



FAIRHAVEN SELECT BOARD AGENDA

August 25, 2025 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

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

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

FAIRHAVEN TOWN CLERK
RCUD 2025 AUG 21 PM1:21

A. APPOINTMENTS AND COMMUNITY ITEMS

1. Proclamation: Lieutenant Chauncy Burr
2. Use of Town Hall Auditorium: October 17, 2025: Fairhaven Department of Fine Arts and Historical Society
3. Use of Town Hall Auditorium: September 26, 2026: Gath-Bosco Wedding
4. Event Request: Podkowa 5K Race Fundraiser, Sunday, October 5, 2025, 7am-1pm
5. Cultural Council Update: 2026 Grant opportunities

B. PUBLIC COMMENT

C. ACTION / DISCUSSION

1. Conflict of Interest Disclosure: Brian Messier
2. Massachusetts Department of Environmental Protection Access and Consent to Enter Property Agreement: USEPA Site ID: MAD980731335
3. Declare Surplus Items for Town Auction, September 20, 2025 at Department of Public Works (attached)
4. Select Board Support Letters for Local Aid Increases
5. Open Meeting Law Complaint Received August 11, 2025: Patrick Higgins and Draft Response

D. TOWN ADMINISTRATOR REPORT

1. Staffing Updates
2. Rogers School Litigation Update
3. Other

E. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

F. MINUTES

1. Accept the Select Board Open Session minutes of August 11, 2025
2. Accept the Select Board Executive Session minutes of August 11, 2025

G. CORRESPONDENCE

1. Massachusetts Historical Commission Meeting, September 10, 2025: National Register of Historic Places – Rogers Grammar School, Fairhaven
2. Contact Forms: Lee Baumgartner, Christina Lopes

H. NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting: *Monday, September 8, 2025* at 6:30pm

I. EXECUTIVE SESSION

Pursuant to G.L. c. 30A, § 21(a)(2) To conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with nonunion personnel. (Fire Chief)

ADJOURN



ITEM	DESCRIPTION (if applicable)	QUANTITY
Office Supplies	assorted office supplies	assorted
Large Display Sign with Letter Inventory	Old Fire Department message board (Approx 4ft x 8ft)	1
Large Wooden Pamphlet Display	old tourism wooden pamphlet display (cream & brick red)	2
29 - assorted bicycles (BMX, Mountain Bikes, kid's bikes)		29
Peace Sports Scooter (unknown if its running)		1
Scooter (parts only)		1
Electric Hoverboard		1
Mercury outboard engines w/ stands (9-15hp)		5
Pool stick with case		1
2009 Ford Utility truck body only	utility body only	1
aerator / seeder for 3 point tractor	tractor powered aerator / seeder	1
miscellaneous tractor / mower parts (entire pallet)	assortment of belts, wheels, spindals, etc.	1
Oak Tree Trunks - approximately 20 feet long - x2	approx. 20 feet long by 30 inch diameter	2
File Cabinets	Metal	6
table	8ft wooden	1
Office Chairs	Misc size and color	7
End table	Wooden	1
Computer table		1
Metal Cabinets	Misc diffrent size	3
Pamphlet or book holders	large wooden	2
Teachers desk	metal teachers desk	1
Piano	Small	1
Student desk and chairs		75



Monday, August 25, 2025

Appointments and Community Items

1. Proclamation: Lieutenant Chauncy Burr
2. Use of Town Hall Auditorium: October 17, 2025: Fairhaven Department of Fine Arts and Historical Society
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5. Cultural Council Update: 2026 Grant opportunities



Town of Fairhaven
Massachusetts
Office of the Select Board

A 1

Proclamation Honoring the Retirement of Lieutenant Chauncey Burr

Whereas: we gather here today to recognize and celebrate the outstanding service and well-earned retirement of Lieutenant Chauncey Burr, who has dedicated nearly 34 years of unwavering commitment to the Town of Fairhaven; and

Whereas: Lt. Burr began his career in the fire service as a call firefighter, later joining the department full-time in 1995, answering the call with courage, integrity, and professionalism for 26 years; and

Whereas: over the past four-plus years, he has served as a trusted and respected lieutenant, guiding his shift and supporting the department through his steady leadership, vast experience, and commitment to doing things the right way; and

Whereas: Lieutenant Burr was a pioneer in emergency medical care for the Town of Fairhaven, becoming one of its very first paramedics and setting a high standard for emergency response, patient care, and operational safety; and

Whereas: his influence has extended beyond the firehouse, through his service as a community leader—devoting time as a Boy Scout leader and youth soccer coach—fostering the next generation of Fairhaven's citizens with the same dedication and heart he brought to the fire service; and

Whereas: his unwavering commitment to safety—both for the public and for his fellow firefighters—has left a lasting impression on this department, where his voice, calm and clear, has always centered us on the core values of our mission;

Now, therefore, let it be known that today, we honor Lieutenant Chauncey Burr not only for his decades of service, but for the example he has set, the lives he has impacted, and the legacy he leaves behind in the Fairhaven Fire Department and the greater community.

Given under our hands and seal on this day, the 25th of August, in the year of our Lord Two Thousand and Twenty-Five

Charles K. Murphy, Sr., Chair

Andrew Romano, Vice-Chair

Natalie A. Mello, Clerk

Keith Silvia

Andrew B. Saunders



Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719

A 2

MEMORANDUM

To: Select Board

From: Town Administrator's Office

Date: August 25, 2025

Re: Application for the use of Town Hall Auditorium

Dear Select Board,

Lauren Grant and Mark Badwey are asking permission for use of the Town Hall Auditorium. They will be having a presentation on Friday October 17, 2025 for author Nathaniel Philbrick in collaboration with the Fairhaven Historical Society and the Fairhaven Department of Fine Arts. Fees have been requested to be waived.

Thank you for your consideration.



Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719

A 3

MEMORANDUM

To: Select Board

From: Town Administrator's Office

Date: August 25, 2025

Re: Application for the use of Town Hall Auditorium

Dear Select Board,

Rachel Gath and Xavier Bosco is asking permission for use of the Town Hall Auditorium. They are requesting to have their wedding reception on September 26, 2026 from 5 p.m. to 10 p.m. with vendors requested to be there at 3 p.m. for set-up.

Fees have not yet been determined for the police detail, so full payment has not been made.

Thank you for your consideration.



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 Bosco / Gath Wedding

Responsible Officer Rachel Gath Tel. No. 508-373-6551

Address 41 George Street Westport MA 02790

Purpose of Use Wedding

Date Requested 9/26/26 Begin Time 3 p.m. End Time 10:30pm

(event is 5-9pm,
vendors arriving at 3p)

REQUESTED USE APPROVED TO AVAILABILITY:

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

[Signature]
Police Chief/Representative

Date

Fire Department Inspection

Building Department Inspection

Board of Health

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

Office Use only

Rental Fee x 7.5 hrs. at \$ 100 hr. = \$ 750.00

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

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

X Custodian x 9 * hrs. at \$ 50 hr = \$ 450.00

* hr before 1/2 hr after

Police x 1 hrs. at \$ 62 hr = \$ TBD

will change
w/ new contract
+ admin fee

TOTAL FEES = \$

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.)



**Town of Fairhaven
Massachusetts
Select Board**

40 Center Street
Fairhaven, MA 02719

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

Release and Indemnification Agreement

In consideration of the rental from the Town of Fairhaven ("Town") of the Town Hall and or Town Hall Auditorium, the undersigned hereby releases and forever discharges the Town and its officers, agents and employees from all suits, claims and demands of any nature whatsoever, including for negligence, which he or she or his or her heirs or assigns may ever have for any personal or bodily injury, death or property damage arising out of, related to or resulting from, in whole or in part, the use of the premises as described above.

The undersigned further agrees, for him or herself and his or her heirs and assigns, to defend and indemnify the Town and its officers, agents and employees against all such suits, claims and demands by any third party, including invitees and others, and to save them forever harmless therefrom.

If any damage to the Town Hall and or Town Hall Auditorium or any equipment or appurtenance therein, results from any act or neglect of the undersigned, its agents, guests, licensees or invitees, The undersigned shall be liable therefore and shall upon demand, reimburse the Town for all costs and expenses of such repairs and damages.

The undersigned hereby acknowledges that he or she has read and understands this release and Indemnification, and that if he or she is signing on behalf of another person or entity, he or she is authorized to do so and that such other person or entity intends to be fully bound hereby.

Signature:

Rachel Gath

Printed Name:

Rachel Gath

Date:

6/09/25

Before me:

[Signature]

Witness Signature

**TOWN OF FAIRHAVEN - BOARD OF PUBLIC WORKS
REQUEST TO USE TOWN PROPERTY**

A 4



Date of Event: 10/5/2025

Time: 7 am - 1 pm

Name: Adriann Corazzini - Southcoast Health

Address: 101 Page Street

City/Town/Zip: New Bedford, MA 02740

Phone #: (508) 973-5811

Email: corazzinia@southcoast.org

Location Request: See Race Route

Type of Event: Podkowa 5K Race Fundraiser

**Estimated Number of
People Attending :** 750

**Special Requests -
Additional Fee may apply:**

Fee: \$25.00 non refundable - Check made payable to "Town of Fairhaven"

Date Paid: _____ **Receipt #** _____ **Check #** _____

Rules & Regulations: No food or alcoholic beverages are permitted on the premise.

No tents are allowed on premise.

All decorations must be removed when function is completed.

Limited amount of chairs for elderly.

Area must be cleaned when function is completed.

*unless otherwise noted.

*

Approved: _____ **Date:** _____

Not Approved: _____ **Date:** _____



From: Mark Rees <mrees@fairhaven-ma.gov>
 Sent: Monday, March 9, 2020 2:17 PM
 To: William A Burns <BurnsW@southcoast.org>
 Cc: Vicki Paquette <vpayette@fairhaven-ma.gov>
 Subject: Re: [EXTERNAL]Re: Nicole Podkowa 5K/Town of Fairhaven

Warning: External e-mail. **DO NOT** click links, open attachments, or reply with any information unless you know the content is safe and have verified the e-mail address of the sender.

Hi Mr. Burns, The Fire Chief said you were trying to reach me. Sorry about the confusion. He said you were seeking to change the route of your road race. In looking at your submission, you had two options #1 and #2. Have you chosen a particular option you want to go with, or do you know have a 3rd option you would like to submit.

Thank you.

Mark



Monday, August 25, 2025

Action / Discussion

1. Conflict of Interest Disclosure: Brian Messier
2. Massachusetts Department of Environmental Protection Access and Consent to Enter Property Agreement: USEPA Site ID: MAD980731335
3. Declare Surplus Items for Town Auction, September 20, 2025 at Department of Public Works (attached)
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5. Open Meeting Law Complaint Received August 11, 2025: Patrick Higgins and Draft Response

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

FAIRHAVEN TOWN CLERK
ROUD 2025 AUG 20 AM 2:52

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Brian Messier
Title or Position:	Atlas Tack Working Group member
Municipal Agency:	Town of Fairhaven
Agency Address:	40 Center St, Fairhaven MA 02719
Office Phone:	508-979-4023
Office E-mail:	gsamia@fairhaven-ma.gov cmurphv@fairhaven-ma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. The Atlas Tack property is being reviewed by the Atlas Tack Working group to create a report of the property's history, present and possible future to present to the Select Board. The Select Board has all final decisions of the property and all financial decisions regarding the property. I do not have a sole final financial decision which would bind the Property, that authority rests in the Select Board's purview. I am a direct abutter to the property being reviewed.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As a member of the Atlas Tack working group, I will compile information, facts and any additional responsibilities given by the Select Board or Town Administrator along with other group members in relation to the past, present and possible future of Atlas Tack property with a report to be presented to the Select Board. We are not responsible for any financial decisions or outcome of the property. The Select Board is the party responsible for all final matters including financial decisions relating to the Atlas Tack property.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	

Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I do not have a personal nor a financial interest in the Atlas Tack Corporation, property or any family members associated with the Atlas Tack Corporation, but as a direct abutter my property value may be affected by the decisions made by the Selectboard based on the data the ATWG gathers and presents. I am not solely responsible for financial decisions of the Atlas Tack property. Only the Select Board has control over all matters, including financial decisions, on the Atlas Tack property. My location will not affect my discussions, judgement or potential decisions nor is there any perceived monetary gain based on how I participate in this particular matter.
Employee signature:	<i>Brian P. Messier</i>
Date:	<i>8/8/25</i>

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority	

signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ACCESS AND CONSENT TO ENTER PROPERTY AGREEMENT

**USEPA Site ID: MAD980731335
MassDEP Release Tracking Number 4-0000122**

Background: The Massachusetts Department of Environmental Protection ("MassDEP") seeks, pursuant to 42 U.S.C. § 9601 *et seq.* and M.G.L. c. 21E, access to certain parcels of land (as further described below, the "Property") for the purpose of monitoring and maintaining restored natural resources located on or adjacent to the Property. Such natural resources, which may include shoreline, wetlands and upland vegetation, were disturbed and subsequently restored in connection with remedial actions authorized by the United States Environmental Protection Agency ("EPA") at the New Bedford Harbor Superfund Site ("NBH Superfund Site"). The NBH Superfund Site is further identified as MAD980731335 on EPA's National Priorities List and as MassDEP Release Tracking Number 4-0000122

Access Authorization. By executing this Access and Consent to Enter Property Agreement ("Agreement"), **Town of Fairhaven** ("Owner") consents to MassDEP and its employees, agents and contractors entering the Property, and grants access to the same, for the purpose of monitoring and maintaining restored natural resources on and adjacent to the Property in accordance with the terms of this Agreement (such monitoring and maintenance activities, as further described below, referred to in this Agreement as the "Work").

Property Description: The Property is identified by the Town of Fairhaven Assessor as Map 17, Lot 5, 6, and 7 and is also known as Beach Street and Rear Beach Street; and Map 20, Lots 1 to 4, 24 to 26, and 323 to 326 and is also known as Rear Sycamore Street, see attached figures. All or a portion of the Properties are part of the New Bedford Harbor Superfund Site.

Scope of Work: Work may include:

- monitoring restored saltmarsh and other vegetation;
- repair of eroded areas;
- removal and/or control of invasive plant species; and
- taking photographs or videos of restored areas.

Term of Agreement: The initial term of this Agreement shall be ten (10) years, beginning on the date this Agreement is signed by the Owner. At any time prior to the end of the initial term, MassDEP may renew this Agreement for an additional term of five (5) years by sending written notice to the Owner that MassDEP requires continued access to the Property to perform the Work and is renewing the Agreement. MassDEP's renewal notice shall be effective thirty (30) days from receipt, unless the Owner notifies MassDEP in writing that it does not consent to the renewal prior to that time. This Agreement may repeatedly be renewed in this manner, provided that the initial term of this Agreement plus all renewal terms shall not exceed a period

of 25 years. After 25 years, if MassDEP requires continued access, MassDEP will provide to the Owner a new access agreement. MassDEP may terminate this Agreement at any time by sending written notice to the Owner.

No Interference: The Owner will not, and will not permit any person to, interfere with MassDEP's performance of the Work at the Property. MassDEP shall reasonably coordinate its Work on the Property as to not interfere with the Owner's use and enjoyment of the Property.

Site Responsibility: To the extent that MassDEP disturbs the Property in a manner inconsistent with the objectives of the above-referenced restoration, MassDEP will make reasonable efforts to restore the Property to its prior condition. Upon execution of this Agreement, the Owner may obtain upon request a Certificate of Insurance from each MassDEP contractor who will be performing work on the Site. The Owner will otherwise continue to be responsible for all other liability, insurance and other obligations related to the Property.

Notice to Owner of Work: MassDEP hereby notifies the Owner that it may currently be monitoring and maintaining certain restored natural resources on the Property.

Contact Information: For purposes of this Agreement, notices to the Owner shall be emailed to _____ or to such other electronic or physical address as Owner may provide in writing to MassDEP.

No Conveyance of Property Interest: The Owner acknowledges and agrees that this Agreement does not convey to the Commonwealth of Massachusetts an interest in the Property.

Requirement of Written Revocation of Access: In the event that the Owner seeks to revoke this Agreement, the Owner shall provide MassDEP with 14 days prior written notice.

Reservation of Rights: MassDEP reserves all rights under Chapter 21E, 310 CMR 40.0000 and other applicable law to obtain access to the Property.

Availability of Reports: The Owner may receive a copy of all reports generated as a result of the Work within 60 days of the date these are issued to or by MassDEP. Please indicate below if you would like to receive such reports.

Signature Line

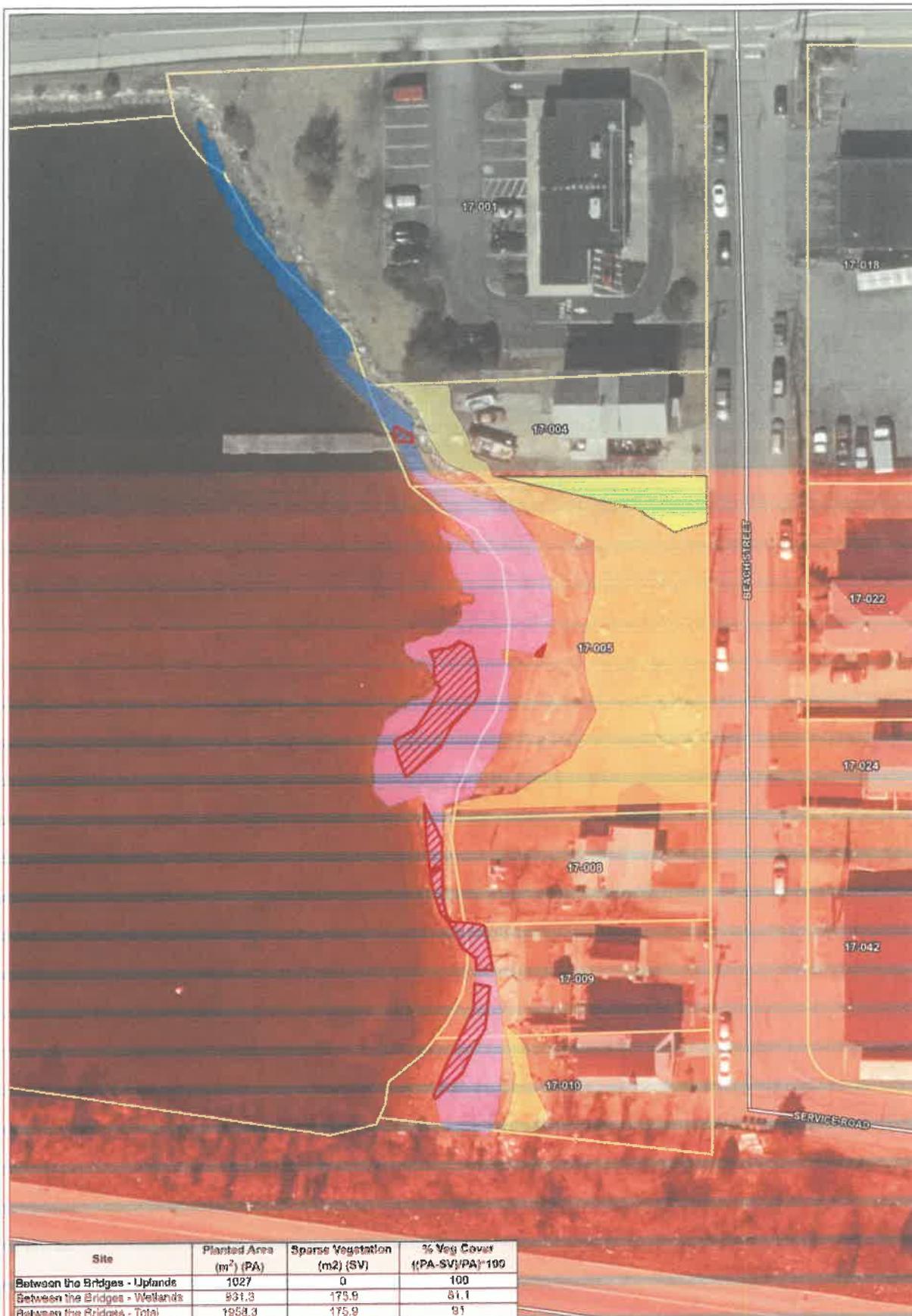
Print Name:

Title:

Date:

___ The Town of Fairhaven would like to receive reports generated as a result of the Work.

___ The Town of Fairhaven would not like to receive reports generated as a result of the Work.



NEW BEDFORD HARBOR
RESTORATION MONITORING

SWCA
Sustainable Watershed Consulting Associates, Inc.

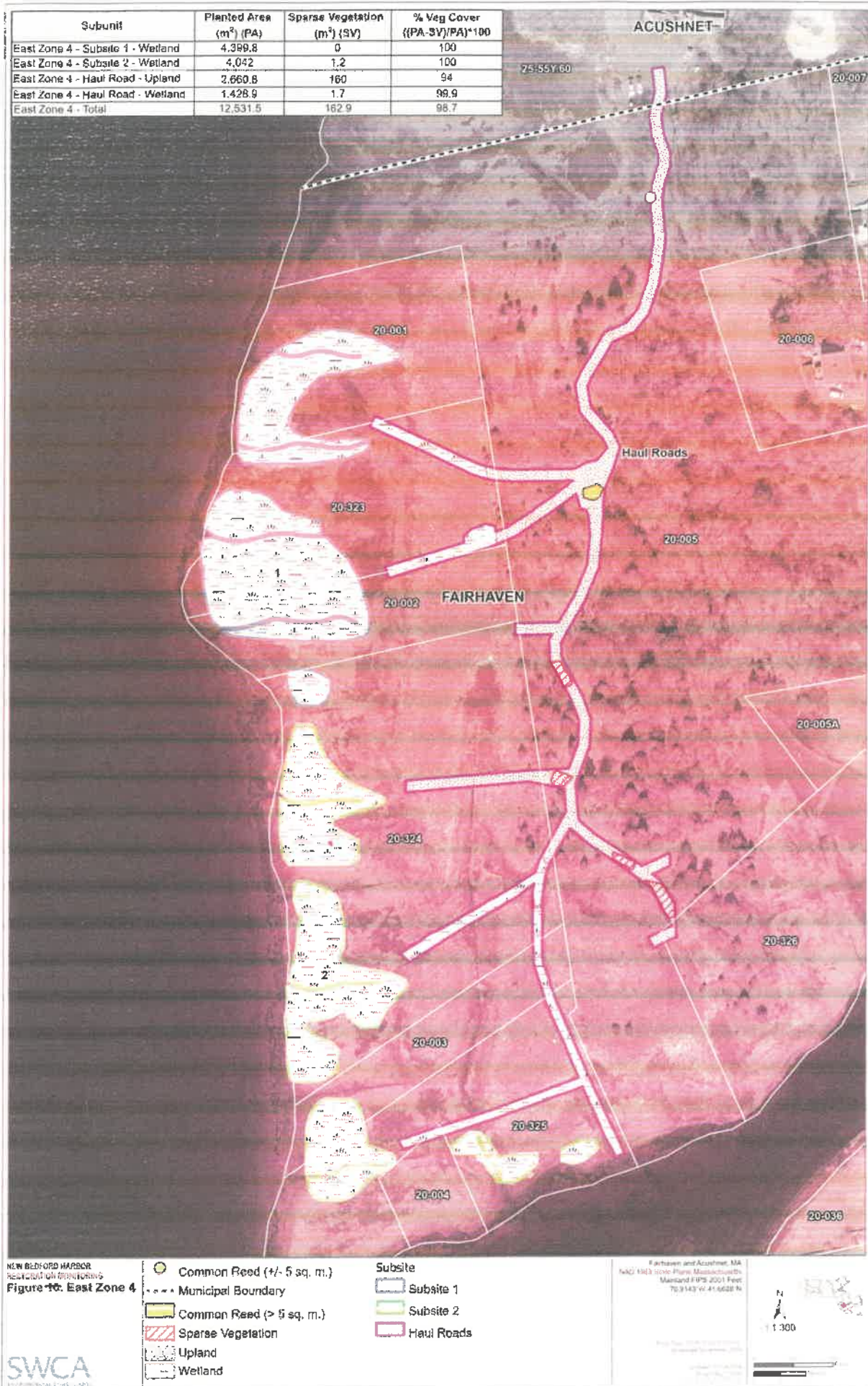
- Japanese Knotweed (> 5 sq. m.)
- Sparse Vegetation
- Parcel Boundary
- Upland
- Wetland

7 Milken, MA
NAD 1983 StatePlane
Massachusetts
Albersed NAD 2011 Feet
70 0145 W 41.0503 N

Scale: 1:10,000
Map Date: 10/10/2018



Subunit	Planted Area (m ²) (PA)	Sparse Vegetation (m ²) (SV)	% Veg Cover ((PA-SV)/PA)*100
East Zone 4 - Subsite 1 - Wetland	4,399.8	0	100
East Zone 4 - Subsite 2 - Wetland	4,042	1.2	100
East Zone 4 - Haul Road - Upland	2,660.8	160	94
East Zone 4 - Haul Road - Wetland	1,428.9	1.7	99.9
East Zone 4 - Total	12,531.5	162.9	98.7





ITEM	DESCRIPTION (if applicable)	QUANTITY
Office Supplies	assorted office supplies	assorted
Large Display Sign with Letter Inventory	Old Fire Department message board (Approx 4ft x 8ft)	1
Large Wooden Pamphlet Display	old tourism wooden pamphlet display (cream & brick red)	2
29 - assorted bicycles (BMX, Mountain Bikes, kid's bikes)		29
Peace Sports Scooter (unknown if its running)		1
Scooter (parts only)		1
Electric Hoverboard		1
Mercury outboard engines w/ stands (9-15hp)		5
Pool stick with case		1
2009 Ford Utility truck body only	utility body only	1
aerator / seeder for 3 point tractor	tractor powered aerator / seeder	1
miscellaneous tractor / mower parts (entire pallet)	assortment of belts, wheels, spindals, etc.	1
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File Cabinets	Metal	6
table	8ft wooden	1
Office Chairs	Misc size and color	7
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Pamphlet or book holders	large wooden	2
Teachers desk	metal teachers desk	1
Piano	Small	1
Student desk and chairs		75



Town of Fairhaven Massachusetts

40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
Fax: (508) 979-4079

C 4

August 21, 2025

The Honorable Senator Mark C. Montigny
Massachusetts State Senate
State House Room 312-C
Boston, MA 02133

The Honorable Representative Mark Sylvia
Massachusetts House of Representative
State House Room 134
Boston, MA 02133

Dear Senator Montigny and Representative Sylvia,

The Select Board writes to bring up the topic of local aid and express our collective and unified concern about how the amount allocated by the Legislature for this item has fallen as each year passes. This topic has become critical for the Town of Fairhaven - and for almost every other city and town in the Commonwealth - as Fairhaven is presently struggling to financially balance our municipal budget. Despite our best efforts to craft a responsible budget which addresses the basic needs of our community, the historical cap on property tax collections as a result of Proposition 2 ½ have left us with very few options to address this revenue shortfall. Local aid is such a revenue source and an increase in these receipts would go a long way to help close our budget deficit.

The mechanisms which cities and towns are permitted to utilize in raising revenues to fund their respective budgets are well known and we do not need to go into that topic in detail except that one aspect must be highlighted as we have seen first-hand how it wreaks havoc on the ability of a municipality to balance its budget. That aspect is that the foundational mechanisms of proposition 2 ½ (which were developed some 40 years ago) are such that the revenues cities and towns are statutorily able to generate do not allow these same cities and towns to keep pace with inflation. This dynamic is a self-perpetuating cycle of revenue constraint which is no longer sustainable. For example, although the reported inflation rate of 1.2% in 2020 was relatively low, 2021 and 2022 we saw a sharp increase of 4.1% and 8% respectively. The years of 2023 and 2024 did show a downward trend (4.1% and 2.9%) but they nonetheless still exceeded the Proposition 2 ½ ceiling on revenue generation through an increase in property tax levy. Plainly put, our expenses are increasing based upon inflationary pressures, yet we are not able to raise revenue proportionally to level fund our expenses.

This is unsustainable and we ask for your help to find a solution through securing a material increase in the amount of local aid.

For context, the town received the amount of \$xxx.00 in 2020 (roughly x% of our budget income) from Unrestricted General Government Aid. We also received \$yyy.00 for Chapter 70 funds for this same period. The present reported distributions we expect to receive for the upcoming fiscal year are \$vvv.00 and \$ttt.00 respectively. Our next fiscal year is forecasted to experience a revenue shortfall of \$1.4xxx,xxx.00 and is directly attributable to the reduction in Local Aid from the Commonwealth.

A solution is to urge your colleagues to consider allocating a portion of the interest earned from the state's Stabilization Fund (Rainy Day Fund) directly to municipalities which as the unofficial title of this fund indicates, is designed to help close budget shortfall when it is fiscally raining. According to the Office of the Comptroller, the balance of this fund at the close of Fiscal year 2025 increased by

\$111,350,000.00 to **\$8,634 billion** and interest generated during this same fiscal year totaled \$405,930,000.00. See <https://cithru.data.socrata.com/stories/s/eqrd-tdvi>.

We (unfortunately) report that it is fiscally raining in Fairhaven and we could very much use help from this fund to close our deficit. As cities and towns struggle to meet basic obligations and deliver critical services, even a modest share of these Rainy-Day Fund earnings could provide meaningful relief and a measure of financial stability. This would represent a responsible reinvestment of state-held wealth into the communities that generate the fund's balance. These earnings represent a potential source of relief that could have a meaningful impact at the local level without compromising the integrity of the stabilization fund itself.

Massachusetts communities take great pride in managing their budgets prudently. However, without increased support, they will continue to face mounting deficits and difficult choices that undermine the quality of life for residents.

Thank you for your attention to this urgent matter. We appreciate your commitment to serving the people of Massachusetts and respectfully ask for your leadership in addressing the long-term fiscal health of our local governments. We would be glad to speak further or help coordinate input from other local leaders who are dealing with these issues also.

Sincerely,

Select Board Members
Town of Fairhaven

Charles K. Murphy, Sr., Chair

Andrew Romano, Vice Chair

Natalie A. Mello, Clerk

Keith Silvia, Member

Andrew B. Saunders, Member



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins
Address: P O Box 290 (please use email to patrick@openmeetinglawenforcer.com only)
City: Northport State: AL Zip Code: 35476
Phone Number: 5086743140 Ext. _____
Email: patrick@openmeetinglawenforcer.com
Organization or Media Affiliation (if any): Patrick Higgins and Associates

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

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

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

Specific person(s), if any, you allege committed the violation: Charles Murphy Sr.

Date of alleged violation: 7/28/25

Description of alleged violation:

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

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

The Fairhaven Select Board violated the open meeting law as follows;

1. Did not list the names of the candidates to be considered on the agenda as required by the Open Meeting Law.

meeting can be viewed at <https://vimeo.com/showcase/11515032?video=1103618998> at 2:25:43 to 2:27:24

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

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

List the names and address of all candidates for appointment, or reappointment for all public bodies and/or employment opportunity as required by the Open Meeting Law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: 8/10/25

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



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

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

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

Instructions for filing a complaint:

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

Instructions for a public body that receives a complaint:

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

Once the public body has responded to the complaint:

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

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



FAIRHAVEN SELECT BOARD AGENDA

July 28, 2025 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

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

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

A. JOINT WITH ZONING BOARD OF APPEALS

1. Zoning Board of Appeals Promotion Process

FAIRHAVEN TOWN CLERK
PAID 2025 JUL 28 PM 5:07

B. PUBLIC COMMENT

C. APPOINTMENTS AND COMMUNITY ITEMS

1. Town Meeting Survey Results: Anne Carreiro
2. Appointment Request: Historical Commission: Benjamin Hevey, Patrick Carr
3. Appointment Request: Commission on Disability: Pamela Roy

D. EXECUTIVE SESSION

Pursuant to G.L. c. 30A, § 21(a)(2) To conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with nonunion personnel. (Keith Hickey, Fire Chief)

Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Firefighter Collective Bargaining Agreement, Hickox v. Fairhaven)

E. ACTION / DISCUSSION

1. Contract: Keith Hickey, Town Administrator
2. Collective Bargaining Agreement: Fairhaven Firefighters Association, Local 1555, IAFF/PFFM
3. Annual Appointment of Election Workers
4. Select Board Statement: Upholding Behavioral Standards

F. TOWN ADMINISTRATOR REPORT

1. Staffing Updates
2. Resignations: Nate Bekemeier and Michael Silva: Historical Commission; Geoffrey Sullivan: Zoning Board of Appeals
3. Other

G. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

H. MINUTES

1. Accept the Select Board Open Session minutes of July 10, 2025 and July 14, 2025
2. Accept the Select Board Executive Session minutes of July 10, 2025 and July 14, 2025

I. CORRESPONDENCE

1. Contact Forms: Michael Kelly, Beth Luey, Nate Bekemeier, Wayne & Vicki Oliveira, David Wilson, Wayne Oliveira, Beth Luey, Matthew McDonald, Krystal Lunn, Miles Grant, Pam Whynot, Michael Kelly, Nate Bekemeier and Michael Silva Sandra Wilder, and Fairhaven Firefighters Local 1555

J. NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting: *Monday, August 11, 2025* at 6:30pm


ADJOURN



Monday, August 25, 2025

Town Administrator

1. Staffing Updates
2. Rogers School Litigation Update
3. Other

ORDER AFTER PRE-TRIAL	DOCKET NUMBER 2073CV00650 #47	Trial Court of Massachusetts The Superior Court 
CASE NAME: New England Preservation and Development, LLC et al vs. Fairhaven, Town of BRISTOL SUPERIOR COURT FILED JUL - 8 2025 JENNIFER A. SULLIVAN, ESQ CLERK/MAGISTRATE		Jennifer A Sullivan Bristol County COURT NAME & ADDRESS Bristol County Superior Court - New Bedford 441 County Street, 1st floor New Bedford, MA 02740


A pretrial conference was held on this case, the Court ORDERS:

- ☐ Motion(s) for Summary Judgment to be filed by
- ☒ Trial ~~with~~ without jury 5 1/2 day(s) scheduled for 1/26/2026 @ 9AM
- ☐ Assessment of damages to be scheduled
- ☐ Case dismissed/defaulted for failure of to:
 - ☐ a. appear at pretrial conference
 - ☐ b. participate in the preparation of the joint pretrial memorandum required under tracking order.
 - ☐ c. file a joint pretrial memorandum.
- ☐ Case settled, closing papers to be filed by
- ☐ For good cause, pretrial conference continued to
- ☒ One week in advance of trial: Final Trial Conference on 1/15/2026 @ 2pm
All motions in limine to be filed in accordance w/Sup. Ct Rule 9A
Requests for jury instructions and received on or before 1/8/2026
Proposed verdict slips
- ☐ Joint pre-Trial memo:

SPECIAL ORDER/AGREEMENT:

FPTC scheduled for 10/27/2025 @ 2pm

DATE ISSUED 07/08/2025	ASSOCIATE JUSTICE Hon. Raffi N Yessayan	ASSISTANT CLERK Dina Swanson	SESSION PHONE# (508)996-2051
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CLERK'S NOTICE	DOCKET NUMBER 2073CV00650	Trial Court of Massachusetts The Superior Court 
CASE NAME: New England Preservation and Development, LLC et al vs. Fairhaven, Town of		Jennifer A Sullivan Bristol County
TO: File Copy		COURT NAME & ADDRESS Bristol County Superior Court - New Bedford 441 County Street, 1st floor New Bedford, MA 02740
<p style="text-align: center;">You are hereby notified that on 07/08/2025 the following entry was made on the above referenced docket:</p> <p>Pre-Trial ORDER:</p> <p>Jury Trial on 1/26/2026 at 9:00am</p> <p>5 half days</p> <p>Final Trial Conference on 1/15/2026 at 2:00pm</p> <p>All trial submission to be filed on or before 1/8/2026 in compliance with Superior Court Rule 9A.</p> <p>Final Pretrial Conference scheduled for 10/27/2025 at 2:00pm</p> <p>Judge: Yessayan, Hon. Raffi N</p>		
DATE ISSUED 07/11/2025	ASSOCIATE JUSTICE/ ASSISTANT CLERK Hon. Raffi N Yessayan	SESSION PHONE# (508)996-2051

40.

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2073CV00650

NEW ENGLAND PRESERVATION AND
DEVELOPMENT, LLC and ZACHARY
MAYO,

Plaintiffs

TOWN OF FAIRHAVEN,
Defendant

BRISTOL SUPERIOR COURT
FILED

MAR 19 2025

JENNIFER A. SULLIVAN, ESQ.
CLERK/MAGISTRATE

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Now comes the Defendant, the Town of Fairhaven (the "Town"), and moves that the court grant summary judgment in its favor in accordance with Mass. Rule Civ. P. 56(c), with respect to all claims within the Plaintiffs' Amended Complaint.

In support hereof, the Town states as follows:

1. The undisputed facts establish that the Plaintiffs failed to satisfy applicable conditions under the purchase and sale agreement at issue in this action (the "Agreement").
2. Due to the Plaintiffs' failure to satisfy said conditions, the Town lawfully executed its right to terminate the Agreement.
3. There is no genuine issue of material fact in dispute in this action and the Town is entitled to judgment as a matter of law.

A Memorandum of Law and the Affidavit of Thomas P. Crotty, Esq. is filed herewith in further support of this motion.

Satisfactorily completed the four conditions (B, C, D and E) which were required of them, within the one year period.

Yesseop D.

7/9/25 - After hearing, the motion is denied, essentially for the reasons argued by counsel for New England Preservation & Development, LLC on the record. Because of the specific language used in the letter to the purchase and sales agreement, a question of fact still remains as to whether plaintiffs

07/09/2025 Endorsement on Motion for summary judgment, MRCP 56 (#40.0): DENIED

After hearing, the motion is Denied, essentially for the reasons argued by counsel for New England Preservation & Development, LLC on the record. Because of the specific language used in the Rider to the Purchase and Sales Agreement, a question of fact still remains as to whether Plaintiffs satisfactorily completed the four conditions (B, C, D and E), which were required of them, within the one year period.

Judge: Yessayan, Hon. Raffi N



Monday, August 25, 2025

Minutes

1. Accept the Select Board Open Session minutes of August 11, 2025
2. Accept the Select Board Executive Session minutes of August 11, 2025



FAIRHAVEN SELECT BOARD

F 1

Meeting Minutes

August 11, 2025

Present: Andrew Romano, Natalie A. Mello, Keith Silvia, Andrew B. Saunders and George Samia

Not Present: Charles Murphy Sr.

Mr. Romano opened the Select Board meeting at 6:30pm

PUBLIC COMMENT

None received

APPOINTMENTS AND COMMUNITY ITEMS

Fifteen Minute Parking Sign: Benoit Square

Officer Coelho and Lt. Swain addressed the Board and reviewed the request, clarified no time of day restriction: the business requested it be during business hours.

Motion: Mr. Saunders motioned to approve a fifteen-minute parking sign on Main Street in front of Galaxy Pizza House as outlined in the request. Ms. Mello seconded. The motion passed unanimously (4-0-0).

Handicap Parking Sign: 38 Middle Street

Officer Coelho and Lt. Swain addressed the Board and reviewed the request.

Motion: Mr. Saunders motioned to approve a handicap parking sign at 38 Middle Street as outlined in the request. Ms. Mello seconded. The motion passed unanimously (4-0-0).

Use of Town Hall Auditorium: Girl Scouts Award Ceremony, September 3, 2025

The Board reviewed the application and memo from the Licensing Clerk.

Motion: Mr. Saunders motioned to approve the use of Town Hall Auditorium by the Girl Scouts of Eastern Ma on Wednesday, September 3, 2025 from 5:30-7p. Ms. Mello seconded. The motion passed unanimously (4-0-0).

Appointment Request: Historical Commission

The Board reviewed the candidate list and confirmed that Gary Lavalette withdrew. Mr. Saunders said he would be recusing himself from the item due to business association with Mr. Carr.

Patrick Carr addressed the Board and discussed his interest and application.

The Board discussed the preference to have applicants present to speak to their application.

Motion: Mr. Silvia motioned to appoint Patrick Carr to the Historical Commission for a term through May, 2028. No second. The motion failed.

Motion: Ms. Mello motioned to table this item until the next agenda. Mr. Saunders seconded. The motion passed (3-1-0) Mr. Silvia opposed.

Appointment Request: Zoning Board of Appeals, Full Member

Kristen Russell addressed the Board about her application and interest.

Motion: Mr. Saunders motioned to appoint Kristen Russell as a Full Member of the Zoning Board of Appeals for a term through May, 2029. Ms. Mello seconded. The motion passed unanimously (4-0-0).

ACTION/DISCUSSION

Request to Reclassify Receptionist Positions: Council on Aging (COA)

Council on Aging Director Martha Reed addressed the Board via zoom and reviewed the request, additional duties, payroll for these positions is funded through a state Formula grant with no impact to the COA budget or Town funds.

Motion: Mr. Saunders motioned to reclassify the receptionist positions as outlined and update the job description and classification as submitted. Ms. Mello seconded. The motion passed unanimously (4-0-0).

Combined Sewer Overflow (CSO) / Water Quality Concerns

Rick Trapilo addressed the Board about ongoing CSO discharges from the City of New Bedford into the shared waters and read a letter he sent to State Senator Montigney, Representative Markey and Representative Sylvia (*Attachment A*). Mr. Trapilo urged the Board to maintain pressure on New Bedford and to include clean up of the waters in any harbor plan that is proposed.

Mr. Saunders highlighted what Mr. Trapilo said and that pressure through the New Bedford/Fairhaven Harbor Master Plan and engaging the Mass Department of Environmental Protection (DEP) should be explored as well as other potential funding that is currently with the governor in bond bills.

Motion: Mr. Saunders motioned to revisit item B4, Historical Commission Appointment Request. Ms. Mello seconded. The motion passed unanimously (4-0-0).

Appointment Request: Historical Commission

Nicholas and Shayna Jones each addressed the Board about their applications and interest in the Historical Commission. The Board clarified terms, 1-year and 3-year.

Motion: Mr. Silvia motioned to appoint Patrick Carr to the Historical Commission for a term through May, 2028. No second. The motion failed.

Motion: Ms. Mello motioned to appoint Nicholas Jones to the Historical Commission for a term through May, 2028. Mr. Saunders seconded. The motion passed (3-1-0) Mr. Silvia opposed.

Motion: Ms. Mello motioned to appoint Shayna Jones to the Historical Commission for a term through May, 2026. Mr. Saunders seconded. The motion passed (3-1-0) Mr. Silvia opposed.

Atlas Tack Working Group Update (ATWG)

Rick Trapilo addressed the Board. Mr. Trapilo reviewed the members of the ATWG; he was selected as Chair, Doug Brady as Vice Chair and Brian Messier as Clerk. They have been meeting at Town Hall on Thursdays and have filed minutes and documents with the Town Clerk's Office. Mr. Trapilo said the focus has been on the land, the building and the trust ownership. ATWG meetings have included DEP representatives Kate Carvalho and Paul Craffey and Town Departments. The Police, Fire and Health Agent submitted letters. (*Attachment B*). Fairhaven TV assisted with aerial photos of the site. The ownership is a Trust with correspondence to a P.O. Box that appears to be managed by attorneys for the Trust.

Building Commissioner Rick Forand addressed the Board regarding actions needed now that he has been made aware of the conditions, his site visit, securing the location, working with Town Counsel and sending a certified letter to notify the owners regarding the next steps. Discussion ensued as to securing the site, fencing, responsibility for cost, EPA and DEP engagement in demolition, concerns due to environmental issues as well as public safety, potential contaminants, short-term and long-term measures and potential need to discuss in a future Executive Session. Mr. Trapilo advised the Board that the ATWG did not expect to uncover this and are engaging the EPA and DEP.

Conflict of Interest Disclosure: Douglas Brady Select Board

Mr. Brady addressed the Board, reviewed his disclosure and provided an updated form to the Board. (*Attachment C*). The Board thanked Mr. Brady for his proactive disclosure and advised he can recuse himself as needed.

Brian Messier addressed the Board via zoom and advised the Board he is an abutter. He was advised to file a disclosure individually as Mr. Brady's cannot be voted as a group disclosure.

Motion: Mr. Saunders motioned to accept the Conflict of Interest Disclosure submitted by Douglas Brady, outlining his role as a member of the Atlas Tack Working Group, and disclosing that he is a neighbor to the property, residing approximately 539 feet from the Atlas Tack site, with no financial interest. This acceptance is pursuant to Massachusetts General Laws Chapter 268A, Sections 19 and 23(b)(3). Ms. Mello seconded. The motion passed unanimously (4-0-0).

Select Board Support Letters for Local Aid Increases

Mr. Romano and Mr. Saunders met with Mr. Samia and are drafting a letter to go to state legislators and the Massachusetts Municipal Association (MMA).

TOWN ADMINISTRATOR REPORT

Mr. Samia reported:

- The Police Chief has been the subject of inaccurate information about the use of gift account funds for the Animal Shelter. Mr. Samia has confirmed that it has been past practice and is acceptable use of the Animal Shelter gift account funds to offset the Animal Control budget. No money is being taken by or kept by the Police Chief; any funds proposed were voted on at Town Meeting and are used to supplement the Animal Control budget. Mr. Romano added that there was a statement made at the last meeting about animals not able to keep vet appointments, Animal Control Officer (ACO) Terry Cripps confirmed this was not correct, animals were able to receive care.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Silvia reported:

- The State Review Board will review the application for Rogers School to be placed on the National Registry, the hearing will be on September 10, 2025. Next steps is either send back with questions or approve and send to the federal level.

Ms. Mello reported:

- The Historical Commission met and reorganized: Rick Martin is Chair, Beth Luey is Vice Chair and Eleanor Chew is Clerk.

Mr. Saunders reported:

- As discussed, working on the local aid draft letters

Mr. Romano reported:

- Completed the SMMPO onboarding
- SRPEDD has a meeting on August 15, 2025

Mr. Silvia added

- If you ordered a 50th anniversary Jaws shirt at Harborfest, contact Cathy Melanson or Alyssa Botelho to pick up.

Mr. Romano added

- The next Harborfest event is Saturday, August 23, 2025, Splash of Art, check the Discover Fairhaven website for details.

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session minutes of July 28, 2025. Ms. Mello seconded. The motion passed unanimously (4-0-0).

Motion: Mr. Saunders motioned to accept the Select Board Executive Session minutes of July 28, 2025. Ms. Mello seconded. The motion passed unanimously (4-0-0).

CORRESPONDENCE

Contact forms Michelle Costen; Will Gardner- SouthCoast Places for People (*Attachment D*)

Motion: Mr. Saunders motioned to enter the Select Board correspondence as listed into the record. Ms. Mello seconded. The motion passed unanimously (4-0-0).

NEWS AND ANNOUNCEMENTS

- The next regularly scheduled Select Board meeting: *Monday, August 25, 2025* at 6:30pm
- Happy birthday Mr. Romano

Quote:

"Life is like riding a bicycle. To keep your balance, you must keep moving." Albert Einstein

EXECUTIVE SESSION

Motion: Mr. Saunders motioned to enter into Executive Session Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Fairhaven School Committee v. Fairhaven Zoning Board of Appeals), Pursuant to G.L. c. 30A, § 21(a)(2) To conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with nonunion personnel. (Fire Chief) AND Pursuant to G.L. c. 30A, § 21(a)(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (121 Main St.) and not to return to Open Session. Ms. Mello seconded. Roll Call Vote, Mr. Saunders, Ms. Mello, Mr. Romano and Mr. Silvia in favor. The motion passed unanimously (4-0-0).

Meeting adjourned to Executive Session at 8:03pm

ATTACHMENTS

- A. Rick Trapilo letter
- B. Letters from Police, Fire and Board of Health regarding Atlas Tack
- C. Revised Conflict of Interest Disclosure forms: Douglas Brady
- D. Contact Forms: Michelle Costen; Will Gardner- SouthCoast Places for People

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

Accepted on ____



Monday, August 25, 2025

Correspondence

1. Massachusetts Historical Commission Meeting, September 10, 2025: National Register of Historic Places – Rogers Grammar School, Fairhaven
2. Contact Forms: Lee Baumgartner, Christina Lopes



G 1

SELECT BOARD

2025AUG11 10:43:10:43

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

August 8, 2025

George Samia
Town Administrator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: National Register of Historic Places—Rogers Grammar School, Fairhaven

Dear Mr. Samia:

We are pleased to inform you that the Rogers Grammar School, 0 Chestnut Street and 100 Pleasant Street, Fairhaven, Massachusetts will be considered by the Massachusetts Historical Commission for nomination to the National Register of Historic Places. The National Register of Historic Places is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage.

Listing of this property provides recognition of the community's important historic resources and assures protective review of Federal projects that might adversely affect the character of the property.

Listing in the National Register does not mean that limitations will be placed on the property by the Federal government. Public visitation rights are not required of property owners. The Federal government will not attach restrictive covenants to the property or seek to acquire it. If a property is listed in the National Register, the owner may do anything with it that he/she wishes, unless state or federal funds, permits, or licensing are used, unless State or Federal historic rehabilitation tax credits, funds, permits, or licensing are used, or unless some other regional and/or local ordinance or policy is in effect.

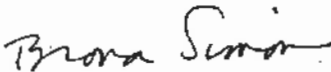
In Massachusetts, properties nominated to the National Register are automatically listed in the State Register of Historic Places. There are no limitations, public visitation requirements, or restrictive covenants for private properties included in the State Register. State Register properties owned by municipalities and nonprofit organizations may compete for state restoration grants.

You are invited to attend the meeting of the Massachusetts Historical Commission at which this nomination will be considered. The Commission will meet at 1:00 p.m. on September 10, 2025. Details on how to attend will be posted on the MHC's website closer to the meeting date. The

Commission meeting is a public meeting and all interested parties are encouraged to attend.

A draft copy of the National Register nomination, and the criteria under which properties are evaluated, are available from the State Historic Preservation Officer upon request and will be available at the Millicent Library. Attached please find notices that explain, in greater detail, the results of listing in the National Register and that describe the rights and procedures by which an owner may comment on or object to listing in the National Register. Should you have any questions about this nomination prior to the Massachusetts Historical Commission meeting, please contact Ben Haley, National Register Director, at this office.

Sincerely,



Brona Simon
State Historic Preservation Officer
Massachusetts Historical Commission

enclosures: Rights of Private Property Owners, National Register Criteria, Effects and Benefits of Listing

cc: Charles K. Murphy, Sr., Chair, Fairhaven Select Board
Chair, Fairhaven Historical Commission
Diane Tomassetti, Chair, Fairhaven Planning Board
Elizabeth Warburton, The Public Archaeology Laboratory, Inc.



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

**THE NATIONAL REGISTER OF HISTORIC PLACES:
EFFECTS AND BENEFITS OF LISTING**

The National Register of Historic Places is the nation's official list of historic places worthy of preservation. Listing in the National Register (NR) recognizes historic properties that are significant to our communities, our state, and our nation. The NR is a federal program of the National Park Service, administered in Massachusetts by the Massachusetts Historical Commission (MHC). The NR recognizes unique and irreplaceable historic resources that give a sense of time and place to our downtowns, neighborhoods, village centers, and rural landscapes, and contribute to our communities' character, making Massachusetts a special place.

NR listing is an important preservation planning tool that encourages preservation, but it does not guarantee that listed properties will be preserved. The NR is not a design review program, but it does provide limited protection from state and federal actions, as well as eligibility for certain matching state restoration grants (when available) and certain tax benefits for certified rehabilitation projects.

STATE REGISTER OF HISTORIC PLACES:

Properties listed in the NR are automatically listed in the State Register of Historic Places as well. The State Register is a compendium of properties with historic designations, listed by municipality, and serves as a reference guide, helping to determine whether a state funded, permitted, or licensed project will affect historic properties. The State Register review process helps ensure that listed properties will not inadvertently be harmed by activities supported by state agencies. The State Register is published annually and is available through the Statehouse Bookstore.

EFFECTS OF NR LISTING FOR PRIVATE PROPERTIES:

NR status in itself places no constraints on what owners may do with their property when using private funding, unless state or federal funds, permits, or licensing are used, or when some other regional or local bylaw, ordinance, or policy is in effect. NR listing does not impose additional restrictions to already existing local regulations or ordinances, nor does listing eliminate regulations currently in effect. Please be aware, however, that certain local ordinances, including demolition delay, may reference NR designation as a condition triggering review. NR-listed buildings may qualify for exemptions from some aspects of the State Building Code. Owners of private property listed in the NR have no obligation to open their properties to the public, to restore them, or even to maintain them. Owners can do anything they wish with their private property provided that no federal or state funding, licensing, permitting, or approval is involved. If owners use state or federal funds to alter their property or need state or federal permits, the proposed alteration will be reviewed by MHC staff. The review is triggered by the funding or permitting source, not by the historic designation. Local funding and permitting do not trigger MHC review. Owners may affix plaques to their listed properties, if they choose, but it is not required. MHC does not provide or review plaques. City or town sign ordinances should be consulted.

EFFECTS OF NR LISTING FOR PROPERTIES OWNED BY MUNICIPALITIES AND NONPROFIT ORGANIZATIONS:

All NR properties that are owned by municipalities and nonprofits are eligible to compete for grants from the Massachusetts Preservation Projects Fund (MPPF), a state-funded competitive matching grant program that supports the preservation and maintenance of properties and sites listed in the State Register. These may include buildings, parks, landscapes, cemeteries, sites, objects, and archaeological locations. Eligible projects may include: pre-development projects, such as pre-construction documents or feasibility studies; development projects, for construction activities including stabilization, protection, rehabilitation, and restoration; and acquisition projects, specifically allocated for endangered listed properties.

Municipalities may erect markers identifying National Register historic districts, but this is not required. MHC does not provide or review markers.

EFFECTS OF NR LISTING FOR INCOME-PRODUCING PROPERTIES:

Certain federal tax provisions may apply for NR-listed income-producing properties. The federal tax code contains a variety of incentives to encourage capital investment in historic buildings and to spur revitalization of historic properties. These incentives encourage the preservation and rehabilitation of historic commercial, industrial, and rental residential buildings listed in the NR. The federal tax incentive program has encouraged private investment and rehabilitation of historic properties since 1976 and has been particularly valuable to Massachusetts. This program allows owners of applicable NR buildings to qualify for a 20% Investment Tax Credit, in effect a 20% rebate, based on rehabilitation costs. These credits help pay for the unique costs associated with rehabilitation of historic properties.

The National Park Service certifies the rehabilitation, and the MHC Technical Services staff advises and assists owners during the application and review process. The rehabilitation must be deemed substantial and must meet the U.S. Secretary of the Interior's Standards for Rehabilitation. Applications should be submitted to MHC before rehabilitation work begins in order to receive the most useful advice and best results.

Under the Massachusetts Historic Rehabilitation Tax Credit Program, a certified rehabilitation project on an income-producing property is eligible to receive up to 20% of the cost of certified rehabilitation expenditures in state tax credits. There is an annual cap, so there are selection criteria that ensure the funds are distributed to the projects that provide the most public benefit. The MHC certifies the projects and allocates available credits. Properties on the NR, or those eligible for listing, may be eligible to receive the credits. As with the federal program, rehabilitation under the Massachusetts tax credit program must meet the Secretary of the Interior's Standards for Rehabilitation. The state rehabilitation tax credit may be used in tandem with the federal investment tax credit.

The Federal tax code also provides for federal income, estate, and gift tax deductions for charitable contributions of partial interest in historic property, principally easements. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Individuals should consult their legal counsel or the appropriate Internal Revenue Service office for assistance in determining the tax consequences of these provisions.

FURTHER INFORMATION REGARDING ALL THE PROGRAMS MENTIONED ABOVE MAY BE OBTAINED THROUGH MHC'S WEB SITE (WWW.SEC.STATE.MA.US/MHC) OR BY CONTACTING MHC AT 617-727-8470.

THE NATIONAL REGISTER CRITERIA

Criteria: The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Criteria Considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

RIGHTS OF PRIVATE PROPERTY OWNERS TO COMMENT AND/OR TO OBJECT TO LISTING IN THE NATIONAL REGISTER

Owners of private properties nominated to the National Register of Historic Places have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR Part 60. These regulations require that owner objections be notarized. However, Section 1746 of Title 28 of the U.S. Code provides a generally applicable alternative to these notarization requirements. Accordingly, the NPS must consider objections made under penalty of perjury consistent with 28 U.S.C. § 1746 to be valid objections, even if they are not notarized, if those objections otherwise comply with the requirements in the NPS's regulations. These objections must be counted as valid objections when determining whether a majority of private property owners have objected to listing a property in the National Register.

Section 1746 provides that

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than...an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

If a majority of property owners within a district object to National Register listing, the district will not be listed. If the majority of owners in a district do not object, the properties within the district for which an objection has been received will not be removed from the district nomination.

If the owner of an individually nominated property, or the majority of owners of an individually nominated property, objects to National Register listing, the property will not be listed.

In both cases of district nominations and individually nominated properties for which objections have been received, the State Historic Preservation Officer may submit the nomination to the Keeper of the National Register of Historic Places for a determination of the eligibility of the property for listing in the National Register. If the property or district is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project that will affect the property or district.

In addition, properties and districts thus determined eligible are automatically listed in the State Register of Historic Places. State bodies shall be responsible for conducting the appropriate studies and for providing the information necessary for an adequate consideration of modifications or alterations to the proposed undertaking that could eliminate, minimize, or mitigate an adverse effect to State Register properties.

If you wish to object to or comment on the nomination of your property to the National Register, please send your comments to this office before the date of the Massachusetts Historical Commission meeting at which your property will be considered. After the date of the meeting, comments or objections may be directed to the National Park Service, National Register office. A copy of the nomination and information on the National Register, the Federal tax provisions, the State Register and the Massachusetts Preservation Projects Fund, are available from the Massachusetts Historical Commission upon request.

RESULTS OF LISTING IN THE NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Eligibility for Federal tax provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and Tax Reform Act of 1984, and as of December 22, 2017, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings, as well as certain other buildings.

The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Consideration in planning for Federal, Federally licensed, and Federally assisted projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Consideration in issuing a surface coal mining permit: In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit, where coal is located. For further information, please refer to 30 CFR 700 *et seq.*

Qualification for Federal grants for historic preservation when funds are available.

Eligibility for state restoration grants: If a property is listed in the National Register, it is automatically included in the State Register of Historic Places. All municipally and nonprofit-owned properties included in the State Register are eligible to compete for 50% matching grants from the Massachusetts Preservation Projects Fund. The Massachusetts Preservation Projects Fund is a state-funded matching grant program established in 1984 to support the preservation and maintenance of properties and sites listed in the State Register of Historic Places.

Eligible projects include:

PRE-DEVELOPMENT PROJECTS (for studies necessary to enable future development or protection of a State Register property, feasibility studies including plans and specifications and certain archaeological investigations);

DEVELOPMENT PROJECTS (for construction activities including stabilization, protection, rehabilitation, and restoration); and

ACQUISITION PROJECTS (funding for the latter is specifically allocated for endangered State Register properties).

For additional information and preapplication forms, contact the Grants Division, Massachusetts Historical Commission.

Consideration in planning for State funded, permitted, and licensed projects:

Massachusetts General Laws, Chapter 9, Section 26-27C, directs all state bodies and persons subject to the State Register to consult the State Register early in the planning process in order to eliminate, minimize, or mitigate any adverse effect to properties listed in the State Register. For further information, please refer to 950 CMR 71.

Massachusetts Historical Commission, Office of the Secretary of the Commonwealth, William Francis Galvin, Secretary, Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, MA 02125 (617) 727-8470

From: Lee Baumgartner <sethrylie@aol.com>
Date: August 12, 2025 at 10:43:57 AM EDT
To: cmurphy@fairhaven-ma.gov
Subject: Lee Baumgartner 8/11 meeting

Hello;

I very rarely reach out to the Select Board because I understand your all volunteers and have jobs and lives. The past couple meetings board members have voiced how the town needs to come together, the fighting and attacks need to stop. I fully agree. Please watch last night's meeting. The passing of notes, lack of attention (demeanor) by a few board members while others were speaking isn't going to bring everyone to the table. Again, I fully want the town to get back on track and will do my part but it's going to take the whole village starting with the Select Board as our leaders.

Thank You For Your Time;

Lee
Sent from my iPhone

From: Cristina Lopes <dclopes5418@gmail.com>
Date: August 12, 2025 at 11:26:12 AM EDT
To: cmurphy@fairhaven-ma.gov
Subject: Phone usage.

Cristina Lopes
[12 Bernese St, Fairhaven, MA 02719](#)

Dear Chairperson Murphy, I am writing to respectfully request that you remind the board members to refrain from using their phones during meetings, as it is both disruptive and impolite. Last night's meeting highlighted this issue, where a member was seen using their phone while a community member was speaking on a significant matter. I firmly believe that all speakers deserve undivided attention, regardless of the agenda item's magnitude. Over the past few months, I have observed board members displaying disdain for others through body language, including eye-rolling, head-shaking, passing notes and phone usage. As the Select Board sets the tone for our town, it is essential that we maintain a respectful demeanor in order for the town to remain productive. I appreciate your efforts in promoting a positive and professional atmosphere during meetings as it has been very noticeable. I am truly impressed by your hard work.

Thank you for your time on this matter,
Cristina Lopes, [12 Bernese St, Fairhaven, MA 02719](#).



Monday, August 25, 2025

Executive Session

Pursuant to G.L. c. 30A, § 21(a)(2) To conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with nonunion personnel.
(Fire Chief)

AND NOT TO RETURN TO OPEN SESSION