**Attachment A**). New Bedford is requesting we sell 100 shellfishing permits to New Bedford residents and they would be restricted to the propagation areas only. Discussion ensued regarding the propagation area limit, timing, potential revenue to the Town, having New Bedford pay for the bushels versus reimbursing the Town and is there the potential for grant funds to be pulled back from the Federal Government.

ACTION / DISCUSSION

Conservation Restriction: Camel Street Property - Sconticut Neck

Mr. Saunders provided the Board with context to the concerns on this conservation restriction and understanding the tax impacts to the Town because this would be removed from the tax rolls. Mr. Saunders contacted the President of the Buzzards Bay Coalition, Mark Rasmussen, and received a fact sheet (**Attachment B**). Mr. Saunders recommended tabling this item so the Board can review and consider at the next meeting.

Motion: Mr. Saunders motioned to table item H1 to the April 28, 2025 meeting. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Mr. Saunders recused himself and exited the Banquet Room at 8:22PM

Review Conflict of Interest Disclosure: Patrick Carr

Mr. Carr addressed the Board and referred to his prior conflict of interest (COI) disclosure that was before the Board on December 30, 2024; the motion to accept the disclosure failed. Mr. Carr said he received further information from state ethics regarding his request and questions on setting a precedent that had been mentioned during the December meeting by members of the Board (**Attachment C**). Mr. Carr read from the correspondence from Mr. Popov at state ethics.

Erin Carr addressed the Board and reviewed details about the storage containers at Fairhaven High School (FHS). She asked the Board to grant the exemption based on the overall amount not being so significant and that Mr. Carr is a resource due to his expertise.

Discussion ensued about the details of the disclosure form, permit questions regarding the FHS shed, accepting the disclosure to be able to participate in the shed matter that is before the Zoning Board of Appeals (ZBA), COI disclosures allowed for others without discussion at meetings prior to the December 30, 2024, the ability for ZBA to use associate members in place of a full member, how the overall amount is viewed as so significant or not and public perception.

Motion: Mr. Silvia motioned to approve the conflict of interest disclosure under MGL c 268A, section 19(B)(1) and 23(B)(3) for Patrick Carr. Mr. Murphy seconded. The motion failed (2-2-1) Mr. Saunders abstained.

Mr. Saunders returned to the Banquet Room at 8:58PM.

Authorize Redemption of Bonds

Mr. Samia reviewed the process of a debt service payoff and the impact to future budgets. This is for Article 10, line 9.

Motion: Mr. Saunders motioned to approve the redemption of bonds as outlined contingent on the approval of a transfer from free cash by the 2025 Annual Town Meeting and that the Town Treasurer, the Town Administrator and other Town officials and representatives be authorized to take any and all actions required in order to affect the redemption of the redeemed bonds. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Authorize Town Clerk to Request Election Workers from the Democratic and Republican Town Committees

The Town Clerk submitted a request to contact the respective Democratic and Republican Town Committees requesting election workers.

Motion: Mr. Saunders motioned to approve and sign the Annual Letter from the Select Board to the Democratic and Republican Town Committees. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Reassignment of Select Board Committee Liaisons

The Board reviewed the list of liaison assignments and discussed interests and changes.

Motion: Mr. Saunders motioned to appoint Andrew Romano liaison to the Belonging Committee, Cable Advisory Committee, Dog Park Study Committee and the Sustainability Committee; Natalie Mello liaison to the Bristol County Advisory Committee, Buzzards Bay Water Quality Working Group, Historical Commission and the Millicent Library Board of Trustees; Keith Silvia liaison to the Commission on Disability, Economic Development Committee, Harbormaster Renewal Plan and the Rogers Reuse Committee; Andrew Saunders liaison to the Livable Streets Committee, Marine Resources Committee, South Coast Bikeway Alliance and the Southeastern Regional Transit Authority (SRTA) Board; Charlie Murphy liaison to the Fair Housing Coordinator, Lagoa Friendship Pact Committee and the Sister City Committee. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Mr. Romano will confirm SRPEDD meeting schedule does not conflict with his schedule.

SRPEDD Commission Member Appointment

Mr. Romano will be Select Board liaison pending confirmation of schedules.

Motion: Mr. Saunders motioned to appoint Andrew Romano liaison Southeast Regional Economic Development District (SRPEDD) pending schedules. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Review and Sign Select Board Meeting Protocols

The Board discussed the draft protocol document and suggested edits. Suggestion made to move public comment up to the beginning of the agenda. The Board discussed the language and public comment will be moved up on the agenda. Ms. Hart will update the draft based on the discussion and provide to the Board.

Motion: Mr. Romano motioned to change language on public comment from “near the end” to “near the beginning” in the protocols. Mr. Saunders seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Romano rescinded his motion to change language on public comment from “near the end” to “near the beginning” in the protocols. Mr. Saunders rescinded his second. The motion passed unanimously (5-0-0).

Motion: Mr. Romano motioned to adopt and adhere to the protocols as outlined and discussed as amended. Mr. Saunders seconded. The motion passed unanimously (5-0-0).

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders reported:

Livable Streets and Marine Resources met at the same time, Livable Streets ended before he could attend. Marine Resources discussed legislation through New Bedford Representative Chris Hendricks to move the harbor line. This affects building structures in the waterway. New Bedford is proposing movement for a terminal and if Fairhaven has any areas in town that should be moved, the Town should try and get in on the New Bedford petition. Anyone with suggestions should send them to the Marine Resources Committee.

Mr. Murphy reported:

Lagoa met and the goal is to reestablish and get more involvement.

Mr. Romano reported:

The Eco Fair was rained out. He formally welcomed Ms. Mello and said he echoes the need to move forward as a Town with goals to hit and hire a Town Administrator; no need for further divide or speculation.

Mr. Silvia reported:

Historical Commission met and the flagpole project at Fort Phoenix is moving forward including lighting. The Protecting Society has access to the fire house building. The Commission on Disability met.

Mr. Murphy advised the Board that the agenda is the whole Board and if you have a topic for the agenda to send it to Ms. Hart.

PUBLIC COMMENT

None received

CORRESPONDENCE

Memorial Day Parade invitation for Monday, May 26, 2025

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting is Monday, April 28, 2025, at 6:00 p.m.

ATTACHMENTS

- A. Correspondence from Harbormaster Timothy Cox
- B. Correspondence from Mark Rasmussen, Buzzards Bay Coalition
- C. Conflict of Interest correspondence: Patrick Carr

Meeting adjourned at 9:29p.m.

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

Approved on ____



Monday, May 12, 2025

Correspondence

1. Invitation: July 4th Parade



I

**Celebrating 250 years
1776-2026**

April 24, 2025

Town of Fairhaven
Select Board
40 Center Street
Fairhaven, MA 02719

Dear Fairhaven Select Board and Town Administrator Samia,

It's that time of year again for the Town's Annual July 4th Celebration to be held on Friday, July 4, 2025.

The day will begin with the raising of the Big Flag at F.H.S at 8:30 a.m. Followed by the antique car cruise through town and arriving at Cushman Park to meet up with the start of the Parade. The parade will step off at 9:00 a.m. from Cushman Park (Green Street side) and continue down Green Street to Fort Phoenix, where we will hold the Annual Independence Day Ceremony and the traditional cannon firing by the Fairhaven Village Militia to cap off the event.

This year marks the start of the 250th celebrations; all leading up to our Nation's 250th birthday on July 4, 2026. We look forward to having a grand parade this year but an even grander one in 2026.

Please join the celebration by participating in the parade and ceremony with a float, costume or just "comfortable marching shoes" to say Happy Birthday America!

Please RSVP by July 1, 2025 to:
July4thparade@fairhaven-ma.gov

We look forward to seeing you at the Parade!

Sincerely,

The Fairhaven July 4th Celebration Team

Wayne & Vicki Oliveira (parade & ceremony coordinators)

John Medeiros (car cruise coordinator)

Alyssa Botelho (Discover Fairhaven)

#starsandstripesfairhaven

