FAIRHAVEN SELECT BOARD
Meeting Minutes
August 10, 2026

Present: Andrew Romano, Natalie A. Mello, Pam Kuechler, Andrew Saunders, Richard F. Trapilo and Keith R. Hickey

Mr. Romano opened the Select Board meeting at 6:00pm

A moment of silence was observed in memory of former Fairhaven Town Clerk Elaine Rocha.

PUBLIC COMMENT

Mark Jewet of New Boston Road addressed the Board about high-speed traffic on New Boston Road. He mentioned speaking with the Board and Police Safety Officer in the past and the speeding has continued. He shared concerns about safety.

Linda Gallant of Bridge Street addressed the Board with concerns about speeding traffic on Bridge Street traveling to Route 240, accidents, impatient drivers, bikes, e-bikes and electric scooters and hazards with the speeding. She shared her concern that something is going to happen.

APPOINTMENTS / COMMUNITY ITEMS

Discussion on Flock Cameras

Chief Dorgan addressed the Board and provided background information and a brief history of the use of the system and spoke to his letter and a presentation (***Attachment A***). Mr. Romano and Ms. Mello watched a demonstration of the system at the station. Chief Dorgan reviewed the program and funding. The Board asked questions about data collection, how access to review the data and audit logs happens, how data is stored and what the process entails for requesting data from another community. Chief Dorgan agreed to hold Q&A meetings as needed at Town Hall.

Consider Revised Board/Committee Handbook

Mr. Romano summarized the recommended amendments to the Board/Committee Handbook, most of the changes were from "Selectmen" to "Select Board" or context errors. The Board discussed other grammatical amendments and how to handle the bylaw amendments currently being reviewed by the state. Some on the Board supported incorporating the spirit of Town Meeting and others supported waiting for the state's determination and suggested deferring the vote.

Motion: Mr. Saunders motioned to accept the revised Board/Committee Handbook as presented. Ms. Kuechler seconded. The motion passed (4-1-0) Mr. Trapilo opposed.

Consider Revised Appointment/Annual Reappointment Process/Policy

Mr. Romano addressed the Board about the process as outlined with suggestions for advertising online and sending to the Fairhaven Neighborhood News about town section. The Reappointments would be a separate meeting with only reappointments as their agenda item and applicants would be expected to appear before the Board.

Discussion ensued about determining eligibility for those serving on more than two boards.

Beth David of Dogwood addressed the Board to clarify the title of the section is "Around Town Happenings" in the Neighborhood News.

Motion: Mr. Saunders motioned to accept the revised appointment/annual reappointment process and revised application as amended. Ms. Kuechler seconded. The motion passed (4-1-0) Mr. Trapilo opposed.

Appointment of Members to the Budget Working Group

Mr. Romano advised the Board that he reached out to each applicant based on the seven spots. He also reached out to Pat Elliott, Chair of the Finance Committee, who will appoint a Finance Committee member if he does not serve himself. Mr. Romano called each applicant to address the Board in the order of their submission. He advised the

Board that Robert Baldwin's application came in after the deadline of noon on August 5, 2026 (the form was received at 1:49pm on August 5, 2026) and due to the agenda not being posted until August 6, 2026, he was included on the agenda. Dr. Baldwin advised the Board he would understand if his application was not considered due to being sent late.

Brief discussion ensued about the Budget Working Group (BWG) categories established by the Board and whether to appoint more than seven. Mr. Romano asked the Board whether to move forward as advertised for the seven categories or table this item to consider changes and re-advertise. Some on the Board spoke in favor of opening up for additional applicants with concerns about delays while others on the Board supported moving forward as advertised and advertising to consider additional candidates. The consensus was to proceed with interviews.

Ken Blanchard, Anne Soares, Dan Lopes, Gunner Hexum, Robert Grindrod, Jason Lanagan, Mark Rees and Robert Baldwin each addressed the Board about their application and qualifications under the category or categories each identified they were qualified for. The Board asked clarifying questions and Mr. Romano asked each candidate the same question: How will you ensure your decisions comply with applicable laws, regulations, and town bylaws, even if they conflict with your personal opinions?

Jeffrey Messier and Benjamin Reis were not present to address the Board.

By category:

1 - Finance Committee, Pat Elliott will appoint a member if he is not able to serve.

2 - Resident with CPA, accountant, auditor, CFO, or budget professional knowledge.

Motion: Ms. Mello motioned to appoint Mark Rees under category two. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

3 - Resident business owner or operations manager.

Motion: Ms. Kuechler motioned to nominate Jason Lanagan under category three. Ms. Mello seconded.

Motion: Mr. Trapilo motioned to nominate Dan Lopes under category three. No second. The motion failed.

On the Motion by Ms. Kuechler to nominate Jason Lanagan under category three. Seconded by Ms. Mello. The motion passed unanimously (5-0-0).

4 – Resident with public safety experience, such as retired police, fire, EMS.

Motion: Mr. Trapilo motioned to nominate Ken Blanchard under category four. Mr. Saunders seconded. The motion failed (2-3-0) Ms. Kuechler, Mr. Romano and Ms. Mello opposed.

Motion: Ms. Mello motioned to table category four to August 24, 2026 to consider the late application. Ms. Kuechler seconded.

Discussion ensued, Mr. Trapilo said this goes against what the Board is trying to do, there is a policy and there was a deadline. Discussion continued about the previous Board vote on the handbook and to move forward with seven appointments for the BWG. Mr. Romano stated the handbook process states the Board is under no requirement to fill a position.

On the Motion by Ms. Mello to table category four to August 24, 2026 to consider the late application. Seconded by Ms. Kuechler. The motion failed (2-3-0) Mr. Trapilo, Mr. Romano and Mr. Saunders opposed.

No other motions under category four were made.

5 – Resident with education, school finance, or school administration experience.

Motion: Ms. Mello motioned to appoint Robert Baldwin under category five. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

6 – Resident with procurement, construction, facilities, engineering, or public works experience.

Motion: Mr. Romano motioned to appoint Daniel Lopes under category six. Ms. Mello seconded. The motion passed unanimously (5-0-0).

7 – Resident IT professional

Motion: Ms. Kuechler motioned to appoint Gunner Hexum under category seven. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Category four, a resident with public safety experience remains unfilled; the Board set a deadline of noon on August 19, 2026 for applications for category four. Members appointed tonight should be sworn in at the Town Clerk's Office.

The Board recessed from 7:45pm to 7:50pm

Appoint Select Board Liaison to the Budget Working Group

Members Trapilo and Romano expressed interest in the liaison role; each spoke to their interest in serving as liaison to the BWG.

Motion: Ms. Kuechler motioned to appoint Andrew Romano to the Budget Working Group. Ms. Mello seconded. The motion passed (3-2-0) Mr. Saunders and Mr. Trapilo opposed.

Mr. Saunders recused himself and left the Banquet Room for the next item

Appointment Request: Livable Streets Committee: Erin Carr

Ms. Carr addressed the Board about her interests, qualifications and answered the Board's questions.

Motion: Mr. Trapilo motioned to appoint Erin Carr to the Livable Streets Committee for a term through September, 2026. Ms. Kuechler seconded. The motion failed (2-2-1) Ms. Mello and Mr. Romano opposed, Mr. Saunders recused.

Mr. Saunders returned to the Banquet Room.

Appointment Request: Atlas Tack Working Group: Keith Silvia

Mr. Silvia addressed the Board about his interest in remaining on now that he is not a Select Board member and answered the Board's questions.

Motion: Mr. Saunders motioned to appoint Keith Silvia to the Atlas Tack Working Group for a term to expire upon completion. Mr. Trapilo seconded. The motion passed unanimously (5-0-0).

EXECUTIVE SESSION

Motion: Mr. Saunders motioned to enter Executive Session pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (NEPD versus Town of Fairhaven); AND Pursuant to G.L. c. 30A, § 21(a)(2) [t]o conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with nonunion personnel: Keith Hickey, AND to return to Open Session. Ms. Kuechler seconded. Roll Call Vote, Mr. Saunders, Ms. Kuechler, Mr. Romano, Ms. Mello and Mr. Trapilo in favor. The motion passed unanimously (5-0-0).

The Select Board adjourned to Executive Session from 8:08pm to 8:27pm

ACTION / DISCUSSION

Town Counsel Heather White –Harrington Heep LLP Fee Agreement and Labor Proposal

Atty. Heather White addressed the Board, she will be joining the firm of Harrington Heep (HH) effective September 1, 2026 due to the change in focus at Petrini & Associates (P&A) where they will no longer provide General Counsel services.

Discussion ensued with the Board about the services available at HH, the deeper bench of attorneys at HH, considering HH for Labor Counsel, issuing a Request for Proposals (RFP) and the interest of the Town's current Labor Counsel firm of Mead, Talerman and Costa (MTC) to submit a proposal to provide General and Labor Counsel services to the Town.

Mr. Hickey has had the opportunity to work closely with Atty. White and shared his recommendation that staying with Atty. White through HH is in the Town and staff's best interests. Discussion continued about timelines and interim coverage. Public Works Superintendent Vinnie Furtado addressed the Board in support of retaining Atty. White based on the thoroughness of her work, especially with contracts and attention to detail. Atty. Chris Brown of HH addressed the Board and offered to answer any questions about the proposal. The consensus of the Board was to have a discussion at a later date about Labor Counsel.

Motion: Mr. Saunders motioned to approve transitioning General and Labor Counsel to Harrington Heep, LLP. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Consideration of Retaining Petrini and Associates for Special Counsel for the Wastewater Facility Upgrades

Mr. Furtado addressed the Board about retaining P&A for counsel on the Wastewater Treatment Facility project due to the ongoing work and conflicts with a contractor that P&A is familiar with and have been handling. Atty. Chris Petrini addressed the Board via Zoom to answer questions and said that P&A's area of strength is with this type of litigation and it would be more cost effective than trying to get another firm up to speed.

Motion: Mr. Saunders motioned to retain Petrini and Associates as Special Counsel for the Wastewater Pollution Control Facility. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Review Legal Expenses and Protocol for Authorizing Contacting Town Counsel

Mr. Trapilo thanked Mr. Hickey for the timely delivery of information and asked if all Town managers and Town Counsel are following the procedure. Mr. Hickey referred to his memo (***Attachment B***) advised the Board that Atty. White and staff are very aware of and follow the policy about contacting legal counsel. There are few exceptions and Atty. White has been a gatekeeper when a request has been made outside of the procedure.

Mr. Trapilo asked if there is room for reductions in the legal expenses. Mr. Hickey advised that a lot of the legal expenses are outside of staff's control due to litigation from the Planning Board and Zoning Board of Appeals. Some expenses have been costly and avoidable if those with the interest to put the Town first handled interactions and differences of opinion better. Mr. Hickey explained that this is a work in progress.

Mr. Romano addressed the Board regarding the vote on a Select Board liaison to the Budget Working Group and asked the Board to discuss and reconsider the item.

Motion: Mr. Romano motioned to reconsider item B5. Mr. Saunders seconded. The motion passed unanimously (5-0-0).

Mr. Romano explained his interest in being the BWG liaison, that he was surprised at the reaction and that he was withdrawing from being the BWG liaison. Brief discussion ensued about the vote, Mr. Trapilo said to let the Board's vote stand, he was impressed with those who stepped forward. Mr. Romano restated that he would withdraw as the liaison and asked for another member to step forward.

Motion: Mr. Romano motioned to appoint Rick Trapilo as Select Board liaison to the Budget Working Group. Ms. Kuechler seconded. The motion passed (4-1-0) Mr. Trapilo opposed.

Town Administrator Annual Performance Review

Mr. Romano thanked the Board for turning in their reviews. The rating scale was five categories: not applicable, needs improvement, ongoing, achieved or excelled. In seven of the eight criteria measured, Mr. Hickey scored the highest rating of excelled and in one, the score was very close at achieved. One vote under planning and organization indicated the conversation was ongoing and will be incorporated into goal setting.

Contractually, the Board can award a bonus of up to three-thousand dollars. Mr. Romano opened up for the Board to discuss.

Discussion ensued as to Mr. Hickey's overall performance and all members, with the exception of Mr. Trapilo, were in support of awarding the three-thousand-dollar bonus as outlined in Mr. Hickey's contract. Mr. Trapilo suggested deferring discussion on the bonus until later in the fiscal year once the Board has a better understanding of the Town's finances.

Mr. Hickey said a three-thousand-dollar bonus represents a 1.6% raise and is a contractual obligation that he would forego to negotiate with the Board if they were open to scheduling an Executive Session to start negotiations.

Motion: Mr. Saunders motioned to approve the Town Administrator's annual evaluation and award a bonus of three-thousand-dollars as presented. Ms. Kuechler seconded. The motion passed (4-1-0) Mr. Trapilo opposed.

Consider Select Board Proposed Amendments to the Town Administrator's Employment Agreement

Mr. Romano proposed a change to the evaluation date in Mr. Hickey's contract to align with Town elections so that the Board is able to complete the evaluation before a new Board is in place.

Motion: Mr. Saunders motioned to amend the Town Administrator's Employment Agreement to read, the evaluation should take place on or before June 1st. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Accept the Retirement of Marcy Christ: Fairhaven Police Department

The Board reviewed the item, thanked her for her service to the Town and wished her well in her retirement.

Motion: Mr. Saunders motioned to accept the Retirement of Marcy Christ from the Fairhaven Police Department as presented. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Establish Town Administrator Goals for FY27

The Board's packet contained FY28 draft goals and Mr. Hickey asked the Board to table the goal setting to the next meeting in order to provide the revised version for 2026-2027.

Motion: Mr. Saunders motioned to. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Consider Draft Letter to the Environmental Protection Agency (EPA) regarding New Bedford Harbor Combined Sewer Overflow (CSO) Discharge

Mr. Hickey spoke to the outreach to New Bedford's Mayor and an update from Mr. Furtado and asked the Board to hold off at this time. Ms. Kuechler had a conversation with a Select Board member from Dartmouth where there is potential interest to work together. Mr. Hickey offered to connect with the Dartmouth Town Administrator. Mr. Trapilo advised the Board that SRPEDD is drafting a letter for the towns in SRPEDD to sign collectively.

Motion: Mr. Saunders motioned to indefinitely table item D8 until Rick Trapilo brings the item back. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (***Attachment C***). He met earlier today with staff from Building, Planning, Conservation, Heath, Public Works, Mr. Romano and Atty. White regarding concerns on West Island development. Heath and zoning concerns were raised and data is needed. They will look for grant funds to review and study

modifications to the septic bylaws for Spring Town Meeting 2027. Mr. Hickey will summarize the concerns for the Board, the concerns are not just about West Island, they also involve impacts to the shoreline. Other members of the Board shared that they have spoken with residents about similar concerns.

The auditor's presentation date is being coordinated, their preference is to attend via Zoom.

Mr. Hickey has met with a company regarding leasing space outdoors for internet boosters at the Recreation Center and Council on Aging location.

Mr. Hickey also met with a resident who was concerned about the deadline that was set for submissions of Citizen's Petitions. The Board can consider a future agenda item to move the deadline closer to the warrant closing.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders had no reports and asked Ms. Hart to provide a revised list of meeting dates.

Ms. Kuechler:

- Spoke with Mark Sylvia who said he would come to a meeting to discuss the status of combined sewer overflows from a state level if the Board would like to discuss.

Ms. Mello:

- The Historical Commission met and shared concerns about finding someone to use the Academy Building so it does not remain dormant
- The Public Safety Complex Committee met and will bring a request to use funds for a RFQ to the Board

Mr. Trapilo:

- Mr. Trapilo thanked Mr. Romano for the organized agendas
- He reached out to Mr. Furtado to ask if the water treatment plant is secured from attacks like malware and he said he would check and report back. He also asked Mr. Furtado about PFAS chemicals in groundwater and was told testing is done and nothing showed up.
- He asked Mr. Hickey to invite the School Superintendent and School Board to attend for the financial presentation, discuss issues with the School Department that impact the warrant and the topic of open school enrollment.
- Mr. Trapilo spoke to (***Attachment D,***) his response to a letter from a Town employee.

Mr. Romano:

- He held his first monthly office hours earlier today, attended by six people, topics discussed were trash fees, the library HVAC project, what positions to cut/not fund and will share with the appropriate entities.
- He mentioned he sat in with Department Heads on a meeting regarding West Island that Mr. Hickey covered in his TA Report and had a demonstration of the Flock cameras earlier today.

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting will be on **Monday, August 24, 2026** at 6:00pm

The Select Board adjourned at 9:57pm

ATTACHMENTS

A. Chief Dorgan Correspondence regarding Flock Cameras
B. Keith Hickey Memo regarding legal expenses
C. Town Administrator Report
D. Rick Trapilo Correspondence in response to a letter from a Town employee

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

Accepted on August 24, 2026

Attachment A

Commonwealth of Massachusetts
TOWN OF FAIRHAVEN
POLICE DEPARTMENT
1 Bryant Lane
Fairhaven, MA 02719
Phone 508-997-7421
Fax 508-997-3147
www.fairhavenpolice.org

Daniel M. Dorgan
Chief of Police

August 6, 2026

From: Daniel M. Dorgan, Chief of Police

Fairhaven Police Department

To: Keith Hickey, Town Administrator

Andrew Romano, Chair, Town of Fairhaven Select board

The Fairhaven Police Department (FPD) initiated a five-year contract with Flock Safety for four ALPR (Automatic License Plate Reader) cameras in September 2023 using $62,700.00 in ARPA funding to pay for the initial project.

A second contract was entered into with Flock Safety in March of 2026 for the deployment of two more ALPR cameras. This project, totaling $4,500.00, was paid using Federal monies received from seizures related to drug investigations.

Currently, funding supports two contracts for 6 cameras strategically placed at entrances to the town and other choke points on the roadway with both contracts set to expire in September of 2028. The department also utilizes an array of other non-ALPR Avigilon cameras that are owned by the town and were approved at town meeting in 2018. These cameras are strategically positioned on main thoroughfares and intersections throughout town, as well as in town owned parks and other recreation areas. We also utilize businesses and residents privately owned cameras when possible to assist us in solving cases.

Operational Mechanics:
ALPR technology captures static images of passing vehicles and license plates.

Data Captured:

- The system records basic vehicle descriptions alongside the date and time of the image. The technology does not track people.
- There is no race or gender identification or biometrics in a FLOCK ALPR device.

- FLOCK ALPR does not collect sensitive information like names or addresses. Does not have access to personal identifiers, the cameras only see license plates and vehicle characteristics, all things that are public information in the plain view in which there is no expectation of privacy.
- FLOCK ensures privacy protections are deeply embedded in how the system functions.

System Limitations:

- The equipment does not capture video, identify vehicle occupants, or monitor continuous vehicle movements.
- Technology was built to provide transparency and accountability
- All photographs are deleted within 30 days unless flagged by our department as involved in an active investigation.
- Most photos that exist are never viewed and are deleted without being reviewed and they are only viewed if a police officer has reason to believe that a vehicle has been used in the commission of a crime.
- FLOCK does not share data. FLOCK enables the sharing of data by their users. Users choose who they share with. They can turn on national lookup and share with every other FLOCK user in the country, or they can share with just their local agencies. Agencies make sharing decisions, not FLOCK.
- FLOCK does not have facial recognition technology.
- ICE does not use FLOCK technology to find undocumented immigrants. Flock does not have a direct contract with ICE.

Security, Monitoring and Privacy Safeguards:

Strict internal policies govern ALPR utilization to ensure ethical implementation and operational integrity.

Query Requirements:

- All system searches must serve a valid law enforcement objective, accompanied by any corresponding incident report number and a documented rationale as well as the username of the officer requesting the query.
- Enforcement Protocol: An ALPR alert provides no independent legal justification for enforcement. Visual confirmation by an officer is mandatory prior to action.
- Information Sharing: FPD system data is actively shared with law enforcement agencies.
- Accountability: The software incorporates comprehensive auditing features to monitor compliance with departmental directives.
- The department remains dedicated to the transparent and ethical deployment of technology. Sustaining this capability requires strict adherence to operational guidelines, continuous oversight, and the maintenance of public confidence.
- Each use is preserved in an audit log permanently and that document is a public record.
- AI assistance can be utilized by municipalities to audit logs and flag abnormal use.
- Enterprise grade and top of the line information security protecting FLOCK systems and data.
- Requires multi factor authentication for every user to log into the system/layers of protection.

Law Enforcement Application:

The system generates an alert when a captured license plate corresponds to a stolen vehicle, a wanted individual, missing/endangered person or a reported offense. Upon receiving a notification, officers must visually verify the alert's accuracy before initiating an appropriate response.

Departmental personnel investigating offenses may query the ALPR database in conjunction with an investigation. It is important to note that information derived from the system serves strictly as an investigative lead; it does not constitute probable cause for criminal charges or apprehension.

Vehicles are frequently utilized in criminal activity. Consequently, ALPR technology is instrumental for the following objectives:

- Recovering stolen property.
- Apprehending violent offenders and wanted individuals.
- Locating missing or endangered persons.
- Generating critical leads for active investigations.

This capability enhances investigative precision and operational effectiveness. These incidents represent just a few of numerous cases resolved using ALPR data. Since acquiring ALPR in 2019, this technology has provided dramatic benefits in the prevention and investigation of criminal offenses.

In addition to assisting in criminal investigations, LPR's act as a first alert system, notifying officers when stolen vehicles enter the town. Every such notification generates a patrol response deterring further incidents within our jurisdiction.

I feel that as an investigative tool this technology had proved to be extremely valuable. The Fairhaven Police Department, our mission, and the values of the Town Fairhaven align with using the technology ethically, and to enhance the overall safety of our residents, visitors, and businesses. Having had advanced camera technology in Fairhaven since 2018 there have been no issues or instances regarding privacy violations. Removal of this technology at this time would only negatively effect the citizens and visitors of the Town of Fairhaven, as the loss of ALPRs would not affect our proactive policing, only slowing our ability to build cases, locate endangered people, and solve crimes that effect our community.

Respectfully Submitted,

Daniel M. Dorgan
Chief of Police
Fairhaven Police Department

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Select Board
Andrew Romano, Chair
Natalie A. Mello, Vice Chair
Pamela Kuechler, Clerk
Andrew B. Saunders
Richard Trapilo

Town Administrator/
Keith R. Hickey

MEMO

DATE: August 6, 2026

TO: Select Board

FROM: Keith R. Hickey, Town Administrator

RE: Requested Legal Information

Recently, Select Board member requested the following information regarding the Town's legal representation be provided to the Select Board.

1. **A three-year history of the Town of Fairhaven's legal expense line item, including annual expenditures.** Attached to this memorandum are spreadsheets detailing the Town's legal expenditures for the past three fiscal years. During this period, the Town has primarily utilized two law firms:

    - **Mead, Talerman & Costa, LLC** for labor and employment-related legal services.
    - **Petrini & Associates, P.C.** for general municipal legal services.

    The FY24 and FY25 expenditure summaries for Petrini & Associates include approximately $60,000 in labor-related legal expenses. These costs were incurred in connection with matters involving members of Town boards appointed by the Select Board. Although these services involved Board-related issues, they were appropriately billed through the Town's general counsel due to the nature of the matters being addressed.

    In FY26, Petrini & Associates has represented the Board of Public Works in mediation with the general contractor for the Wastewater Treatment Plant Upgrade Project. These legal expenses are being charged directly to the sewer project rather than the Town's general legal services budget. Below is a summary of the annual legal expenses for FY24-FY26.

Summary of Annual Legal Expenses

Legal Firm	FY24	FY25	FY26
Clifford and Kenny	$113,766.25	$111,353.75	$ 2,093.75
Mead, Talerman and Costa	$ 7,261.00	$ 56,767.98	$ 83,865.00
Petrini and Associates	$281,213.58	$198,614.70	$230,251.48
Harrington Heep LLP			$ 12,407.50
Employment Settlement	$ 25,768.44		
Total Legal Expenses by Fiscal Year	$428,009.27	$366,736.43	$328,617.73
Legal Expenses Charged to General Fund	$353,129.68	$347,222.95	$325,086.34
Original Legal Appropriation	$180,000.00	$385,777.00	$300,000.00

A detailed list of the legal matters are attached to this memo.

2. **An explanation of who has the authority to engage Town Counsel and request legal services.** Department Heads, with the exception of the Director of Public Works, must receive authorization from the Town Administrator before contacting Town Counsel.

   Historically, the administration of the Board of Public Works has been permitted to engage legal counsel directly without prior approval from the Town Administrator due to the specialized legal matters associated with the Department's operations and capital projects.

   The Select Board has also adopted a protocol governing requests for legal opinions by Select Board members.

   > Protocol 13 Process of Seeking Legal Opinion
   > If a Select Board member want a legal opinion from Town or Labor Counsel, they must provide a communication to the Town Administrator with an explanation of what they are looking for and what they have done to date to take advantage of freely available information. The Town Administrator will determine if counsel is needed. If the Town Administrator denies the request, the member may request an agenda action item vote of the Select Board membership to request that the Town Administrator seek said legal opinion.

   Similarly, all other Town boards and commissions must obtain approval from the Town Administrator before engaging Town Counsel.

3. **Any written Town policies, procedures, or rules governing the engagement of Town Counsel.** The Town's procedures governing requests for legal services are outlined in the Select Board's adopted communication protocols, specifically **Protocol 13,** which is summarized above.

Beyond this protocol, there are no additional written Town-wide policies governing the engagement of legal counsel. Administrative practice has been that Department Heads obtain prior approval from the Town Administrator before contacting legal counsel, with the historical exception of the Board of Public Works as described above.

4. **A copy of the Town's current agreement or contract with our legal counsel, including:**
    - i. **The scope of services.**
    - ii. **Any retainer arrangement.**
    - iii. **Hourly billing rates.**
    - iv. **Any other applicable terms and conditions.**

Copies of the Town's current legal services agreements are attached. These agreements include the requested information regarding the scope of services, billing arrangements, hourly rates, and all other applicable contractual terms and conditions.

Attachment C

Town of Fairhaven
Report of the Town Administrator
August 10, 2026

Financial Updates

- The FY25 Single Audit was received over the past week. This is a required annual audit for communities that receive a total of $1 million in federal funds or more. There were no audit findings in the report.

Project Updates

- Department heads and I met with Attorney Heather White to discuss the impact of current and proposed development on West Island. The meeting addressed the application of current health, building and zoning bylaws when considering improvements on individual building lots.

Personnel Update

- The Board of Public Works has hired a new Water Superintendent. His name is Michael Sanford. He began work on August 3rd.
- Susan Rizzo has been hired as Payroll Coordinator, a stipend position. She began training this week.

Miscellaneous Updates

- Fairhaven Recreation is hosting a special outdoor movie night on Friday, August 28, at 7:00 PM, featuring a 55th Anniversary showing of Willy Wonka and the Chocolate Factory. Admission is just $10 per family, and popcorn and a sweet treat are included. Bring your blankets and lawn chairs and enjoy a fun evening under the stars. Registration is available now at fairhavenrecreation.activityreg.com.

Attachment D

Re: Food for thought

1 message

Rick Trapilo <rtrapilo@fairhaven-ma.gov> Sat, Aug 8, 2026 at 11:44 AM
To: Andrew Romano <aromano@fairhaven-ma.gov>
Cc: Keith Hickey <khickey@fairhaven-ma.gov>, Amy Hart <ahart@fairhaven-ma.gov>, Anne Carreiro <amc@fairhaven-ma.gov>, reallyexhaustedbutstillworking@yahoo.com

Anonymous Town Employee,

First, thank you for taking the time to write your thoughtful letter. I appreciate your dedication to the Town of Fairhaven and your willingness to share your perspective. Although your letter was submitted anonymously, I respect the sincerity of your comments.

My comments and long-term financial concerns have never been intended as criticism of the hardworking employees who serve the residents of Fairhaven. During our Select Board meeting on July 27, 2026, our Chair stated that my comments were "insulting" to Town employees. I believe that characterization reflects a fundamental misunderstanding of both my comments and the systemic magnitude of the financial challenges facing our Town.

The structural deficits identified in our recent financial forecast did not develop overnight, nor did they originate with the employees who faithfully carry out their responsibilities every day.

Responsibility for the Town's long-term financial position rests with the financial decisions, policies, and planning made over many years by Town leadership, including previous Select Boards, Town Administrators, and department heads responsible for developing and recommending budgets, staffing levels, compensation plans, capital expenditures, and long-term financial strategies.

There is an important lesson that has been demonstrated repeatedly in both the public and private sectors: when leadership fails to address financial problems early and makes difficult decisions, it is almost always the hardworking employees who ultimately bear the consequences.

Employees are often the ones who experience hiring freezes, delayed wage increases, layoffs, reductions in services, increased workloads, and fewer resources. They are not responsible for creating financial problems, yet they frequently suffer the greatest consequences when those problems are allowed to grow.

That is precisely what I am trying to prevent.

My objective is to address Fairhaven's financial challenges now, while we still have the opportunity to make thoughtful and measured decisions, rather than waiting until the situation becomes a financial crisis that forces far more painful choices on both employees and taxpayers.

The projected deficits of approximately $1.6 million to more than $4 million through Fiscal Year 2031 require us to ask difficult questions. My proposal for a temporary hiring freeze and wage freeze was not intended to diminish the value of our employees or suggest that they are "the problem." It is a temporary fiscal management measure intended to give Town leadership the opportunity to stabilize our finances while we carefully evaluate the causes of the structural deficit and develop sustainable long-term solutions.

I agree with you that every aspect of our finances deserves careful review. That includes revenues, expenditures, staffing, operational efficiencies, capital planning, service levels, contractual obligations, and opportunities for economic growth.

I also agree that our department heads and employees are an important part of that process. The people who work in our departments every day often have the best understanding of where efficiencies can be achieved, where resources are being stretched too thin, and where investments are necessary to maintain the quality of services our residents expect.

I am hopeful that the soon-to-be-organized Budget Task Force will bring together the information, experience, and ideas necessary to identify responsible solutions that protect both our taxpayers and the employees who serve them.

Transparency and honest discussion are not intended to divide us. They are necessary to ensure that our taxpayers understand the financial realities facing Fairhaven and that we work together to address them.

Ignoring a structural deficit would be a disservice to everyone.

It would be a disservice to our taxpayers, who ultimately fund Town government. It would be a disservice for our employees, who could face far more severe consequences if the financial situation continues to deteriorate. And it would be a disservice to the future of Fairhaven.

Please know that I value the dedication, professionalism, and hard work of our Town workforce. My responsibility as a Select Board member is not simply to protect the Town's finances today, but to help ensure that Fairhaven remains financially strong enough to support its employees, maintain essential services, and meet its obligations to taxpayers for years to come.

I believe we ultimately share the same objective: a financially stable Town that continues to provide excellent public services and treats its employees with respect.

On that objective, I believe we are on the same side.

Respectfully,

Richard F. Trapilo
Select Board Member

--------- Forwarded message ---------
From: **Concerned Employee** <reallyexhaustedbutstillworking@yahoo.com>
Date: Fri, Aug 7, 2026 at 10:48 AM
Subject: Food for thought
To: <selectboard@fairhaven-ma.gov>
Cc: <khickey@fairhaven-ma.gov>

I have written and rewritten this many, many times after casually picking up the neighborhood news for the wah may coupon. That is the end of my joking for a moment.

This is specifically in response to Mr. Trapilo's repeated comments about "efficiency" and all the stuff that directly and indirectly implies that staff is the problem.

As someone who works for the Town and has dedicated myself to serving Fairhaven, I would respectfully ask that the conversation about fiscal responsibility not lose sight of the people behind the numbers. **Town employees are not simply positions, classifications, or expenditures on a spreadsheet.** They are the people who answer residents' calls, maintain our roads and buildings, process permits and payments, respond to emergencies, care for our seniors and children, manage payroll and finances, enforce regulations, maintain public records, support our boards and committees, and keep the day-to-day operations of Town government moving.

We come to work every day with the expectation that our work matters and that our efforts are valued. A blanket hiring and wage freeze, particularly when presented without consideration of the workload, retention, recruitment challenges, cost of living, and responsibilities carried by individual departments, can understandably feel demoralizing to the very employees being asked to continue providing excellent service with limited resources.

Fiscal responsibility and employee appreciation should not be mutually exclusive. *You cannot continually ask employees to do more with less while publicly framing their wages and positions as the problem.* And using multiple social media pages to rally people around a problem that has not been fully evaluated. Reading through the comments is truly eye-opening and made me sick. I have been up all night thinking through this response and it is why I am sending it anonymously.

If Fairhaven is facing a structural financial challenge, I believe the answer should include a comprehensive examination of revenues, expenditures, efficiencies, staffing needs, service levels, unfunded obligations, capital planning, and opportunities for sustainable growth. It should also include meaningful input from the employees and department heads who understand firsthand where efficiencies can be found—and where reductions or vacancies would ultimately affect the services residents receive.

There is certainly room for government to continually ask, "Can we do this better?" But I would also encourage us to ask, "What does it take to retain the people who make this Town function well?"

I am proud to be a Town employee. I am proud of the work I do and of the many dedicated employees I work alongside. We may not always agree on how Fairhaven should address its financial challenges, but I hope we can agree that the people who serve this community deserve to be part of the solution—not characterized primarily as a cost to be controlled.

I'm going to go back to work now, smile and do the best I can and as I do every single day.

--
Sent from Yahoo Mail

Best,
Andrew Romano
Chair, Fairhaven Select Board
C: 774.473.4049