



FAIRHAVEN SELECT BOARD AGENDA

October 27, 2025 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

FAIRHAVEN TOWN CLERK

RCUD 2025 OCT 23 AM9:20

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. SCHOOL COMMITTEE APPOINTMENT INTERVIEWS (Joint with Fairhaven School Committee)

1. Interview Candidates for One School Committee Vacancy and Consider appointment.

Candidates: Donna McKenna, Krystal Lunn

B. 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 (NEPD v. Town of Fairhaven) and s.

21(a)(6) to consider the purchase, exchange, lease, or value of real property where the chair declares that an open session may have a detrimental effect on the Town's negotiating position (Rogers School property)

C. PUBLIC HEARING: 7:30PM

The Fairhaven Select Board will hold a Public Hearing on Monday October 27, 2025 at the Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA to consider approval for 3 concurrent transactions:

1. An application submitted for the transfer of an All Alcohol License from Gamache Restaurant dba Courtyard Restaurant previous owner Matthew Gamache to Sail House Tavern, LLC new owner Howard S and Linda L Plaud located at 109 Middle St, Fairhaven;
2. Thereafter a change in location from 270 Huttleston Ave. to 109 Middle St Fairhaven, MA;
3. and lastly a pledge of license in the amount of \$100,000 to Matthew Gamache.

D. APPOINTMENTS AND COMMUNITY ITEMS

1. Discussion on Route 195 / Bridge Project Traffic Concerns with Fairhaven Police
2. Consider Request to Establish a Veteran Membership Category at the Fairhaven Recreation Center
3. Consider Appointment: Marine Resources: David Darmofal

E. PUBLIC COMMENT

F. ACTION / DISCUSSION

1. Discussion on Atlas Tack Working Group meetings
2. Request by Resident to Change the Atlas Tack Working Group to a Committee
3. Ratify Collective Bargaining Agreements: Highway, Clerical
4. Open Meeting Law Complaint received October 15, 2025: Patrick Higgins

G. TOWN ADMINISTRATOR REPORT

H. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

I. MINUTES

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

J. CORRESPONDENCE

1. Atlas Tack Working Group Email: Karen Vilandry, President, Hands Across the River Coalition, Inc.
2. Whitfield-Manjiro Friendship Society, Inc. letter: Gerald P. Rooney, Chairman & CEO
3. Philbrick Talk Email

K. NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting: *Monday, November 10, 2025* at 6:30pm

L. ADJOURN

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.



FAIRHAVEN SELECT BOARD
AGENDA ADDENDUM OPEN SESSION
October 27, 2025 6:30 p.m.
Town Hall – 40 Center Street – Fairhaven

ANNOUNCEMENTS:

On March 28th, 2025, the bill to extend Open Meeting Law regulations governing remote participation has passed MA legislation and been signed by the Governor. This bill will allow remote and hybrid meeting options for public bodies through June 30, 2027.

Pursuant to an amendment to Town By-Law Chapter 50-13, all government meetings are available through web/video conference and are recorded.

This meeting is being recorded by the Government Access Channel. It will be replayed on Channel 18 and posted on FairhavenTV.com. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.

Due to recent security breaches, Fairhaven TV has implemented a new protocol: Zoom camera video for all participants is disabled. If participants would like to speak or be recognized, click “raise hand” under “reactions”, and change your name to a full name to be unmuted. Thank you for your cooperation in protecting the integrity of Fairhaven government meetings.

- For anyone interested in volunteering, there are several vacancies on various boards committees and commissions. To see a complete list of the openings, please visit our website at www.fairhaven-ma.gov
- Due to a recent resignation from the Planning Board, the Planning Board and Select Board are seeking candidates interested in filling the open seat until the next town election in the June of 2026.

Interested candidates must submit a volunteer application no later than October 31st at NOON. Volunteer applications can be electronically submitted online at <https://fairhaven-ma.gov/volunteer-opportunities/> Any questions, please call the Select Board office.

All candidates will be interviewed at a joint Planning Board / Select Board Meeting on Monday, November 10th at 6:30pm.

A. SCHOOL COMMITTEE APPOINTMENT INTERVIEWS (Joint with Fairhaven School Committee)

1. Interview Candidates for One School Committee Vacancy and Consider appointment.

Candidates: Donna McKenna, Krystal Lunn

Due to the resignation of Colin Veitch, interested candidates were asked to apply by October 17th. The Select Board and School Committee selected a spokesperson to conduct the interview of candidates.

Suggested Motion:

“Move to appoint ____ to the Fairhaven School Committee for a term through Town Elections in June, 2026.”

B. EXECUTIVE SESSION

Suggested Motion:

“Move to enter 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 (NEPD v. Town of Fairhaven) and s. 21(a)(6) to consider the purchase, exchange, lease,

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.

or value of real property where the chair declares that an open session may have a detrimental effect on the Town's negotiating position (Rogers School property) and return to Open Session.” ROLL CALL VOTE.

C. PUBLIC HEARING: 7:30PM

The Fairhaven Select Board will hold a Public Hearing on Monday October 27, 2025 at the Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA to consider approval for 3 concurrent transactions:

1. An application submitted for the transfer of an All-Alcohol License from Gamache Restaurant dba Courtyard Restaurant previous owner Matthew Gamache to Sail House Tavern, LLC new owner Howard S and Linda L Plaud located at 109 Middle St, Fairhaven;
2. Thereafter a change in location from 270 Huttleston Ave. to 109 Middle St Fairhaven, MA;
3. and lastly a pledge of license in the amount of \$100,000 to Matthew Gamache.

“The Public Hearing is opened at ____pm”

The public hearing is to consider approval for 3 concurrent transactions:

1. An application submitted for the transfer of an All-Alcohol License from Gamache Restaurant dba Courtyard Restaurant previous owner Matthew Gamache to Sail House Tavern, LLC new owner Howard S and Linda L Plaud located at 109 Middle St, Fairhaven;
2. Thereafter a change in location from 270 Huttleston Ave. to 109 Middle St Fairhaven, MA;
3. and lastly a pledge of license in the amount of \$100,000 to Matthew Gamache.

Public comment on the hearing, please state your name and address for the record.

“The Public Hearing is closed at ____pm”

Suggested Motion:

“Move to (approve/not approve) three concurrent transactions as follows, (approve/not approve) the transfer of an All Alcohol License from Gamache Restaurant dba Courtyard Restaurant previous owner Matthew Gamache to Sail House Tavern, LLC new owner Howard S and Linda L Plaud located at 109 Middle St, Fairhaven, AND, (approve/not approve) a change in location from 270 Huttleston Ave. to 109 Middle St Fairhaven, MA, AND, (approve/not approve)a pledge of license in the amount of \$100,000 to Matthew Gamache.”

D. APPOINTMENTS AND COMMUNITY ITEMS

1. Discussion on Traffic Impact due to the Route 18/Interstate 195 Interchange Project - Livable Streets

Committee member Tim Garcia submitted a request through Select Board member Saunders for discussion on potential traffic increases on several streets in Town due to the Interstate 195/Route 18 project and the future Fairhaven/New Bedford Bridge work estimated to start in 2028.

Lt. Kevin Swain will attend the Board meeting to discuss any future plans to mitigate possible increased traffic in the area due to the ongoing project.

Suggested Motion:

“No motion necessary”

- 2.Request to Establish a Veteran Membership Category at the Fairhaven Recreation Center -** Recreation Center Director Bernadette Barreira is asking the Board to consider establishing a Veteran Membership Category to allow the veteran rates to be same as the fees charged to the senior membership.

Suggested Motion:

“Move to establish a Veteran Membership Category at the Recreation Center and have the rates be consistent with those charged to the senior membership as outlined in the request.”

- 3.Consider Appointment of David Darmofal to the Marine Resources Committee -** David Darmofal is requesting to be appointed to the open seat on the Marine Resources Committee. The Harbormaster supports the appointment.

Suggested Motion:

“Move to (appoint/not appoint) David Darmofal to the Marine Resources Committee for a term through May, 2026.”

E. PUBLIC COMMENT

F. ACTION / DISCUSSION

1.Discussion on Atlas Tack Working Group meetings

Chair of the Atlas Tack Working Group (ATWG) Rick Trapilo will address the Board regarding public attendance at the ATWG meetings; the members were recently polled after the October 14th Select Board meeting and agreed to continue their work and have their meetings open to the public.

Suggested Motion:

“No motion necessary”

2.Request by Resident to Change the Atlas Tack Working Group to a Committee

President of the Hands Across the River Coalition, Inc. Karen Vilandry submitted correspondence to the Board asking for the ATWG to be made an official committee to allow public attendance at their meetings. Based on the previous topic on the agenda, future meetings will be open to the public. Maintaining the working group status will allow the group have more flexibility in determining their meeting dates. The Select Board should decide whether to waive the requirement to televise the meetings live. Waiving that requirement will eliminate the need for the cable staff to attend their meetings.

Suggested Motion:

“Move the Select Board to (waive/not waive) the requirement to broadcast the working group meetings live on local access tv.”

- 3.Ratify Collective Bargaining Agreements: Highway, Clerical -** Council 93 of the American Federation of State, County and Municipal Employees AFL-CIO (AFSCME) has submitted a signed Memorandum of Agreement (MOA) for the Clerical Unit and Highway Unit effective July 1, 2025 through June 30, 2028. If the Board ratifies one or both of the agreements, the proposed contract will be voted on by the bodies of each union.

Suggested Motion:

“Move to (ratify/not ratify) the Memorandum of Agreement between the Town of Fairhaven and Council 93 of the American Federation of State, County and Municipal Employees AFL-CIO (AFSCME), Clerical.”

and

“Move to (ratify/not ratify) the Memorandum of Agreement between the Town of Fairhaven and Council 93 of the American Federation of State, County and Municipal Employees AFL-CIO (AFSCME), Highway.”

4. Open Meeting Law Complaint received October 15, 2025: Patrick Higgins

A request under the Open Meeting Law for Executive Session minutes was received from Patrick Higgins on October 4, 2025, the Board placed a review of the requested minutes on their agenda for October 14, 2025 and provided all released minutes within the requested timeframe on October 15, 2025. An Open Meeting Law complaint was received from Mr. Higgins on October 15, 2025.

Town Counsel is reviewing the allegations and drafting a response.

Suggested Motion:

“Move to delegate the Select Board’s response to the Open Meeting Law complaint filed by Patrick Higgins on October 15, 2025 to Petrini & Associates.”

G. TOWN ADMINISTRATOR REPORT

H. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

I. MINUTES

1. Accept the Select Board Open Session minutes of October 14, 2025

Suggested Motion:

“Move to (accept/not accept) the open session minutes of October 14, 2025 (as presented/as amended)”

2. Accept the Select Board Executive Session minutes of October 14, 2025

Suggested Motion:

“Move to (accept/not accept) the executive session minutes of October 14, 2025 (as presented/as amended)”

J. CORRESPONDENCE

1. Atlas Tack Working Group Email: Karen Vilandry, President, Hands Across the River Coalition, Inc.
2. Whitfield-Manjiro Friendship Society, Inc. letter: Gerald P. Rooney, Chairman & CEO
3. Philbrick Talk Email

Suggested Motion:

“Move to (enter/not enter) the Select Board correspondence as listed into the record.”

K. NEWS AND ANNOUNCEMENTS

The next meeting: **Monday, November 10, 2025** at 6:30pm

L. ADJOURN



Monday, October 27, 2025

**SCHOOL COMMITTEE APPOINTMENT INTERVIEWS
(Joint with Fairhaven School Committee)**

Interview Candidates for One School Committee Vacancy and Consider appointment

Candidates:

- a. Donna McKenna,
- b. Krystal Lunn

New submission from Volunteer Opportunities

1 message

Donna McKenna Donna McKenna <no-reply@jgpr.net>
Reply-To: dmckenna5055@yahoo.com
To: Selectboard@fairhaven-ma.gov

Tue, Oct 7, 2025 at 10:41 AM

Full Name

Donna McKenna

Address

7 Teal Cr Fairhaven Ma 02719

Email

dmckenna5055@yahoo.com

Phone

(508) 596-0776

How long have you been a Fairhaven resident?

56 Years

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

School committee. I was previously on the school committee from 2012-2024. I enjoyed my position as a school board member. I was also on the SMEC committee as a board member along with volunteering for over 20+ years for the Fairhaven public schools thru out my children's school years. Passion to help with the best education and support our children both here in Fairhaven and Acushnet. Thank you

Have you attended a meeting of this Board or Committee?

Yes

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

School committee 2012-2024. 4 terms, I have served.
Thank you

Interests and Qualifications.

The passion to be part of the Fairhaven School committee. I have volunteered in our schools since my children were in elementary school. I would like to continue to help be part in our children's education, supporting our superintendent and all staff. The main reason, I have the qualifications as again I served for 12 years. I would like to be considered to join the Fairhaven School committee. I had ended my 4th term and did run for a new position back in April 2024 for Selectboard.
Thank you

Consent

☒ I agree to the privacy policy.

New submission from Volunteer Opportunities

1 message

Krystal Lunn Krystal Lunn <no-reply@jgpr.net>
Reply-To: krystal.lunn@gmail.com
To: Selectboard@fairhaven-ma.gov

Thu, Oct 16, 2025 at 1:02 PM

Full Name

Krystal Lunn

Address

334 Main St 4F Fairhaven MA 02719

Email

krystal.lunn@gmail.com

Phone

(774) 263-6773

How long have you been a Fairhaven resident?

40 Years

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

I am interested in joining the School Committee because I believe I can be a valuable asset, particularly through my extensive knowledge and experience in special education. I firmly believe that it is essential to have a representative on the committee who brings a strong understanding of special education to the table.

Have you attended a meeting of this Board or Committee?

Yes

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

Commission on Disability and Belonging Committee

Interests and Qualifications.

As Chair of the Commission on Disability, I have demonstrated my ability to be a dedicated advocate for inclusivity in Fairhaven. I am passionate about bringing that same spirit of inclusion into our schools to ensure all students feel supported and valued.

In addition, I've served as a PTO board member at two of our schools, giving me a well-rounded perspective on the needs of students, families, and educators. Sometimes, a fresh set of eyes is just what we need to identify new opportunities for growth and improvement. I would be honored to contribute that perspective to the committee

Consent

☒ I agree to the privacy policy.



Monday, October 27, 2025

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 (NEPD v. Town of Fairhaven) and s. 21(a)(6) to consider the purchase, exchange, lease, or value of real property where the chair declares that an open session may have a detrimental effect on the Town's negotiating position (Rogers School property)

AND TO RETURN TO OPEN SESSION



Monday, October 27, 2025

PUBLIC HEARING 7:30PM

The Fairhaven Select Board will hold a Public Hearing on Monday October 27, 2025 at the Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA to consider approval for 3 concurrent transactions:

1. An application submitted for the transfer of an All Alcohol License from Gamache Restaurant dba Courtyard Restaurant previous owner Matthew Gamache to Sail House Tavern, LLC new owner Howard S and Linda L Plaud located at 109 Middle St, Fairhaven;
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Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

To: Select Board

From: Town Administrator's Office

Date: October 27, 2025

Re: Liquor License Transfer

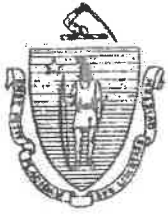
The purpose for this hearing is to consider approval for 3 concurrent transactions.

An application submitted for the transfer of an All Alcohol Liquor License from Gamache Restaurant dba Courtyard Restaurant located at 270 Huttelston Ave., previous owner Matthew Gamache, to Sail House Tavern, LLC., new owner Howard S and Linda L Plaud, located at 109 Middle St, Fairhaven.

Thereafter, a change in location from 270 Huttelston Ave. to 109 Middle St Fairhaven, MA and lastly a pledge of license in the amount of \$100,000 to Matthew Gamache. All fees have been paid to the ABCC, advertisement and abutter's notices have been sent.

NOTE: The former location at 109 Middle Street was the former Veterans of Foreign Wars (VFW). This liquor license will become null and void and surrendered to the State.

Thank you for your consideration.



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

Rec'd
9/10/25
2:21pm
(Signature)

**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)

00028-RS-0384

ENTITY/ LICENSEE NAME

Courtyard Restaurant

ADDRESS

270 Huttleston Avenue

CITY/TOWN

Fairhaven

STATE

MA

ZIP CODE

02719

For the following transactions (Check all that apply):

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

Fairhaven Neighborhood News

Ad proof

Contact Beth David with approval or changes: 508-979-5593 • Fax: 508-991-5580



**PLEASE
CHECK
YOUR AD
CAREFULLY**

**The NeighbNews
is not responsible
for any errors
approved
by client.**

Fairhaven Select Board Public Hearing

The Fairhaven Select Board will hold a Public Hearing on Monday October 27, 2025 at 7:30 p.m. at the Town Hall, Banquet Room, 40 Center Street, Fairhaven, MA. The purpose for this hearing is to consider approval for 3 concurrent transactions.

An application submitted for the transfer of an Ail Alcohol License from Gamache Restaurant dba Courtyard Restaurant previous owner Matthew Gamache to Sail House Tavern, LLC new owner Howard S and Linda L Plaud located at 109 Middle St, Fairhaven.

Thereafter a change in location from 270 Huttleston Ave. to 109 Middle St Fairhaven, MA and lastly a pledge of license in the amount of \$100,000 to Matthew Gamache.

Fairhaven Select Board:

*Charles Murphy, Andrew Romano, Natalie Mello,
Andrew Saunders, Keith Silvia*

FNN: 10/9/25

One week: 4/3/25

1x2.25", \$45/week



Monday, October 27, 2025

APPOINTMENTS AND COMMUNITY ITEMS

1. Discussion on Route 195 / Bridge Project Traffic Concerns with Fairhaven Police
2. Consider Request to Establish a Veteran Membership Category at the Fairhaven Recreation Center
3. Consider Appointment: Marine Resources: David Darmofal

Charlie,

Can this issue be placed on the next SB agenda so we can try to get out in front of this issue? Might be good to have someone from the PD in attendance so we can try to get a flavor of what they are observing and elicit some suggestions.

I know we discussed this with Mark Sylvia (making sure there was \$\$ in the project budget to fund added police details).

Thanks.

ABS

From: Tim Garcia <timmattgarcia@gmail.com>
Sent: Thursday, September 11, 2025 3:47 PM
To: Andrew Saunders <asaunders@fairhaven-ma.gov>
Subject: Traffic Woes

Good afternoon,

My name is Tim and I'm a member of the Livable Streets Committee. There are some concerns about the potential traffic increases on several streets throughout Fairhaven because of the I-195/Route 18 project. When the New Bedford bridge project begins, tentatively 2028, both projects will increase traffic.

My question is: Are there any plans the Town has to mitigate the traffic increase problem(s) or potential problem(s)?

Thank you very much and hope to hear from you soon.

Have a great day.

-TIM

Tim Garcia
TimMattGarcia@gmail.com
Direct: 508.817.2925

TOWN OF FAIRHAVEN RECREATION DEPARTMENT

D 2



227 Huttleston Ave. Fairhaven, MA 02719
Phone 508-993-9269 Fax 508-993-9257
e-mail bbarreira@fairhaven-ma.gov
www.fairhaven-ma.gov



Proposal to Establish a Veteran Membership Category at Fairhaven Recreation Center

To: Fairhaven Select Board
From: Bernadette Barreira Director
Date: September 23, 2025
Subject: Proposal to Add Veteran Membership Category

The Fairhaven Recreation Center is committed to providing accessible, affordable opportunities for health, wellness, and community engagement. In keeping with this mission, I am submitting this proposal to create a new **Veteran Membership category** within our existing membership structure.

Rationale

1. **Recognition and Inclusion:** Veterans in our community have served our country with dedication. Offering a membership category specifically for them is a meaningful way to recognize their service.
2. **Accessibility:** Aligning the Veteran Membership with our existing **Senior rates** ensures affordability and removes financial barriers for those who may be on fixed or limited incomes.
3. **Community Engagement:** This addition would encourage more veterans to engage with the Recreation Center, fostering community connection, wellness, and camaraderie.
4. **Consistency:** Since we already offer reduced rates for Seniors, extending the same structure to Veterans maintains fairness and consistency in our membership offerings.

Proposed Membership Structure

Veteran Membership rates would mirror Senior Membership rates in both categories:

- **Play Card Rates (Resident):** \$35/year
- **Play Card Rates (Non-Resident):** \$70/year
- **Full Facility Rates (Resident):** \$80/year
- **Full Facility Rates (Non-Resident):** \$160/year

Implementation

- Eligibility would be verified by presenting valid military ID, DD-214, or other acceptable proof of service.
- This new category would be incorporated into both the **Play Card** and **Full Facility Membership** options.
- Promotion of the new membership would include outreach to local veterans' organizations, town communications, and social media platforms.

Conclusion

Adding a Veteran Membership aligns with the values of Fairhaven and demonstrates our town's commitment to honoring those who served. This adjustment requires no structural changes, minimal administrative updates, and provides significant community impact at little to no cost.

I respectfully request the Select Board's approval to adopt this new membership category effective [Insert Proposed Start Date].

Thank you for your consideration.

Respectfully submitted,



Bernadette Barreira
Director
Fairhaven Recreation Center



D 3

Town of Fairhaven

40 Center Street

Fairhaven, MA 02719

Tel: (508) 979-4023

selectboard@Fairhaven-MA.gov

SELECT BOARD

2025 OCT 22 12:30 12:30

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: 10/22/25

Title: <u>Mr.</u> Mrs. Ms. Dr.	First Name: <u>DAVID</u>	Last Name: <u>DARMOFAL</u>
Street Address: <u>14 MANUEL ST., FAIRHAVEN, MA 02719</u>		
Email Address: <u>dj.clarm@comcast.net</u>		Preferred Phone Number: <u>508 951-3576</u>
How long have you been a Fairhaven resident? <u>53 yrs</u>		

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

MARINE RESOURCES

Have 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

FIN Com in the 70's, COA / CHAIR
1ST TA SEARCH AND LAST TA SEARCH COMM.

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

AS THE FORMER HARBORMASTER OF FAIRHAVEN. I
HAVE KNOWLEDGE OF FAIRHAVEN'S MARINE RESOURCES.
MANY OF THE EXISTING RULES & REGS WERE WRITTEN BY ME.

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.



Monday, October 27, 2025

ACTION / DISCUSSION

1. Discussion on Atlas Tack Working Group meetings
2. Request by Resident to Change the Atlas Tack Working Group to a Committee
3. Ratify Collective Bargaining Agreements: Highway, Clerical
4. Open Meeting Law Complaint received October 15, 2025:
Patrick Higgins

khickey@fairhaven-ma.gov

From: khickey@fairhaven-ma.gov
Sent: Wednesday, October 15, 2025 4:47 PM
To: 'Richard Trapilo'; 'Charles K. Murphy Sr'; 'keith silvia'
Cc: asaunders@fairhaven-ma.gov; 'Andrew Romano'; 'Natalie A. Mello'
Subject: RE: ATWG CONFIRMATION OF ITS STANDING

Mr. Trapilo,

Thank you for your email. I have included all Select Board members in this response. I am pleased, but a bit surprised, that the Working Group is now willing to have the public attend your meetings. The willingness of the Working Group to allow the public to attend the meetings should resolve most of the concerns raised. Please keep in mind that your meeting agenda does not need to include public comment, if the committee chooses not to allow that.

As requested, I shared the Open Meeting Law decisions provided to me by Mr. Brady with Attorney White. Below is the body of the email I received from Attorney White that indicates the Working Group needs to allow the public to attend.

Hi Keith,

I have reviewed the materials you provided to me regarding the Atlas Tack Working Group's assertion that it is not a public body. Nothing in the written statement of "Reasons Why We Are Not a Public Body" or the Attorney General's Open Meeting Law determinations cited therein changes my opinion below.

Here is a list of a few of the details that support my conclusion:

- The working group was established by and elected public body and not by an individual public official;
- The working group has a set membership with the members having been appointed by the Select Board;
- The charge to the working group states that it will continue as long as the Select Board shall deem and shall not automatically disband;
- The working group was explicitly charged with providing a report to the Select Board with "recommendations on the next course of action to address the Atlas Tack property;"
- The working group has met with state and federal agencies in connection with its work for the Town;
- Representatives of the working group have attended meetings with the property owner's attorney, Town Counsel, and other Town departments and have made requests and recommendations on behalf of the working group during those meetings;
- The working group has made a recommendation that the Select Board initiate litigation to enforce the Building Inspector's cease and desist order, subject to review of a cost estimate;
- The working group has made additional recommendations regarding code enforcement matters as set forth in the attached email.

Most significantly, compliance with the Open Meeting Law serves the important purposes of public access and transparency in government. I note that the working group is not required to allow public participation in its meetings, but the Open Meeting Law does require public access.

If the working group wishes to proceed without complying with the Open Meeting Law, I recommend that they reach out to the Attorney General's Division of Open Government for an opinion as to whether

and how they may proceed without complying with the Open Meeting Law's requirements. I would request that I be provided with a copy of such opinion if they do receive one.

Thanks,
Heather

Rick, I continue to be willing to assist the Working Group in any way I can. I hope you can attend the October 27th Selectmen's meeting to inform the Select Board of the Working Group's willingness to allow the public to begin attending your meetings.

Thank you.

Keith Hickey

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107



From: Richard Trapilo <rfttrapilo@yahoo.com>
Sent: Wednesday, October 15, 2025 3:02 PM
To: Charles K. Murphy Sr <cmurphy@fairhaven-ma.gov>; keith silvia <ksilvia@fairhaven-ma.gov>; Keith Hickey <khickey@fairhaven-ma.gov>
Subject: ATWG CONFIRMATION OF ITS STANDING

Dear Mr. Murphy and Mr. Hickey,

After returning from a long overdue vacation, I attended the Selectboard meeting on October 14, 2025. In an effort to clarify both my position and that of the Atlas Tack Working Group (ATWG), I reached out to all members this morning with two fundamental questions:

1. Do we wish to continue as a "Working Group"?
2. Do we welcome the public to attend our meetings?

The overwhelming response was **yes**—the ATWG wishes to continue as originally established by the Selectboard, and we **welcome public attendance** in our meetings. Transparency is a fundamental belief within our ATWG as we have established since day one a central repository with our Town Clerk of ALL our communications.

Following our recent meeting with Mr. Hickey, it is my understanding that the Atlas Trust designee, Ms. Barbara Lewis, has been clearly informed of the need to address the safety issues related to the perimeter fencing as identified by our Building Commissioner, and to take immediate action to mitigate the environmental impact caused by the remaining structures on the site.

The ATWG has worked strategically to gain the support of both the Massachusetts Department of Environmental Protection (MassDEP) and the Federal Environmental Protection Agency (EPA) to advance our Town's efforts to achieve the full and satisfactory removal of all hazardous materials and remaining structures resulting from years of neglect.

We look forward to continuing our collaboration with Mr. Hickey and responding to any additional requests from the Selectboard. We also wish to extend our sincere appreciation to Selectboard Member Mr. Silvia for his leadership and commitment in achieving meaningful progress in such a short period of time.

Our mission is not yet complete. With the continued support of the Selectboard , the ATWG remains dedicated to ensuring that the Fairhaven community will one day be free of this long-standing Superfund site and the environmental hazards it represents.

**Respectfully,
RICK TRAPILO
ATWG CHAIR**

Atlas Tack Working Group

1 message

Hands Across the River Coalition, Inc. <harcgnb@gmail.com>

Thu, Oct 9, 2025 at 12:59 PM

To: selectboard@fairhaven-ma.gov

Cc: "khickey@fairhaven-ma.gov" <khickey@fairhaven-ma.gov>, "Holmes, Marcus (AGO)" <marcus.d.holmes@mass.gov>, Staci Rubin's Cell <srubin@clf.org>, Governor Maura Healey <constituent.services@state.ma.us>, Mark.Sylvia@mahouse.gov, Emily.Field@mass.gov, denise@ace-ej.org, ahart@fairhaven-ma.gov, PBSMac@proton.me, Patti Estrella <patricia.a.estrella@gmail.com>

Dear Fairhaven Select Board Members:

Will you please put this request on the agenda for your next Select Board's meeting?

Will you please make the Atlas Tack Working Group an official Committee to allow the public to attend?

In so doing, Fairhaven residents can attend and for example, may offer information about individuals going into the building, vandalizing the property, etc. It's a heavily contaminated site as you know that is a major threat to our Town and surrounding areas. If on fire, it could spread toxic chemicals for miles jeopardizing the health and welfare of all!

If it were a Committee, nearby residents would be kept abreast of what's going on with the site especially since it's a Superfund Site close to their homes. They will have the opportunity to know what the EPA, DEP, and property owners are planning to do to remediate the property.

The site is approximately 48 acres so is a massive, hazardous site!

Both the police and fire chiefs submitted letters with safety concerns about the building. The police letter says that trespassers have entered the building and police officers have had to respond. With the building in such disrepair, it is dangerous for officers and the public.

We've spoken to the Fairhaven Town Administrator about this Atlas Tack Working Group who agrees that it needs to be an open meeting to the public. In fact, he suggested that we ask you to make this group an official Committee so that it's open to the public.

So will you please make it a Committee? It's crucial to allow Fairhaven residents to know what's going on with that Superfund Site!

Thank you.

Cordially,

Karen A. Vilandry

Karen A. Vilandry, President

Hands Across the River Coalition, Inc. lecr

harcgnb@gmail.com

<https://www.facebook.com/harcgnb>

508-951-1184

THE TOWN OF FAIRHAVEN
AND
COUNCIL 93, AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES AFL-CIO
(July 1, 2025 - June 30, 2028)

This Memorandum sets forth the material terms of a successor collective bargaining agreement reached between the Union's and the Town's negotiating teams, subject to ratification by the Union membership of the Union, approval by the Select Board, and funding by the Town Meeting as required by law.

The Collective Bargaining Agreement which expired on June 30, 2025, shall be extended without change for a period of three years except as provided herein. The following provisions represent the material changes in the parties' agreement for an agreement through June 30, 2028.

GENERAL AGREEMENTS

In addition to the amendments noted below, the parties agree to integrate this Memorandum of Agreement with the existing Collective Bargaining Agreement, as well as make non-substantive modifications to the form of the agreement to correct typographical and grammatical errors. The Parties may also make other agreed upon, non-substantive changes, such as changing the Article numeration from Roman numerals to Arabic numerals.

ARTICLE II, SECTION 1: CHECK OFF OF UNION DUES

Effective July 1, 2025, amend Article II, Section 1 by deleting the language in strikethrough and by adding the underscored, emboldened language as follows:

If, during the term of this agreement, any employee covered by this agreement files with the EMPLOYER an authorization of check-off dues and/or voluntary ~~agency fee~~ **contribution** in the form attached hereto and marked "Attachment A", the EMPLOYER agrees to deduct union membership dues levied in accordance with the contribution of the UNION from the compensation of each such employee. The EMPLOYER further agrees to remit by the tenth day of each month the aggregate amount of such deductions made during the preceding month to the Treasurer of the UNION along with a list of **all UNION employees indicating who is a dues paying member and who is not paying dues.** ~~the employees from whom said dues have been deducted.~~ **Non dues paying members will be subject to a fee for services according to MGL if represented by Council 93 staff according to the Council 93 fee structure.**

The EMPLOYER agrees to notify the UNION whenever deductions are not made in accordance with an authorization of check-off due to the fact that an employee is not on the payroll during any payroll period.

~~All persons eligible to join the UNION must do so after thirty (30) days of continuous employment. Temporary employees shall pay Union Dues after sixty calendar days.~~

ORIENTATION: The employer will provide the Union Steward, **and Council 93 Staff Representative**, the name, title, and starting salary of any new employee hired into the bargaining unit. The Town agrees to allow one-half (1/2) hour to be allotted to the Union representative and the new employee, ~~if the new employee so chooses~~, during which time the Union **representative can discuss the Union with the new employee.**

ARTICLE II, SECTION 2: AGENCY SERVICE FEE

Effective July 1, 2025, amend Article II, Section 2: Agency Service Fee by deleting the language in strikethrough and by adding the underscored, emboldened language as follows:

Section 2. Agency Service Fee **PEOPLE FUND**

~~An Agency Service Fee in accordance with the provisions of Chapter 150E of the General Laws shall be in effect for this bargaining unit as of the date of the signing of this Agreement. All employees in the bargaining unit shall, as a condition of employment, pay to the Union, the exclusive bargaining agent and representative, an amount equal to the Union's regular and usual membership dues. Every new employee shall be advised of this before he/she is hired so that he/she has knowledge of same.~~

~~In consideration of the Employer's entering into this Collective Bargaining Agreement, which Agreement includes an Agency Service Fee provision the Union agrees to indemnify the said Employer and hold it harmless from any and all claims, liabilities or costs of the Employer which arises out of entering into or enforcement of said provision or which arise out of the payroll deduction of agency service fees, including any and all legal fees and costs incurred by the Town.~~

AFSCME PEOPLE As allowed by MGL, Chapter 180, Section 173, the Employer agrees to deduct from the wages of any Employee who is a member of the Union a PEOPLE deduction as provided for in a written authorization. Such authorization must be executed by the Employee and may be revoked by the Employee at any time by giving written notice to both the Employer and Union. The Employer agrees to remit any deductions made pursuant to this provision promptly to the Union together with an itemized statement showing the name of each Employee from whose pay such deductions have been made and the amount deducted during the period covered by the remittance.

ARTICLE V, DISCRIMINATION

Effective July 1, 2025, amend Article V by deleting the language in strikethrough and by adding the underscored, emboldened language as follows:

Neither the EMPLOYER nor the UNION will discriminate against any employee or applicant for employment because of ~~race, color, creed, sex or national origin~~ **of their status in a class protected by federal or state law.**

ARTICLE XIV, VACATION

Effective July 1, 2025, the parties agree to amend the table in Article XVI, Vacation as follows, with the deletions in strikethrough and the additions in underlined, emboldened text:

Time Employed	Length of Vacation
0-6 months	0 days
6 months to year	10 days (for the entire 18 months covered)
After 2 nd year	10 days each year
After five years	15 days each year
After ten years	20 days each year
After fifteen years	25 days each year
After twenty years	30 days each year

ARTICLE XVII, PERSONAL DAYS

Effective July 1, 2025, the parties agree to amend Article XVII, Personal Days by deleting the language in strikethrough and by adding the underscored, emboldened language as follows:

An employee will be entitled to ~~three (3)~~ **four (4)** free personal days. These days will be taken during the year from July 1 to June 30. If an employee has not worked a full year their personal days will be determined by how many months they have worked. New employees will be entitled to **two (2)** personal days after six (6) months of employment.

~~Personal day requests must be given 48 hours' notice to the department head unless it is an emergency. Personal days will count a sick day when not requested 48 hours in advance and approved.~~

A person will not be paid for any personal days upon resignation.

ARTICLE XX, FUNERAL LEAVE

Effective July 1, 2025, the parties agree to amend Article XX, Funeral Leave by deleting the language in strikethrough and adding the underscored, emboldened language as follows:

~~Four~~(4) **Five (5)** calendar days' leave of absence preceding and including the day of the funeral shall be granted to an employee on request when a death occurs to a member of an employee's immediate family. The immediate family is to be considered father, mother, child, spouse, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, **step-parents**, adopted children and any stepchildren. For the death of a brother-in-law, sister-in-law, current son-in-law, current daughter-in-law, two (2) days; aunt, uncle, niece, or nephew one (1) day of funeral leave will be granted. However, the department head may at his reasonable discretion allow time off for the death of other relatives or members of an employee's household. No payment shall be made for any day's absence during the bereavement period in which the employee is not regularly scheduled to work, e.g. Saturday and Sundays or holidays. No employee shall lose pay to which he is normally entitled while on leave of absence for death in the family nor will it be charged to sick leave or vacation pay. NOTE: Portion of unused funeral leave (days falling on Saturday, Sunday or holidays) may be used for Probate Court Hearings or Will Readings as long as two (2) days advance notice is given to the department head.

ARTICLE XXIII, WORKING OUT OF CLASSIFICATION

Effective July 1, 2025, the parties agree to amend the first paragraph of Article XXIII, Working Out of Classification by deleting the language in strikethrough and adding the underscored, emboldened language as follows:

Employees required to work in a higher classification shall be paid at the higher level of job classification pay receiving a minimum increase of hourly pay of ~~.35~~**\$1.50** per hour. An employee who works in another person's classification for more than two (2) weeks while employee is on vacations, workers compensation, sick leave, maternity leave or leave of absence will receive this pay after the two week period, **retro back to day one**. Extra compensation will stay in effect until incumbent returns to work.

ARTICLE XXVII, JOB POSTING AND BIDDING

Effective July 1, 2025, the parties agree to amend the first paragraph of Article XXVII, Job Posting and Bidding to remove the language in strikethrough and add the underscored, emboldened language as follows:

When a position covered by this Agreement becomes vacant, such vacancy shall be posted within ten (10) working days unless the position is to be eliminated **or remain unfilled**. If said position is to be eliminated **or unfilled** the Town will notify the Union

within ten (10) days. Vacancy shall be posted in a conspicuous place listing the pay, duties, qualifications, location, shift and days off. **The Town may simultaneously advertise externally provided that internal candidates have priority over external candidates.** This notice of vacancy shall remain posted for seven (7) working days. Within twenty-one (21) days of expiration of the posting period, the employer will award the position to the most ~~senior~~ qualified applicant. **Where two or more equally qualified applicants who are members of the bargaining unit, the applicant with most seniority shall receive the position.**

Employees who are promoted shall be moved to their new position and rate of pay within five (5) working days of the position being awarded to them. An employee who is promoted will receive a minimum increase of hourly pay of ~~35~~ **\$1.50** per hour.

NEW ARTICLE XXXI, SMOKING POLICY

Effective July 1, 2025, the parties agree to add a new section to the CBA, creating a smoking policy as follows:

The following policy applies to all employees using Town-owned vehicles; failure to adhere to said policy shall result in discipline. Members shall refrain from smoking inside Town-owned vehicles.

Smoking shall be prohibited on any Town property, except in areas designated as smoking areas as determined by the Town. Smoking within 25 feet of any Town building shall be expressly prohibited.

ARTICLE XXXIII, DURATION

Effective July 1, 2025, the parties agree to amend Article XXXIII, Duration as follows, with deletions in strikethrough and additions in underscored, emboldened text:

This agreement is to be effective for a period of three years from July 1, 2022~~5~~ through June 30, 202~~5~~**8**.

Without amendment to the Agreement, if the Town of Fairhaven passes a proposition 2 ½ override prior to the end of this agreement on June 30, 2028, the parties agree to reopen this contract for discussion of base-wages, cost of living adjustment, only.

ARTICLE XXXVI, TUITION REIMBURSEMENT

The parties agree to amend Article XXXVI, Tuition Reimbursement by adding the following language as a new paragraph at the end of the article:

Employees agree to forgo any and all tuition reimbursement payments to be distributed from FY26 until the conclusion of FY29. During FY26, in lieu of tuition reimbursement payments, sixteen (16) qualifying who were employed at the time of the execution of the July 2025 MOA shall receive a one-time, cash payment of six-hundred and twenty-five (\$625.00) dollars. The parties acknowledge that under no circumstances shall the Town provide more than \$10,000 total for all Employees for this one-time, cash payment. Employees agree that the sixteen (16) qualifying Employees shall share the \$10,000 lump sum equally, such that each employee receives \$625.00.

The Parties agree to revisit this issue during the second and third years of this CBA's duration.

APPENDIX A, SCHEDULE A WAGES

Effective July 1, 2025, the parties agree to update the existing Schedule A, Wage Table to reflect the following change to employee compensation:

FY2026

Effective July 1, 2025	0.0% increase
Effective January 1, 2026	1.0% increase

FY2027

Effective July 1, 2026	1.0% increase
Effective January 1, 2027	1.0% increase

FY2028

Effective July 1, 2027	1.0% increase
Effective January 1, 2028	2.0% increase

APPENDIX B, UNION MEMBERSHIP CARD

Effective July 1, 2025, the parties agree to replace the existing Appendix B, Union Membership Card with a new copy of the Union Membership Card, as attached to this MOA as Exhibit A.

HOUSEKEEPING

The Parties agree to amend the final integrated CBA based on a redlined CBA containing the non-substantive changes, which include conversion of roman numerals to Arabic numerals,

correction of grammatical errors, renumbering and re-formatting, where necessary. The parties also agree to integrate all previous Memorandums of Agreement into the CBA.

The Parties have carefully read the foregoing Agreement, know the contents thereof, and sign the same as their own free acts.

TOWN OF FAIRHAVEN

**COUNCIL 93, LOCAL 851, AMERICAN
FEDERATION OF STATE, COUNTY,
& MUNICIPAL EMPLOYEES, AFL-CIO**

Charles K. Murphy, Sr., Chair

Andrew Romano, Vice Chair

Natalie A. Mello, Clerk

Keith Silvia, Member

Andrew B. Saunders, Member

Date: _____

John C. Roberts

H. Horseman

Kim Nogueira

Patricia M. Sykes

Susan Pappas

Date: 9/25/25

APPROVED AS TO FORM

Katherine McNamara Feodoroff, Esq.

**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 (all correspondence should be emailed to patrick@openmeetinglawenforcer.com)
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: Charlie Murphy

Date of alleged violation: 10/14/2025

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 respond to a request for executive session meeting minutes within 10 CALENDAR days as required by the Open Meeting Law. On Oct 3, 2025 at 11:08 am, I sent an email to Chairman Charlie Murphy requesting a copy of all executive session meeting minutes for calendar year 2025, as provided for by the Open Meeting Law.

At 9:32 am on Oct 4, 2025, Chairman Charlie Murphy responded with "Hello I have forwarded this. Thank you, Charlie Murphy
Sent from my iPhone" This email was copied to Amy Hart, Keith Hickey and Elisabeth Horan.

At 3:26 pm on Oct 5, 2025, I responded to all with "Who have you forwarded this to? YOU have 10 CALENDAR days to respond to the request under the Open Meeting Law. October 14, 2025"

At 3:28 pm on Oct 5, 2025, Town Administrator Keith Hickey responded to all with "We are aware of the timeline and will respond accordingly."

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.

Chairman Murphy (or his authorized representative) MUST respond to the request for executive session minutes for calendar year 2025 without delay.

Chairman Murphy and all other members of the Select Board MUST attend a formal open meeting law webinar without delay. Schedule can be found at:
"https://www.mass.gov/info-details/open-meeting-law-trainings" and once they have completed their training,

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: 10/15/25

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

patrick@openmeetinglawenforcer.com

From: patrick@openmeetinglawenforcer.com
Sent: Friday, October 3, 2025 10:09 AM
To: 'Charles K Murphy Sr'
Subject: Request for meeting minutes pursuant to the open meeting law
Importance: High

As provided for by the open meeting law, I am requesting a .pdf file copy of the minutes of all executive sessions held by the Select Board in calendar years 2024, and 2025. The open meeting law requires your response within 10 CALENDAR days.

Thanks

Patrick Higgins

We could learn a lot from crayons...Some are sharp, some are pretty and some are dull. Some have weird names, and all are different colors, but they all have to live in the same box. Unknown

patrick@openmeetinglawenforcer.com

From: Keith Hickey <khickey@fairhaven-ma.gov>
Sent: Sunday, October 5, 2025 3:38 PM
To: patrick@openmeetinglawenforcer.com
Cc: Charles K Murphy Sr; Elisabeth Horan; Amy Hart
Subject: Re: Request for meeting minutes pursuant to the open meeting law

Mr. Higgins,

We are aware of the timeline and will respond accordingly.

Keith Hickey

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

On Sun, Oct 5, 2025 at 4:25 PM <patrick@openmeetinglawenforcer.com> wrote:

Who have you forwarded this to? YOU have 10 CALENDAR days to respond to the request under the open meeting law. October 14, 2025.

Thanks

Patrick Higgins

We could learn a lot from crayons...Some are sharp, some are pretty and some are dull. Some have weird names, and all are different colors, but they all have to live in the same box. Unknown

From: Charles K Murphy Sr <cmurphy@fairhaven-ma.gov>
Sent: Saturday, October 4, 2025 9:32 AM
To: patrick@openmeetinglawenforcer.com
Cc: Elisabeth Horan <ehoran@fairhaven-ma.gov>; Keith Hickey <khickey@fairhaven-ma.gov>; Amy Hart

<ahart@fairhaven-ma.gov>

Subject: Re: Request for meeting minutes pursuant to the open meeting law

Hello

I have forwarded this. Thank you, Charlie Murphy

Sent from my iPhone

On Oct 3, 2025, at 11:08 AM, patrick@openmeetinglawenforcer.com wrote:

As provided for by the open meeting law, I am requesting a .pdf file copy of the minutes of all executive sessions held by the Select Board in calendar years 2024, and 2025. The open meeting law requires your response within 10 CALENDAR days.

Thanks

Patrick Higgins

We could learn a lot from crayons...Some are sharp, some are pretty and some are dull. Some have weird names, and all are different colors, but they all have to live in the same box. Unknown

Public Body Checklist for Entering Executive Session

Issued by the Massachusetts Office of the Attorney General's Division of Open Government
November 2024

- ☐ Executive session must be listed as a topic for discussion on the meeting notice, including as much information about the anticipated discussion as possible without compromising the purpose(s) for which the executive session is called. See G.L. c. 30A, § 21(b)(3).
- ☐ Public body must convene in open session first. G.L. c. 30A, § 21(b)(1).
- ☐ During the open session, prior to convening in executive session, Chair must state the purpose for executive session, identifying one or more of the 10 purposes found at G.L. c. 30A, § 21(a). G.L. c. 30A, § 21(b)(3).
- ☐ During the open session, prior to convening in executive session, Chair must state all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, under most circumstances Chair must identify the party with whom the public body will be negotiating (Purpose 2), the litigation the public body will discuss (Purpose 3), or the property being considered for purchase (Purpose 6). G.L. c. 30A, §§ 21(a)(2), (3), (6).
- ☐ Chair must publicly announce whether the public body will return to open session upon conclusion of the executive session. G.L. c. 30A, § 21(b)(4).
- ☐ Some of the 10 Purposes under G.L. c. 30A, § 21 are subject to requirements specific to that purpose. A non-exhaustive list includes the following:
 - Purpose 1: The individual to be discussed must be notified in writing at least 48 hours prior to executive session. That individual has certain rights including, but not limited to, the right to have the discussion occur in open session, and the right to be present. G.L. c. 30A, § 21(a)(1).
 - Purpose 3: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect on the public body's bargaining or litigating position. G.L. c. 30A, § 21(a)(3).
 - Purpose 6: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect on the public body's negotiating position relative to the purchase, exchange, or lease of real property. G.L. c. 30A, § 21(a)(6).
 - Purpose 8: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect in obtaining qualified applicants. G.L. c. 30A, § 21(a)(8).
- ☐ During the open session, prior to convening in executive session, a majority of members of the body must vote to enter executive session. The vote of each member must be recorded by roll call and entered into the minutes. G.L. c. 30A, § 21(b)(2).

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

Public Body Checklist for Responding to an Open Meeting Law Complaint

Issued by the Massachusetts Office of the Attorney General's Division of Open Government
November 2024

A public body is required to respond to each Open Meeting Law complaint filed with it in accordance with the procedures set forth in General Laws Chapter 30A, section 23(b), and the Attorney General's Open Meeting Law Regulations, 940 CMR 20.05.

- ☐ Open Meeting Law complaints must be filed with the Chair of the public body. For local public bodies, complaints must also be filed with the municipal clerk.
- ☐ Upon receipt of an Open Meeting Law complaint, the Chair must disseminate the complaint to the members of the public body.
 - The complaint may be distributed by email outside of a meeting, but the public body must not discuss the merits of the complaint or share opinions about the complaint outside of a meeting.
- ☐ Within **14 business days** of receipt of an Open Meeting Law complaint, the public body must:
 - Review the complaint during a meeting.
 - ❖ The public body may review and discuss the complaint in executive session under Purpose 1, as an Open Meeting Law complaint is, by its nature, a complaint filed against a public official(s).
 - ❖ The public body may review the complaint at a meeting and then authorize an individual—such as the Chair, an administrator, or legal counsel—to draft and send a response.
 - ❖ An individual—such as the Chair, an administrator, or legal counsel—also may receive the complaint and draft a response in advance of the meeting for the public body to approve at a meeting.
 - ❖ The Open Meeting Law does not require a public body to engage in a substantive discussion of the merits of the complaint. The decision to refer the complaint for response, rather than discuss its substance, is the public body's prerogative.
 - ❖ Nonetheless, the public body may not remove itself entirely from the process. It must, at some point before responding, review the complaint during a meeting.
 - Respond to the complainant in writing.
 - Send to the Attorney General a copy of the complaint and a copy of the response (may be sent via email to openmeeting@mass.gov).
- ☐ A public body may request an extension of time to respond to an Open Meeting Law complaint.

- An extension must be requested before the response is otherwise due (typically, within 14 business days).
- An extension may be granted upon a showing of good cause.
- Requests for extension should be sent to openmeeting@mass.gov.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Massachusetts Office of the Attorney General's Division of Open Government
November 2024

Accurate minutes must be created and maintained for all public body meetings, both open session and executive session. G.L. c. 30A, § 22(a).

- ☐ Minutes must accurately set forth the date, time, and place of the meeting, and list the public body members present or absent. G.L. c. 30A, § 22(a).
- ☐ Minutes must include an accurate summary of the discussion of each subject, including unanticipated subjects. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript but must provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions. In general, it is insufficient for meeting minutes to simply state that a discussion about a particular topic occurred; instead, the minutes must actually summarize the discussion.
- ☐ The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a). If a vote is taken by roll call, the minutes must record the vote by roll call, even if the result was unanimous.
- ☐ The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- ☐ If one or more public body members participates remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- ☐ If one or more public body members participates remotely in the meeting, all votes must be taken by roll call and the minutes must record the votes by roll call, even if the results are unanimous. 940 CMR 29.10(7)(c).
- ☐ Executive session minutes must include the same level of detail as is required for open session minutes.
- ☐ When meeting in executive session, all votes must be taken by roll call and the minutes must record the votes by roll call, even if the results are unanimous. G.L. c. 30A, § 22(b).
- ☐ Open session minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A "timely manner" will generally be considered to be within the next **three** public body meetings or within **30 days**, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2). Executive session minutes must be "create[d] and maintain[ed]" and "review[ed]" "at reasonable intervals" to determine whether continued nondisclosure is warranted. G.L. c. 30A, § 22(a), (g)(1); OML 2024-158; OML 2024-29.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

Special Responsibilities of the Public Body Chair

Issued by the Massachusetts Office of the Attorney General's Division of Open Government
November 2024

Several provisions of the Open Meeting Law and the Attorney General's Regulations impose responsibilities or authority specifically on the chair of a public body. The following is a non-exclusive list:

Notice: A public body must post notice of every meeting at least 48 hours in advance, excluding Saturdays, Sundays and legal holidays. The notice must include the date, time, and place of the meeting, as well as **a list of topics that the chair reasonably anticipates will be discussed.** General Laws chapter 30A, § 20(b); 940 CMR 29.03(1)(b). If the Chair delegates the task of drafting the meeting notice to another individual, the notice must include all topics that the Chair as well as the topics that the person drafting the notice reasonably anticipate will be discussed. See OML 2023-148; OML 2013-147.

Remote Participation: At the start of a meeting that includes any members of the public body participating remotely—including at a meeting that is held entirely remotely—the **chair or the person chairing the meeting shall announce the name of any member(s) participating remotely.** G.L. c. 30A, § 20(d); 940 CMR 29.10.

Announcement of Meeting Recording: At the beginning of the meeting, **the chair shall inform other attendees of any video or audio recordings of the meeting.** G.L. c. 30A, § 20(f)

Public Participation: Although all meetings, except for executive sessions, must be open to the public, **the chair has discretion whether to allow for public comment/public participation, and if public comment will be allowed, to set procedures or limitations on public comment.** Furthermore, if a person disrupts a meeting after a warning from the chair, the chair may order the person to leave the meeting and may authorize the person's removal. G.L. c. 30A, § 20(g).

Executive Session: The chair has several responsibilities with regard to executive sessions. First, in open session prior to convening in executive session, **the chair shall state the purpose for the executive session,** stating all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)3. If the public body will be meeting in executive session pursuant to Purposes 3, 6, or 8, **the chair must specifically declare that having the discussion in open session will have a detrimental effect** on the public body's bargaining or litigation position (Purpose 3), negotiating position (Purpose 6), or ability to obtain qualified applicants (Purpose 8). G.L. c. 30A, § 21(a)3., 6., and 8. Finally, **the chair must publicly announce whether the open session will reconvene** at the conclusion of the executive session. G.L. c. 30A, § 21(b)4.

Open Meeting Law Complaints: Open Meeting Law complaints shall be **filed with the chair of the public body.** 940 CMR 29.05(3). Within 14 business days of receipt of the complaint, **the chair shall disseminate the complaint** to the members of the public body and the public body shall meet to review the complaint's allegations; take remedial action, if appropriate; and send to the complainant, with a copy to the Attorney General, a response and a description of any

remedial actions taken. 940 CMR 29.05(3), (5).

****** In general, where the Law requires a chair to take certain action or to make particular announcements, the Division of Open Government has stated that the chair may delegate these responsibilities to another individual, such as legal counsel or another member of the public body.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.



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.



Monday, October 27, 2025

TOWN ADMINISTRATOR REPORT



Town of Fairhaven

Report of the Town Administrator

October 27, 2025

Financial Updates

- The Fall Town Meeting warrant has been returned by the printers and will be mailed to the Town Meeting representatives by Friday, October 31st. The warrant has also been posted on the Moderator's webpage. Precinct meetings will be held on Thursday, November 13, 2025 at 6:30 p.m. and the Special Town Meeting preview will be held immediately following the precinct meeting at approximately 7:00 p.m.

All meetings will be held in the Silveira Auditorium at the Elizabeth Hastings Middle School, 30 School Street.

Project Updates

- Public Works along with the School and Police Departments have been working to establish a school zone along Adams Street for the Hastings Middle School. MassDOT state access permit has been obtained and the signage installation by DPW staff will be happening in the next few weeks.
- Public Works will be starting the fourth and final phase of a Community Development Block Grant (CDBG) project on Hedge Street (between #72 Hedge continuing easterly to Adams St). This is phase 4 of the project which will see utility improvements, new sidewalks, curbing and pavement. This effort will be mobilized in the next couple of weeks.

Personnel Update

- Principal Assessor Joanne Correia Director of Land Use and Planning Bruce Webb have resigned. I met with the Board of Assessors to review the job posting. The postings will be advertised on the Town website, Mass. Municipal Association website. I plan to establish interview committees for both positions that will include a department head, a member of the Planning Board/Board of Assessors and a Select Board member. At the November 10th Select Board meeting, I will ask the Chair to include an agenda item for the Board to discuss and nominate a Select Board member for each interview committee.

Miscellaneous Updates

- I met with the Public Works Committee and Board of Assessors during the week of October 20th to introduce myself.



Monday, October 27, 2025

MINUTES

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



FAIRHAVEN SELECT BOARD

Meeting Minutes

October 14, 2025

11

Present: Charles Murphy Sr., Andrew Romano, Natalie A. Mello, Keith Silvia, Andrew B. Saunders and Keith R. Hickey

Mr. Murphy opened the Select Board meeting at 6:30pm and observed a moment of silence for Allen Days

EXECUTIVE SESSION

Motion: Mr. Saunders motioned to enter into Executive Session Pursuant to M.G.L. c. 30A, Section 21(a)(3) to discuss strategy with respect to pending litigation if an open meeting may have a detrimental effect on the collective bargaining or litigating position of the public body and the chair so declares (Mary Freire-Kellogg v. Town of Fairhaven and Amanda Blais v. Town of Fairhaven) and Pursuant to G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (Police Union) and Pursuant to G.L. c. 30A, s. 21(a)(7) To comply with, or act under the authority of, G.L. c. 30A, s. 22, to approve the minutes of Executive Sessions on 9/22/25 and 9/30/25 and to review the minutes of Executive Session (1/8/24, 2/12/24, 2/26/24, 3/11/24, 4/8/24, 4/22/24, 6/10/24, 8/19/24, 9/23/24, 9/30/24, 10/15/24, 11/12/24, 11/19/24, 11/25/24, 12/16/24, 12/23/24, 12/30/24, 1/13/25, 1/27/25, 2/10/25, 2/19/25, 2/24/25, 3/10/25, 3/17/25, 3/24/25, 3/31/25, 4/7/25, 4/14/25, 4/28/25, 5/12/25, 5/27/25, 6/9/25, 6/23/25, 7/7/25, 7/10/25, 7/14/25, 7/28/25, 8/11/25, 8/25/25, 9/8/25, 9/22/25 and 9/30/25) and to return to open session. Ms. Mello seconded. Roll Call Vote. Mr. Saunders, Ms. Mello, Mr. Murphy, Mr. Romano and Mr. Silvia in favor. The motion passed unanimously (5-0-0).

Meeting adjourned to Executive Session from 6:38pm to 7:18 pm

APPOINTMENTS AND COMMUNITY ITEMS

Appointment: Constable: Jeffrey Foisy

Jeffrey Foisy addressed the Board via zoom and answered questions about Constable services.

Motion: Ms. Mello motioned to appoint Jeffrey Foisy as a Constable through May, 2025 contingent upon payment of the fee and copy of active bond is provided to the Town Clerk's Office. Mr. Romano seconded. The motion passed (4-0-1) Mr. Saunders abstained.

Appointment: Wiring Inspector: Rick Forand

Mr. Hickey reviewed the request.

Motion: Mr. Saunders motioned to appoint Rick Forand as Wiring Inspector. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Appointment: Assistant Building Inspector: William Horrocks

Mr. Hickey reviewed the request and coverage support.

Motion: Mr. Saunders motioned to appoint William Horrocks as Assistant Building Inspector. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Tree Removal Appeal: Green Ash trees on Oliver Street (#s 33-42)

Josh Crabb addressed the Board via zoom and explained the results of the tree survey and the recommendation to remove the trees based on the finding of the tree disease Emerald Ash Borer (EAB). Mr. Crabb explained the department's priority is an assessment of the existing tree canopy. The appellants requested replacement in-kind for the trees removed and Mr. Crabb explained that due to underground utilities and infrastructure, he cannot guarantee specific, in-kind replanting but will be replanting one-for-one.

Mr. Murphy asked for updates to the Board on the replacement process. Mr. Crabb will provide updates and added

that after the inventory and assessment is complete the department will develop a planting capital plan.

Discussion ensued about the removal process, sidewalk replacement, the timeline for this project, location of trees under appeal and their reports, clarification that the trees are in the public way and replanting in the next planting season.

Motion: Mr. Saunders motioned to approve the removal of 24 ash trees on Oliver Street as outlined in the tree removal notice from Public Works. Ms. Mello seconded.

Public Comment:

Michael McBaron of 43 Oliver Street addressed the Board via zoom about the petition and said the appeal is about replacement and he is open to a different type of tree as appropriate. He added that there are underground utilities in other places as well. Mr. Murphy advised the petitioners to share their ideas with Mr. Crabb. Mr. Crabb said he is open to discuss and has also been in regular contact with Mark Sylvia who resides in that area.

On the motion: Mr. Saunders motioned to approve the removal of 24 ash trees on Oliver Street as outlined in the tree removal notice from Public Works. Ms. Mello seconded. The motion passed (4-0-1) Ms. Mello abstained.

Special One-Day Liquor License, Temporary Street Closure, Use of Town Hall: Economic Development Committee/Travelers Alehouse: Oktoberfest, Saturday, October 18, 2025

Mr. Silvia recused himself and left the Banquet Room.

Cathy Melanson addressed the Board. She explained her misunderstanding that the Oktoberfest was part of earlier Harborfest approvals. Mr. Romano asked to clarify that this was not a Discover Fairhaven event. Ms. Melanson explained that Economic Development falls under Discover Fairhaven and the Community Development Department and added that applying for the event was overlooked.

Discussion ensued about the event details, set-up, clean-up and custodian presence. Ms. Melanson said she has volunteers including Frank Fostin as custodian and has been in touch with the appropriate departments.

Motion: Mr. Saunders motioned to waive the sixty-day application deadline for the Use of Town Hall. Ms. Mello seconded. The motion passed (4-0-1) Mr. Silvia recused.

Motion: Mr. Saunders motioned to approve the applications for a Special One-Day Liquor License, Temporary Street Closure and Use of Town Hall bathrooms by the Economic Development Committee and Travelers Alehouse for Oktoberfest on Saturday, October 18, 2025. Ms. Mello seconded. The motion passed (4-0-1) Mr. Silvia recused.

Mr. Silvia returned to the Banquet Room.

PUBLIC COMMENT

Jason Sardinha of Tosashimizu and Sister-City Committee addressed the Board. He reviewed there were thirty visitors from Japan that joined the Manjiro Festival on October 4th. He thanked the Town for a warm welcome to the visitors, Fairhaven High School, the Unitarian Church and attendees. He also thanked Mr. and Mrs. Rooney of the Whitfield-Manjiro House, the Select Board, Town Hall, Public Works and the Police. The Manjiro Festival will be in Japan in 2026 and in 2027 in Fairhaven which will celebrate the 200th birthday.

ACTION/DISCUSSION

License: Pledge of Collateral to Bristol County Savings Bank: OEA Restaurant Group dba Olivia's

The Board reviewed the application.

Motion: Mr. Saunders motioned to approve the pledge of collateral from OEA Restaurant Group doing business as Olivia's Restaurant to Bristol County Savings Bank. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Consider Update to the Charge for the Atlas Tack Working Group (ATWG)

Mr. Romano asked if this item could be tabled along with the next item. Mr. Hickey added that residents had raised concerns about the ATWG meetings not being open to the public and he contacted Town Counsel for an opinion; he received additional material for review from Open Meeting Law determinations and forwarded that for additional review. The matter is whether the ATWG has the ability to deny public attendance at their meetings.

Mr. Romano recommended tabling both until the Board has the opinion. Mr. Saunders agreed with tabling both items and added that if they have a right to exclude from a meeting does not mean they should.

Motion: Mr. Romano motioned to table items D2 and D3. Mr. Saunders seconded.

Doug Brady addressed the Board and said this was a simple change to the charge to include the new Town Administrator (TA) and give the power to the Board and TA. He asked the Board to vote on the change to the charge tonight.

Mr. Romano withdrew his motion and Mr. Saunders withdrew his second.

Motion: Mr. Saunders motioned to approve the updated Charge for the Atlas Tack Working Group. Ms. Mello seconded. The motion passed (4-1-0) Mr. Romano opposed.

Mr. Brady explained the information gathering ATWG has done, the difficulty to meet with a Town department and be open to the public, the meeting flexibility due to meeting at various times, not needing to post agendas and minutes, no votes or deliberation because compiling information to present to the Board and TA. He referred to statements from Mr. Romano when the ATWG was formed. Mr. Romano said he would retract his statement and that the public should be kept up on the process; it would be a benefit to have public input on the process moving forward.

On the Motion: Mr. Saunders motioned to approve the updated Charge for the Atlas Tack Working Group. Ms. Mello seconded. The motion passed (4-1-0) Mr. Romano opposed.

Request by Resident to Change the Atlas Tack Working Group to a Committee

This item was tabled

Motion: Ms. Mello motioned to table this item. Mr. Silvia seconded. The motion passed (3-2-0) Mr. Romano and Mr. Saunders opposed.

Town Match for Grant: Hazard Mitigation Plan Update

Mr. Hickey recommended no action and to table this item; the match is not needed due to funds identified for appropriation.

Motion: Mr. Saunders motioned to table item D4. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Consideration of Employment Agreement between the Town of Fairhaven and Fire Chief Todd Correia

Mr. Hickey explained to the Board that this is to approve the contract the Board has been negotiating with the Fire Chief, there were four minor corrections made and the Chief has signed off.

Motion: Mr. Saunders motioned to approve the employment agreement between the Town of Fairhaven and Fire Chief Todd Correia effective July 1, 2025 and authorize the Chair to sign on behalf of the Town. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Ratify Collective Bargaining Agreements: Highway, Clerical

Mr. Hickey recommended the Board table this item to the next meeting. He anticipated having the Memorandums of Understanding from the Highway and Clerical unions and they were not available for the Board to review tonight.

Motion: Mr. Saunders motioned to table this item to October 27, 2025. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Consider Non-Union Employee Cost-of-Living Increase

Mr. Hickey reviewed that the Collective Bargaining Agreements negotiated contain a cost-of-living adjustment of one percent effective January 1, 2026 and asked the Board to consider the same for non-union employees not covered by individual contracts, for example, the TA, Police Chief, Fire Chief and others under individual contracts would be excluded. Mr. Hickey confirmed that the funds were appropriated at the Annual Town Meeting.

Motion: Mr. Saunders motioned to approve a cost-of-living adjustment of one percent, consistent with members covered by collective bargaining agreements, effective January 1, 2026 for non-union employees not covered by individual employment contracts. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Review Special Town Meeting Articles

Mr. Hickey distributed an amended article five to the Board based on language changes made earlier today (*Attachment A*). Articles two and five will be reviewed by the Finance Committee at their October 15th meeting.

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

Mr. Saunders summarized what was discussed at the Public Safety Complex meeting earlier and the article as written now gives the ability to expend through the proper channels and recommended adding language about oversight of the Select Board and Town Administrator.

Article 1: Bill of Prior Year

Mr. Hickey explained the bill of prior year.

Motion: Mr. Saunders motioned to recommend Article 1. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Article 2: Fund FY26 Labor Contracts and Non-Union Cost-of-Living Adjustment

Mr. Hickey reviewed the background and bylaw around the timeline on review and approval of Collective Bargaining Agreements (CBA) and the potential for adjusted amounts if other CBAs are negotiated. The timeline is ten days counting back from the date of the Special Town Meeting.

The Board briefly discussed addressing this at Town Meeting and the format for the article recommendations.

Mr. Saunders rescinded his motion for Article 1 and Ms. Mello rescinded her second

Motion: Mr. Saunders motioned to recommend Adoption for Article 1. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend At Town Meeting for Article 2. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Article 3: Sewer Enterprise Fund

Mr. Hickey explained the article and source of funds.

Motion: Mr. Saunders motioned to recommend Adoption for Article 3. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Article 4: Request Transfer of Funds: Town Hall East Retaining Wall Emergency Repair

Mr. Hickey reviewed the article, funds and the transfer. He also referred to the work needed on the retaining wall.

Motion: Mr. Saunders motioned to recommend Adoption for Article 4. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Article 5: Request Transfer of Funds: Public Safety Complex

Mr. Hickey referred to the revised language distributed earlier.

Discussion ensued regarding the language and adding in additional language “and the approval of the Select Board” after “under the direction of the Town Administrator” which would then read: “To see if the Town will vote to transfer from the Public Safety Complex Stabilization Fund the amount of \$50,000 to be expended under the direction of the Town Administrator and the approval of the Select Board for the purpose of hiring a third party consultant to conduct a site evaluation and/or feasibility study for the potential Police Station or Public Safety Complex including for leasing or purchasing property, or take any other action relative thereto.

Motion: Mr. Saunders motioned to recommend Adoption for Article 5. Mr. Silvia seconded.

Ms. Mello asked about the additional action with the new language compared to other articles and past practice of the Town Meeting vote and then next steps being handled administratively. Mr. Saunders recommended the additional language based on the contractual obligations the Town would be entering into with a potential cost of fifty to seventy million dollars.

On the motion: Mr. Saunders motioned to recommend Adoption for Article 5. Mr. Silvia seconded. The motion passed unanimously (5-0-0).

Article 6: Glenhaven Avenue Water Main Phase 2

Mr. Hickey reviewed the article.

Motion: Mr. Saunders motioned to recommend Adoption for Article 6. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Article 7: Amend Bylaws Chapter 206, Animals

Mr. Hickey reviewed the article.

Motion: Mr. Saunders motioned to recommend Adoption for Article 7. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Close and Sign Special Town Meeting Warrant

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

Appoint a Select Board Representative for the joint meeting with School Committee on October 27, 2025

Mr. Hickey reviewed that to streamline the interview process at the joint meeting with the Fairhaven School Committee, the Select Board is being asked to consider appointing a representative to gather questions and ask them during the interview of candidates for the open School Committee position at the joint meeting. Ms. Mello volunteered. Mr. Romano nominated Mr. Murphy because he is already running the meeting. Mr. Murphy declined the nomination.

Motion: Mr. Silvia motioned to appoint Natalie Mello as Select Board Representative for the joint meeting with School Committee on October 27, 2025. Mr. Romano seconded. The motion passed unanimously (5-0-0).

Discover Fairhaven: Seasonal Town Hall Clocktower Lighting

The Board reviewed the request and Mr. Romano asked for the use of blue lights on April 2, 2026 for the “Light it

Up Blue” for autism awareness.

Motion: Mr. Saunders motioned to approve seasonal lighting of the Town Hall Clock Tower including April 2, 2026, using available bulbs in coordination with Facilities Manager Kevin Fournier. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Town Hall Auditorium Application Process and Deadline Discussion

Mr. Romano reviewed the agenda item was to revisit the process, review Fairhaven related non-profits or related requests, address repeated requests outside of the deadlines to avoid going outside of protocol and to address fee waiving recommendations.

Mr. Murphy asked Mr. Romano to meet with Mr. Hickey on a proposal for the next meeting.

Motion: Mr. Saunders motioned to approve discussion on the revised application deadlines for Town Hall Auditorium application process and to appoint Select Board member Andrew Romano. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Open Meeting Law Complaint Received October 3, 2025: Patrick Higgins and draft response

Mr. Hickey has Labor Counsel writing the response and asked the Board to authorize Legal Counsel to send the response on behalf of the Board.

Motion: Mr. Saunders motioned to delegate the Board’s response to the Open Meeting Law complaint filed by Patrick Higgins on 10/3/2025 to Mead, Talerman & Costa, Labor Counsel. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Brief discussion on the process of responding to Open Meeting Law complaints, use of legal counsel and cost. Typically, responses are handled by counsel according to a format which ensures an appropriate response.

Consider Release of Executive Session Minutes Reviewed

Mr. Hickey explained the review of Executive Session minutes and that a number of Executive Session minutes are held due to ongoing legal matters, personnel issues or legal counsel privileged communications; this is a standard practice. There was a multi-step review and recommendations to the Board regarding releasing, holding or releasing with redactions based on whether the exemption of the Executive Session has been satisfied.

Motion: Mr. Saunders motioned to release with redactions, the Executive Session minutes of August 19, 2024. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Reauthorize Keith Hickey as Temporary Treasurer for the Town

Mr. Hickey explained that Labor Counsel recommended the Board re-advertise the agenda items from the September 30, 2025 emergency meeting and redo their actions. This will show a good-faith effort to ensure compliance with the Open Meeting Law.

Motion: Mr. Saunders motioned Pursuant to G.L. c. 41, § 40, which authorizes the Select Board to appoint a temporary Town Treasurer in the event of a vacancy, and pursuant to Section 2 (aa) of the Town Administrator Act, which authorizes the Town Administrator to perform any other duties or tasks assigned by the Select Board, the Board hereby appoints Town Administrator Keith Hickey to the position of Temporary Treasurer, to serve until a successor temporary or permanent Treasurer is appointed by the Select Board. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Reauthorize Keith Hickey and Labor Counsel to negotiate Memorandum of Understanding extension with AFSCME for Interim Treasurer and Interim Assistant Treasurer/Collector

Mr. Hickey explained that a Memorandum of Agreement (MOA) to the Collective Bargaining with the clerical union expired on September 30, 2025 and the Board had an emergency meeting to extend the MOA and authorize the Town Administrator and Labor Counsel to negotiate an additional extension.

Motion: Mr. Saunders motioned to authorize Keith Hickey and Labor Counsel to negotiate a Memorandum of Understanding extension with AFSCME for Interim Treasurer and Interim Assistant Treasurer/Collector. Ms. Mello seconded. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT

Mr. Hickey read his report (*Attachment B*) and added updates on:

- The Recreation Center's Spookfest on Friday, October 17th
- The Massachusetts Municipal Association (MMA) shared an article on fiscal pressures which will be posted online (*Attachment C*).
- Mr. Hickey thanked everyone for welcoming him and apologized for the use of Selectmen versus Select Board

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders reported:

- He with the Building Inspector and Sumul Shah of Fairhaven Wind regarding getting the opinion of the Building Inspector on the bylaw that was changed after the wind turbines were installed. Mr. Shah sent an outline in that needs Town Counsel review
- Marine Resources met and reviewed revenue reports on Hoppy's Landing and addressed questions on the increases in expenses every three to four years due to Capital needs. They also reviewed reserve balances.
- The Public Safety Complex Committee met to reconsider language in the Special Town Meeting article. They discussed new space and looking for existing space to lease. The cost would be addressed in potential override or debt exclusion. They also discussed unfunded mandates.

Ms. Mello reported:

- No meetings to report on.

Mr. Murphy reported

- Jason Sardinha reviewed the Sister-City Committee update on the Manjiro Festival during Public Comment.
- Lagoa meets soon.

Mr. Romano reported:

- No meetings to report on.
- He welcomed Mr. Hickey and thanked the TA Search Committee and the Groux-White Consultant. He is excited for the TA videos.
- Mr. Romano also thanked the Manjiro Festival and Riverside Cemetery 175th Anniversary organizers; both events were well attended.

Mr. Silvia reported:

- Commission on Disability met, they are looking for an adult adaptive bike and they are still working with the Fire Department on information packets for oxygen dependent people during power outages.

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session minutes of September 22 and 30, 2025. Ms. Mello seconded. The motion passed (4-0-1) Ms. Mello abstained.

Motion: Mr. Saunders motioned to accept the Executive Session minutes of September 22 and 30, 2025. Ms. Mello seconded. The motion passed (4-0-1) Ms. Mello abstained.

CORRESPONDENCE

South Coast Places for People: Route 6 Walk Audit Findings, Invitation to the Veterans Day Parade, Tuesday, November 11, 2025 and Open Meeting Law Determination: OML 2025 – 154 (*Attachment D*)

Motion: Mr. Saunders motioned to enter the Select Board correspondence as listed into the record. Ms. Mello seconded. The motion passed unanimously (5-0-0).

NEWS AND ANNOUNCEMENTS

- The next regularly scheduled Select Board meeting: *Monday, October 27, 2025 at 6:30pm*

Quote:

"Small acts of cooperation create lasting change." — Anonymous

Meeting adjourned to Executive Session at 9:14pm

ATTACHMENTS

- A. Special Town Meeting Warrant article 5, amended handout
- B. Town Administrator Report
- C. Massachusetts Municipal Association A Perfect Storm: Cities and Towns Face Historic Fiscal Pressures
- D. Correspondence: South Coast Places for People: Route 6 Walk Audit Findings, Invitation to the Veterans Day Parade, Tuesday, November 11, 2025 and Open Meeting Law Determination: OML 2025 – 154

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

Accepted on ____



Monday, October 27, 2025

CORRESPONDENCE

1. Atlas Tack Working Group Email: Karen Vilandry, President, Hands Across the River Coalition, Inc.
2. Whitfield-Manjiro Friendship Society, Inc. letter: Gerald P. Rooney, Chairman & CEO
3. Philbrick Talk Email

Atlas Tack Working Group

1 message

Hands Across the River Coalition, Inc. <harcgnb@gmail.com>

Thu, Oct 9, 2025 at 12:59 PM

To: selectboard@fairhaven-ma.gov

Cc: "khickey@fairhaven-ma.gov" <khickey@fairhaven-ma.gov>, "Holmes, Marcus (AGO)" <marcus.d.holmes@mass.gov>, Staci Rubin's Cell <srubin@clf.org>, Governor Maura Healey <constituent.services@state.ma.us>, Mark.Sylvia@mahouse.gov, Emily.Field@mass.gov, denise@ace-ej.org, ahart@fairhaven-ma.gov, PBSMac@proton.me, Patti Estrella <patricia.a.estrella@gmail.com>

Dear Fairhaven Select Board Members:

Will you please put this request on the agenda for your next Select Board's meeting?

Will you please make the Atlas Tack Working Group an official Committee to allow the public to attend?

In so doing, Fairhaven residents can attend and for example, may offer information about individuals going into the building, vandalizing the property, etc. It's a heavily contaminated site as you know that is a major threat to our Town and surrounding areas. If on fire, it could spread toxic chemicals for miles jeopardizing the health and welfare of all!

If it were a Committee, nearby residents would be kept abreast of what's going on with the site especially since it's a Superfund Site close to their homes. They will have the opportunity to know what the EPA, DEP, and property owners are planning to do to remediate the property.

The site is approximately 48 acres so is a massive, hazardous site!

Both the police and fire chiefs submitted letters with safety concerns about the building. The police letter says that trespassers have entered the building and police officers have had to respond. With the building in such disrepair, it is dangerous for officers and the public.

We've spoken to the Fairhaven Town Administrator about this Atlas Tack Working Group who agrees that it needs to be an open meeting to the public. In fact, he suggested that we ask you to make this group an official Committee so that it's open to the public.

So will you please make it a Committee? It's crucial to allow Fairhaven residents to know what's going on with that Superfund Site!

Thank you.

Cordially,

Karen A. Vilandry

Karen A. Vilandry, President
Hands Across the River Coalition, Inc.
lecr
harcgnb@gmail.com
<https://www.facebook.com/harcgnb>
508-951-1184



Whitfield-Manjiro Friendship Society, Inc.

11 Cherry Street, Fairhaven, MA 02719

Tel. 508-858-5303

www.Whitfield-Manjiro.org

SELECT BOARD

2025 OCT 16 12:29 12:29

J2

**President & CEO
Gerald P. Rooney**

**Honorary President
In memorium
Dr. Shigeaki Hinohara**

Mr. Charles Murphy
Chairman
Selectboard
Town of Fairhaven
Town Hall
Fairhaven, MA 02719

Dear Chairman Murphy,

Now that the 19th Manjiro Festival has passed, we wish to take a few lines to thank you for all your efforts to make this a memorable event for the local population as well as the delegation from the town's "sister city", Tosashimizu. The crowning touch to our combined efforts was the "perfect weather" ordered from "above".

Two years from now the 20th Manjiro Festival is scheduled to take place here. We would hope that, by that time, the roles of the Town and our Society will be well established so that those involved clearly understand their part and another grand event will be to the credit of both parties.

Again we thank you for your significant role in insuring that this festival was enjoyed by all as was evident by the shower of compliments received from the public as well as our guests from Tosashimizu.

Gerald P. Rooney, Chairman & CEO

A 501(c)3 non-profit agency (donations are tax-deductible)

Philbrick Talk

1 message

mark badwey <mbadwey@yahoo.com>

Tue, Oct 21, 2025 at 11:57 PM

To: "selectboard@fairhaven-ma.gov" <selectboard@fairhaven-ma.gov>

To: The Fairhaven Select Board,

On behalf of The Fairhaven Historical Society and The Fairhaven Department Of Fine Arts we would like to thank the Fairhaven Select Board for the use of town hall for our event, "A Night With Nathaniel Philbrick." It is because of your generosity and the hard work of many others that makes these events possible for it's residents.

The event was a huge success with over 420 guests in attendance. We even had a doorman greeting our guests as they arrived.

Our last couple of events have drawn standing room only crowds which helps show that the arts are "alive and well" in Fairhaven.

Through your continued support we plan on bringing more events like this one in the years to come. This coming April we plan on having Author, Charles Slack, to give a talk on his acclaimed book, Liberty's First Crisis.

We are all so proud that the townspeople of Fairhaven have such a deep-seated passion for art and culture.

So, thank you again for helping to keep this town the special place that it's always been !!

Respectfully,
Enrique Goytizolo
President
Fairhaven Historical Society

and

Mark Badwey
Art Curator
Fairhaven Department Of Fine Arts