



Fairhaven Planning Board

Town Hall · 40 center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Thursday, September 17, 2026 at 6:30PM

In person at Town hall or remotely log on to:

<https://us06web.zoom.us/j/93163358101?pwd=NXg5WnUxZ3lLK3drSVBBM2JPTXE0QT09>

or call 1-689-278-1000 - **Meeting ID: 931 6335 8101- Passcode: 740257**

Available on Fairhaven TV Channel 97 and fairhaventv.com the following day. 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 Bylaw Chapter 50 § 13, all government meetings are available through web/video conference and are recorded.

1) **GENERAL BUSINESS:**

- a) Welcome and Media notification
- b) Pledge of Allegiance
- c) Quorum/Attendance

2) **PUBLIC HEARING:**

3) **NEW/OTHER BUSINESS:** Open Meeting Law Complaints

a) **Patrick Carr**

- i. Review of Open Meeting Law complaint dated August 25, 2026 alleging that the cancellation of the meeting—despite pending requested agenda items—and subsequent electronic polling (which excluded a sitting member) resulted in unlawful serial deliberation and an invalid quorum determination regarding the August 11, 2026 Planning Board meeting. Discussion and possible vote to authorize the Vice Chair, in consultation with Town Counsel, to draft and submit the Board's official written response and take any remedial actions if any, pursuant to G.L. c. 30A, § 23(b) and 940 CMR 29.05.

Suggested Motion: "Motion to authorize the Vice Chair, in consultation with Town Counsel, to respond to the open meeting law complaint pursuant to G.L. c. 30A, § 23(b) and 940 CMR 29.05."

b) **Ruy DaSilva**

- i. Review of Open Meeting Law complaint dated August 25, 2026 alleging that electronic polling of members following a meeting cancellation resulted in unlawful serial deliberation and an invalid quorum determination regarding the August 11, 2026 Planning Board meeting. Discussion and possible vote to authorize the Vice Chair, in consultation with Town Counsel, to draft and submit the Board's official written response and take any remedial actions if any, pursuant to G.L. c. 30A, § 23(b) and 940 CMR 29.05.

Suggested Motion: "Motion to authorize the Vice Chair, in consultation with Town Counsel, to respond to the open meeting law complaint pursuant to G.L. c. 30A, § 23(b) and 940 CMR 29.05."

b) Jenn Cardoza

- i. Review of Open Meeting Law complaint dated August 23, alleging that the cancellation of the meeting—despite her requested agenda item—and subsequent electronic polling to confirm the cancellation constituted unlawful deliberation and serial communication regarding the August 11, 2026 Planning Board meeting.

Suggested Motion: “Motion to authorize the Vice Chair, in consultation with Town Counsel, to respond to the open meeting law complaint pursuant to G.L. c. 30A, § 23(b) and 940 CMR 29.05.”

c) Patrick Higgins

- i. Open Meeting Law Complaint 9/3/2026, Review and Remedial Action: Review of Open Meeting Law complaint filed alleging incomplete record-keeping of roll call votes. Discussion and possible votes to take remedial action by amending the previously approved Planning Board meeting minutes for 4/14/26, 4/28/26, 5/26/26, 6/30/26, 7/28/26 and 8/25/26 to explicitly list individual member names and votes pursuant to M.G.L. c. 30A, § 22(a) and § 23(b).

Suggested Motion: Move that the Planning Board take remedial action in response to the Open Meeting Law complaint dated September 3, 2026, by amending the previously approved meeting minutes for April 14, April 28, May 26, June 30, July 28, and August 25, 2026, to explicitly list the individual member names and their respective votes for all roll call votes taken, and to insert a comprehensive list of documents and exhibits used by the Board during those meetings in accordance with M.G.L. c. 30A, § 22(a) and § 23(b); and further, to authorize the Chair to forward this response and proof of remedial action to the complainant and the Attorney General’s Division of Open Government.

- 2) **NEXT MEETING:** September 22, 2026 @ 6:30PM
- 3) **ADJOURN:**