



**FAIRHAVEN SCHOOL COMMITTEE MINUTES**  
January 14, 2026

FAIRHAVEN TOWN CLERK  
RCUD 2026 FEB 17 PM3:38

MEMBERS PRESENT: Brian Monroe, Nicole Pacheco, Erik Andersen, Stephanie Pickup, Kelly Ochoa, Donna McKenna

STAFF PRESENT: Superintendent Tara Kohler, Assistant Superintendent Mark Balestracci, School Business Manager Nicole Potter

The meeting was called to order by Mr. Monroe at 6:30 pm.

A motion was made by Mrs. Pacheco to go into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares, to conduct strategy in preparation for negotiations with non union personnel, and to discuss the deployment of security personnel or devices, or strategies with respect thereto, and to return to open session, seconded by Mrs. Pickup, roll call vote, approved (6-0).

A motion was made by Mrs. Pacheco, to return into open session, seconded by Mrs. Pickup, roll call vote, approved (6-0). Resumed the open session at 7:16 pm.

***Report of the Student Advisory Committee:***

Student Advisory Committee member Vishva Patel reported that the Fairhaven High School DECA Chapter went to Districts, and six students qualified for States.

***Approval of Minutes:***

A motion was made by Mrs. Pacheco to approve the October 27, 2025 Revised Joint Session with the Select Board minutes with the slight revision of reversing who returned to the meeting via Zoom and who was returning in person, seconded by Ms. Ochoa, approved with one abstention of Mrs. McKenna (5-0).

A motion was made by Mrs. Pacheco to approve the November 12, 2025 Regular Session Minutes, seconded by Mrs. Pickup, approved (6-0).

A motion was made by Mrs. Pacheco to approve the December 3, 2025 Regular Session Minutes, seconded by Mrs. Pickup, approved (6-0).

A motion was made by Mrs. Pacheco to approve the December 3, 2025 Executive Session Minutes for content only, seconded by Ms. Ochoa, approved (6-0).

***Reports & Recommendations of the Superintendent:***

*Receive commendation regarding Leroy Wood School's Food Drive & Leroy L. Wood School named School of Recognition:*

Superintendent Kohler shared with the Committee that Leroy L. Wood School received a commendation for raising over 3,000 pounds of food during their food drive for the Shepard's Pantry (attachment A).

Superintendent Kohler also let the Committee know that Leroy L. Wood School earned the designation of School of Recognition! She was happy to state there is 100% student engagement at her recent walkthroughs and 90% third grade reading proficiency, and is attributing this to the Committee empowering our leadership to do what needed to be done with changes and targeted interventions. The Principal and Assistant Principal will be recognized on the Grand Staircase at the State House on January 21, 2026.

*Fairhaven High School Football Statehouse Recognition:*

Superintendent Kohler shared that she was able to attend the football team's recognition at the State House, which was hosted by Representative Mark Sylvia. He did an outstanding job, and as a Fairhaven High School alumnus, his role made the experience even more special. The students were seated in the House chamber, where Representative Sylvia shared some history, including that the architect who designed the State House also designed Fairhaven High School, with similar stained glass details. The group also visited the Senate chamber, where Senator Rodriques offered an impromptu and engaging history lesson about the state seal and the symbolism of compromise. While the students were there for the recognition and celebration, the experience became much more than that. The students were attentive, respectful, and truly great representatives of Fairhaven High School. The visit brought history and state government to life in a way that classroom lessons often cannot. Superintendent Kohler shared that the day exceeded expectations and was a moment of great pride. She also mentioned that she has spoken with Representative Sylvia about the possibility of creating a pilot program at the high school to involve students interested in government, potentially including a co-sponsored workshop. More information may be shared in the future.

*Discuss Snow Removal Protocol and Fleet Issues:*

Superintendent Kohler spoke to the Committee regarding the snow removal fleet stating we recently purchased a new truck a couple of years ago, and the older truck is now in poor condition and will need to be placed in surplus. Rather than requesting a replacement through Capital or purchasing another truck, we feel it makes more sense to work with the BPW and our vendor when needed, especially since snow events are much less frequent. She stated historically, we would have requested to replace the truck, but we do not believe there is a need to maintain two trucks in the fleet given current usage. Once the older truck is surplus, we will still have three trucks total, which is sufficient to maintain our lots and complete spring and fall field work.

Mr. Monroe believes the current snow removal enforcement lacks effectiveness. The sidewalks around the schools and Town itself are not properly cleaned and become dangerous. He proposed putting an Article in the Town Meeting introducing a progressive fining structure for failure to clear residential and commercial sidewalks.

A motion was made by Ms. Ochoa to direct the Superintendent to research and work with legal counsel to change the current Fairhaven code in regards to snow removal from residential and commercial properties for their sidewalks, seconded by Mrs. Pacheco, approved (6-0).

*Receive Budget Timeline:*

Superintendent Kohler presented two timelines to the Committee (attachments B). She explained that one is from the Town, the other is what she is proposing to this Committee for approval. She also stated she worked closely with the new Town Administrator, Keith Hickey, and they agreed upon the dates for both. Superintendent Kohler then went over the timelines. During the discussion the Budget Hearing that was set for April 15, 2026 was moved to March 18, 2026.

*Receive Preliminary Draft Budget:*

Superintendent Kohler also presented and explained items to the Committee having to do with the budget discussions (attachments C). She noted within the documents was the Budget presented to the Select Board from the Town Administrator that shows, based on their early projections, that without an override we're not going to have enough money to operate at level service, so we have been asked to come up with a level funded budget as well and to find out what the impacts would be for that. Superintendent Kohler stated formally for the record she has been told the Town is looking at a \$1.6 million dollar deficit. She said the numbers they projected for operations for the School Department are less than reality in that picture and believes the picture could potentially get worse than that. She stated the salary projections include a 2% COLA and typical lane changes, which both the Town and Schools projected. Our operational expenses exceed the Town estimates by approximately \$300,000 mostly due to Student Services costs such as transportation and out of district placements. Mr. Monroe noted concern that the town projected the School Department's operational expenses without consulting them. Superintendent Kohler stated that the town had to estimate something, so they applied a flat 2.5% increase to everyone's operational budgets as a rough starting point. However, this estimate is lower than the School's actual projected costs. She noted the Committee's concern that even small percentage differences can mean large dollar

amounts and explained that school expenses are not always predictable, as some areas have seen significant increases while others have not. They plan to share updated actual figures with the Town and look for possible reductions, but some cuts have already been made. Ultimately, there may need to be difficult decisions about whether certain programs can continue. Increases in maintenance and a \$150,000 laptop refresh cycle contribute to higher operational costs. She stated they can explore, in the future, shifting technology refresh to capital funding, etc. Superintendent Kohler went on to explain that the document regarding the Leroy L. Wood School is important because it relates to a special education teacher position at Wood that was previously cut from the budget. Stating instead of keeping the position, the District applied for and received an age span waiver for a specific subseparate program. The waiver was approved, but the State indicated that the District should take steps to avoid needing to request a waiver again in future years. She noted that this will likely continue to be an issue, and the position is not currently included in the budget. Superintendent Kohler reminded the Committee that this is a level service budget, which means everything we currently have would still be there, and that this is iteration one, this will keep shaping up in the next few meetings. She stated the State is currently working on Chapter 70 funding and we are still waiting for the governor's proposed budget and the updated SOA calculation. They noted that the district was able to secure funding recognition for a 151st student, rather than receiving only about \$30 per student, and have asked the Massachusetts legislative delegation to make that adjustment permanent. Discussions are happening at both the Secretary's office and in the Legislature, but no final decisions have been made yet.

***Upcoming Events:***

The Fairhaven High School Superbowl Champions will be recognized at the Select Board meeting on January 26, 2026. The next School Committee Meeting will be held February 11, 2026.

***New Business:***

*Receive update regarding Fairhaven High School storage project & Receive judgement from Land Court, Discuss & vote on the Occupancy Agreement with the Town of Fairhaven:*

Mr. Balestracci reported to the Committee that the District received a major legal victory toward completing a long-delayed storage project. The Massachusetts Land Court ruled in favor of Fairhaven Public Schools, annulling the Zoning Board of Appeals' revocation of the commercial building permit for the storage shed (attachment D). The permit issued on October 15, 2024, is reinstated, and cease and desist orders are withdrawn. Construction is progressing with roof sheathing and weatherproofing underway. He extended thanks to Greater New Bedford Voc Tech for their ongoing partnership and student involvement in the project.

Superintendent Kohler stated the field at the High School still needs restrooms in order to receive occupancy. She is working on an agreement with the Town where she will work with the building inspector, and the Town Administrator in order to seek a variance of the International Building Code from the State for fewer restrooms. Superintendent Kohler was also asked to ensure restroom funding is included in upcoming capital requests.

A motion was made by Ms. Ochoa to allow Superintendent Kohler to finalize the agreement drafted with counsel and the Town regarding occupancy on the field and sign the agreement on behalf of the Committee, seconded by Mrs. Pacheco, approved (6-0).

A motion was made by Ms. Ochoa to accept a \$500 donation from the Fairhaven Road Race Inc. for the Fairhaven High School Band, seconded by Mrs. Pacheco, approved (6-0).

A motion was made by Ms. Ochoa to accept a \$500 donation from the Fairhaven Road Race Inc. for Fairhaven Unified Sports, seconded by Mrs. Pacheco, approved (6-0).

A motion was made by Ms. Ochoa to accept a \$100 donation from Sandra Rae Tillett for the Fairhaven High School Girls Basketball Program, seconded by Mrs. Pacheco, approved (6-0).

A motion was made by Ms. Ochoa to accept a \$50 donation from Sandra Rae Tillett to the Fairhaven High School Music Program, seconded by Mrs. Pacheco, approved (6-0).

*Discuss and Vote on a Flexible Summer Schedule:*

Superintendent Kohler shared that the Town Administrator is considering adjusting work schedules at the Town Hall, possibly offering half days on Fridays as an incentive and as part of a more modern workplace approach. This led to a discussion about whether a similar option could be offered to the School Department's Summer Administrative Center staff, particularly secretaries, since flexible scheduling isn't possible during the school year. One idea is to allow staff to work longer days Monday through Thursday and then have a half day on Friday during the summer. She stated she is interested in piloting this schedule, noting that while summers are busy, there are fewer walk-ins, and extended weekday hours could benefit the public. She stated another option may be a 9 / 8 schedule, where employees work nine hour days and get every other Friday off. Superintendent Kohler stated she is currently leaning toward predictable half days on Fridays, and emphasized the importance of planning and clear communication if the change is implemented.

A motion was made by Ms. McKenna to allow Superintendent Kohler to negotiate with the appropriate office personnel in regards to the flexible Summer schedule, seconded by Ms. Ochoa, approved (6-0).

*Review the role of the Student Advisory Committee members:*

Mr. Monroe discussed revamping the Student Advisory Committee role to better align with Massachusetts General Law and MASC guidelines, aiming for more meaningful student involvement in school governance, not just reports of student activities and sports. Superintendent Kohler will collaborate with High School administration to establish a formal selection and engagement process by the end of the school year, enabling a stronger, more consistent student voice starting next academic year. This will include better calendar transparency and outreach to ensure students interested in government or leadership roles can participate despite busy extracurricular schedules.

*Use of Facilities:*

Mr. Monroe read a statement as a public reminder; we fully recognize and support the rights of our residents to engage in peaceful protest, school grounds are not a public forum. We respectfully request that these activities not interfere with school activities during school hours or during school sponsored events. We appreciate the cooperation of our residents this past Friday when they agreed to move an event across the street out of consideration for our students and families. It was very much appreciated. We just ask that going forward, if there is something, just work with us. We want to make sure that everyone has a peaceful event.

***Unfinished Business:***

*Update on Acushnet Tuition Agreement:*

Superintendent Kohler updated the Committee stating legal counsel confirmed that our current agreement allows anyone who is registered in the typical process before the contract expires, to attend Fairhaven High School and attend through their graduation. She stated students normally register prior to March. The Committee discussed leaving the current agreement in place, not moving forward with a one year extension, and forming a subcommittee to move forward with negotiations of a longer term agreement.

A motion was made by Mrs. Pacheco, to form a subcommittee consisting of the chair and the vice chair and School Administration to analyze and discuss school finance and move forward with negotiations with the Acushnet School Committee for a long term tuition agreement for Acushnet students to attend Fairhaven High School, seconded by Mr. Andersen, approved (6-0).

***Questions from Individual Committee Members:***

Mrs. Pickup noted she will be at the Fairhaven High School Civics Fair on February 12, 2026.

Mr. Andersen congratulated the High School for the AP recognition. Superintendent Kohler stated they are very excited about it, and they are doing good work there.

A motion was made by Mrs. Pacheco to adjourn, seconded by Ms. McKenna, approved (6-0).

Adjourned at 8:24 pm.

Sheri Souza  
Secretary to the Fairhaven School Committee

Approved, February 11, 2026



# The Shepherd's Pantry, Inc.

“Caring for the Hungry”

Distribution Center

Long Plain United Methodist Church  
1215 Main Street

Mailing Address

P O Box 760  
Fairhaven MA 02719

November 30, 2025

Mr. Steve Morgenweck  
Principal  
Leroy Wood School  
Fairhaven, MA 02719

Dear Steven,

I want to extend our sincere appreciation for all the hard work it took to organize such a successful food drive that the students at Leroy Wood School participated in. The amount of non-perishable food that we picked up that morning, that was approximately around 3,000 pounds, was truly “over the top”, inspiring. What was just as inspiring was to see the students’ phenomenal attitude and kindness that they demonstrated while helping to load our trucks. It is only by good example that you and your teachers show the students that they will continue helping the less fortunate throughout their lives.

This year began our 25<sup>th</sup> year of our dedicated volunteers helping the less fortunate. What you, your teachers and your students do to help us with our mission is very much appreciated. Please convey our well wishes and our heartfelt thoughts to all who were involved.

Thank you and with highest regards,

Gerry Payette  
Director/The Shepherd's Pantry, Inc.

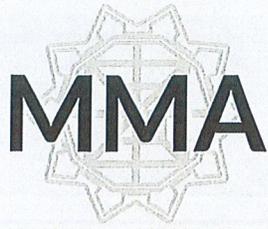
## FY27 Budget/Town Meeting Calendar

Milestone	Deadline
Capital Budget Instructions Distributed	Monday, December 1, 2025
Capital Budget Project Requests Due	Wednesday, December 10, 2025
Operating Budget Instructions Distributed	Monday, December 22, 2025
Department Operating Budget Requests Due	Friday, January 9, 2026
Select Board calls Annual Town Meeting and opens the warrant	Monday, January 12, 2026
Town Administrator Presents Budget Calendar to Select Board	Monday, January 12, 2026
Town Administrator/Asst. Town Administrator of Finance Present Forecast	Monday, January 12, 2026
School Superintendent Submits Recommended DRAFT Budget to School Committee	Wednesday, January 14, 2026
School Superintendent Submits DRAFT Recommended budget to Town Administrator	Friday, January 16, 2026
Departments & School meet with Budget Team to Review Budget Requests	Monday January 12, 2026 - Wednesday January 22, 2026
Capital Planning Comm. Submits Prioritized Capital Budget Requests to Town Administrator	Tuesday, January 20, 2026
Town Administrator Presents Recommended Operating Budget to Select Board and Finance Comm.	Monday, January 26, 2026
Select Board/Finance Committee Conducts Joint Hearings on Operating and Capital Budgets	Thursday, January 29, 2026 - Friday, March 6, 2026
Citizen Petition Articles Submission Deadline	3:00 p.m. Thursday, February 5, 2026
Departments/Boards to Submit Warrant Article Requests	Thursday, February 5, 2026
School Superintendent Submits Detailed DRAFT Recommended Budget to School Committee	Wednesday, March 18, 2026
Warrant for Annual Town Meeting Closes / Select Board Signs Warrant	Monday, March 23, 2026
Select Board Vote on Operating and Capital Budgets	Monday, March 23, 2026
Finance Committee Finalizes Operating and Capital Budgets	by Thursday, March 26, 2026
Warrant and Finance Committee Report sent to the printer	Tuesday, March 31, 2026
Proposed Motions Finalized	Friday, April 10, 2026
Warrant Book & Finance Committee Report Distributed to Town Meeting Members	Friday, April 10, 2026
School Committee Receives and Considers Voting on FINAL DRAFT Budget	Wednesday, April 15, 2026
Town Meeting Run-through with Department Heads	Thursday, April 23, 2026
Town Clerk Posts "legal" Warrant (on or before)	Friday, April 24, 2026
Precinct Meetings and Preview (including orientation for new Town Meeting Members)	Thursday, April 30, 2026
Annual Town Meeting	Saturday, May 2, 2026
Town Clerk Posts election Warrant (on or before)	Tuesday, May 19, 2026
Annual Town Election	Tuesday, June 9, 2026

*revised 1/7/2026*

## FY27 School Department Draft Budget Calendar

Milestone	Date
School Budget Workbooks due	Friday, October 24, 2025
Individual School Budget Meetings	Monday, November 3, 2025- Wednesday November 5, 2025
Capital Plan Committee Requests due to Town	Wednesday, December 10, 2025
Draft Budget Presented to School Committee	Wednesday, January 14, 2026
Draft Budget Presented to the Town Budget Team	Friday, January 16, 2026
Capital Plan Committee submits prioritized Capital Budget Requests to Town Administrator	Tuesday, January 20, 2026
Select Board/ Finance Committee joint hearings on School Committee Budget	Thursday January 29, 2026-Friday, March 6, 2026
Draft Recommended Detailed Budget to School Committee	Wednesday, March 18, 2026
Select Board Vote on School Department Operating and Capital Budget	Monday, March 23, 2026
Warrant Articles due to Town Administrator	Monday, March 23, 2026
School Committee Budget Hearing	Wednesday, April 15, 2026
School Committee Considers Final Budget Vote	Wednesday, April 15, 2026
Annual Town Meeting	Saturday, May 2, 2026

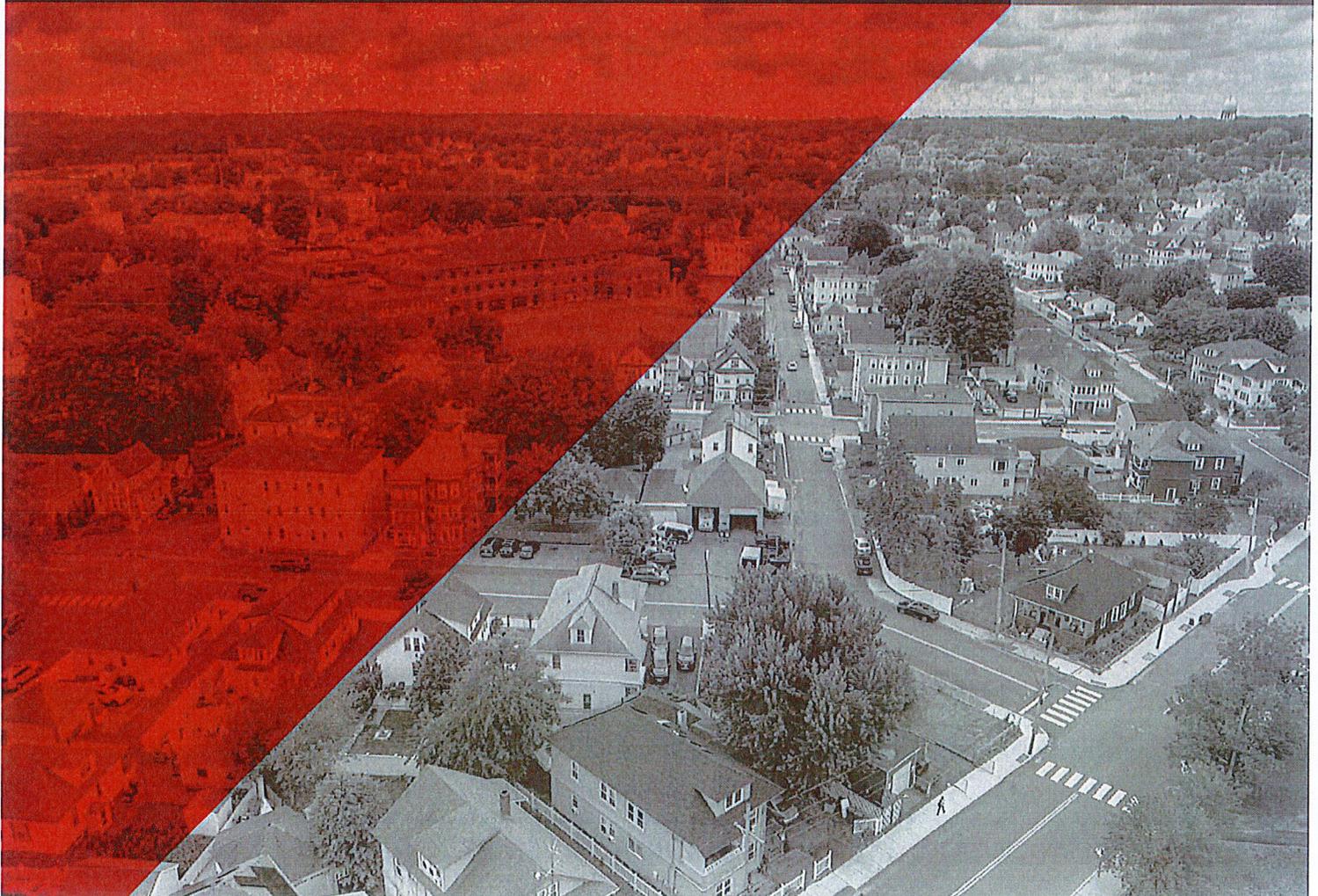


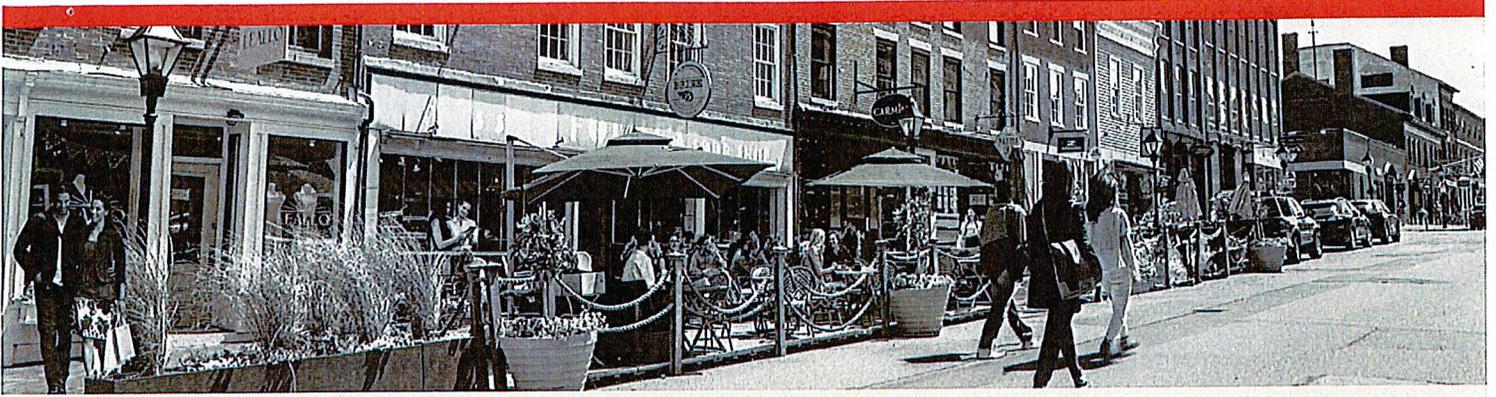
Massachusetts  
Municipal  
Association

# A Perfect Storm: Cities and Towns Face Historic Fiscal Pressures

An Analysis of Fiscal Pressures on Massachusetts Municipalities

OCTOBER 2025





**Cities and towns across Massachusetts provide many of our most essential public services, including everything from clean water and safe streets to high-quality schools and dependable emergency services. These are the quality-of-life services that impact the lives of residents every day.**

Offering these vital services requires substantial expertise, consistent leadership, and adequate funding. But funding has become an especially acute challenge for municipalities all across Massachusetts, caught as they are between inflation-driven increases in costs and binding constraints on their ability to raise new revenue.

Fixing what ails Massachusetts municipalities, and creating the conditions for municipalities to thrive, requires an honest assessment of the challenges, along with careful attention to the distinct needs and capacities of different locales.

Virtually all cities and towns in Massachusetts face budgetary challenges, but the challenges confronting rural towns can be quite different from what you find in gateway cities or Boston suburbs.

The Massachusetts Municipal Association partnered with the Center for State Policy Analysis at Tufts University to plumb the key factors shaping municipal budgets and to identify the most effective, targeted solutions.

We found that:



Rising costs and sluggish state aid are putting enormous pressure on local budgets across Massachusetts.



A prohibition against local sales and income taxes, combined with a 2.5 percent cap on property tax increases, prevent municipalities from raising adequate revenue on their own to respond to community needs.



Different municipalities are being affected in very different ways. For example, rural towns have been forced to curtail spending in key areas, like education. By contrast, gateway cities have boosted education spending, thanks to an infusion of targeted state aid, but are falling behind in virtually all other areas of local spending.

What follows is a fuller exploration of these core findings, including background on municipal finance in Massachusetts, and a detailed presentation of the different issues facing rural, urban, and suburban locales.

## THE MANY RESTRICTIONS ON MUNICIPAL FINANCE

Massachusetts has a strict set of rules for how cities and towns fund fire departments, public schools, and other core services. Chief among them is that cities and towns don't get to set their own strategies for raising revenue.

Local income taxes are prohibited, and local sales taxes are restricted to very limited levies on hotels and meals. Motor vehicle excise taxes are a core part of local revenues, but they are subject to minimal growth and economic volatility.

This leaves the property tax as the overwhelming source of revenue for all Massachusetts municipalities. And even here there are strict limits put in place by a 1980 ballot question called Proposition 2½.<sup>1</sup> As the name suggests, the cardinal rule is that property tax revenue cannot increase by more than 2.5 percent from year to year (allowing for adjustments to reflect new and upgraded buildings).

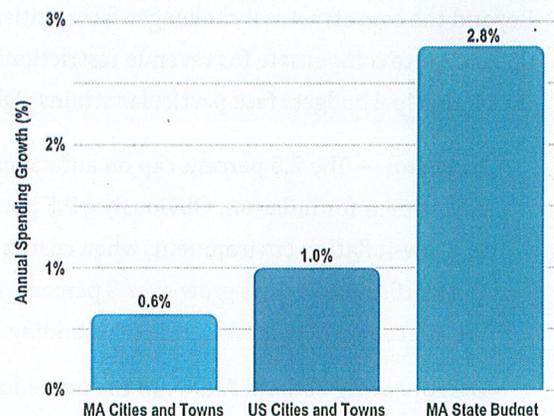
There is a limited exception, where a city or town can raise property taxes by more than 2.5 percent in a given year to fund vital investments in things like new school buildings or to fill short-term budget shortfalls. But the relief is temporary and it requires a costly and uncertain public referendum.

A comparison with cities and towns in other states highlights this constraint. Between 2010 and 2022 (the most recent year available), real, inflation-adjusted spending on current operations in Massachusetts municipalities grew at just 0.6 percent per year, which is slower than the U.S. average for local spending growth. It's also vastly slower than the growth in real spending through the state budget, which has risen at roughly 2.8 percent per year.

Proposition 2½ was intended to limit local spending, but real spending growth of 0.6 percent per year suggests the constraints may be too restrictive. This austere growth in spending has made it extremely difficult for cities and towns to attract staff, repair roads, and generally fund the essential services their residents demand.

*Real, inflation-adjusted spending on municipal operations grew at just 0.6 percent per year — far slower than the U.S. average.*

**FIGURE 1**  
Massachusetts Municipalities Have Been Frugal  
Annual change in total operating spending, 2010-2022



U.S. Census Bureau, MassBudget's Budget Browser, CSPA calculations

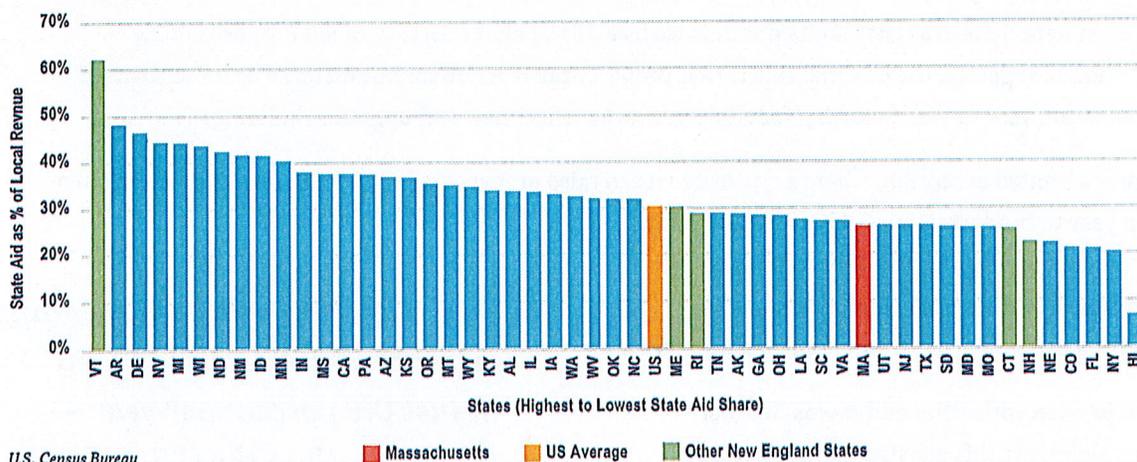
1. See Appendix for more on this law.

One way cities and towns have sustained core services is with help from state lawmakers. For decades, the state has proved a vital ally and essential backstop for municipal needs, offering several invaluable streams of support, including for public schools, roads, and other government services.

State aid has been a lifeline for cities and towns. But it's also true that, compared to other states, state aid in Massachusetts doesn't stand out as particularly generous.

Nationwide, cities and towns get about 31 percent of their revenue via state aid. Here in Massachusetts, it's 26 percent.

**FIGURE 2**  
**State Aid as Share of Local Revenue by State**  
 Percentage of local government revenue from state government



Also, a lot of the state money comes with its own restrictions, making it hard to flexibly deploy. That leaves one substantial but falling source of unrestricted state support, which gets the guttural shorthand UGGA, for Unrestricted General Government Aid.

### A Tightening Vice

Beyond the core structural challenges facing cities and towns in Massachusetts — state aid that doesn't quite compensate for revenue restrictions imposed by state law — there are two key reasons that municipal budgets face particular strains right now:

- **Inflation** — The 2.5 percent cap on annual property tax increases doesn't include any kind of adjustment for inflation. Obviously a 2.5 percent increase in tax receipts is a lot more manageable in a low-inflation environment, when costs are growing 1-2 percent per year, as they did through the 2010s. When costs grow over 3 percent per year, as they have since COVID, cities and towns are effectively obligated to cut real spending every year.
- **Disappearing Federal Aid** — In the immediate aftermath of the COVID pandemic, the federal government provided substantial direct assistance to cities and towns, but that support has now ended and was always intended to be temporary.

## Technical Note

One important caveat, before we dive more deeply into the distinct issues facing rural, suburban, and urban municipalities. We are focused chiefly on operating budgets, meaning the flow of annual revenue and annual spending in cities and towns.

There are other important pieces of the municipal finance puzzle, including capital investments and long-term pension liabilities. And these are separate in some ways, with their own distinct timeframes, rules, and regulations.

But the operating budget is the hub, as all the other activities ultimately show up on this annual ledger — whether in the form of bonds that need to be repaid or as retirement benefits that come due.

### TALE OF THREE CITIES

Every city and town strives to build a sound budget — a plan for funding vital public services while keeping taxes manageable for residents. But the impediments and trade-offs vary mightily from place to place.

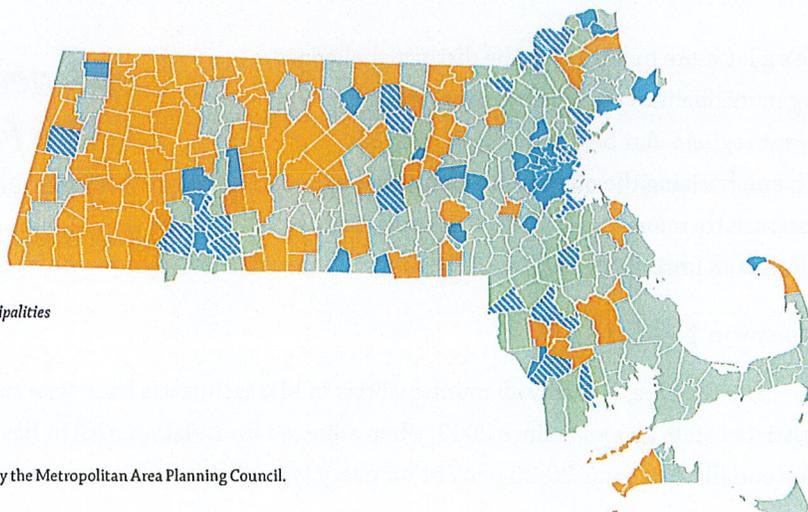
The rural towns of western Massachusetts are very different from the Boston suburbs, and none of those could be mistaken for a gateway city on the south coast.

Accounting for these distinctions is essential to understanding the budgetary challenges faced by cities and towns. But having cut the data in dozens of different ways, we found that a huge amount of the underlying variation can be captured with a relatively simple collection of categories.<sup>2</sup>

- **Rural towns**, which includes a mix of more sparsely developed areas, primarily in western and central Massachusetts but also in other parts of the state.
- **Mature suburbs**, extending from greater Boston to the north shore and out to Cape Cod, as well as some areas in the central and western parts of the state.
- **Inner core and urban areas**, which combines Boston-adjacent communities with various cities around the state.
- **Gateway cities<sup>3</sup>**, which is actually a subset of the urban areas, but with some distinct characteristics.

**FIGURE 3**  
MA Municipalities:  
Community Categories

- Rural
- Suburban
- Urban
- Gateway (Urban subset)



*Note: Gateway cities are a subset of urban municipalities*

2. Adapted from a full taxonomy developed by the Metropolitan Area Planning Council.

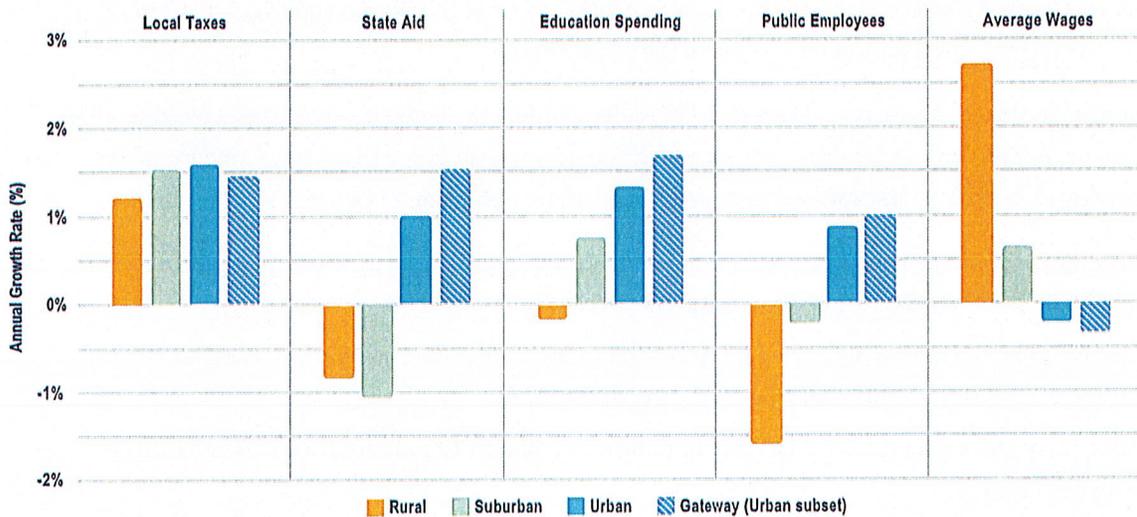
3. See Appendix for definition.

To get a preliminary sense of the sometimes dramatic differences among these city and town types, consider Figure 4, which shows annual spending and revenue growth across a few key categories, from 2010 to 2024.

While tax collections have grown at roughly similar rates across all city and town types, huge divergences in state aid, education spending, and public employment highlight the vastly different budgetary pressures affecting rural towns, suburban enclaves, and gateway cities.

The dramatic, downward-pointing columns show rural and suburban towns have seen outright declines in real state aid, which has limited their ability to invest in education. And note how aggressively rural towns have had to raise salaries to keep their starkly shrinking public workforce from being truly hollowed out.

**FIGURE 4**  
**Budgetary Pressures Vary Dramatically Among City and Town Types**  
 Annual growth rate, 2010–2024



Division of Local Services, CSPA calculations

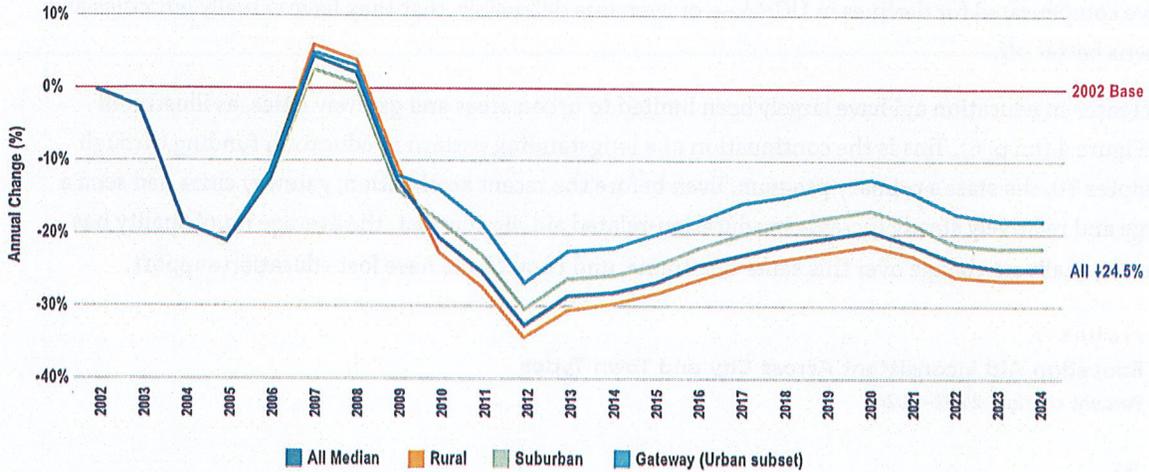
There's a lot more to say about the distinct challenges facing municipalities of different sizes, and in different regions. But before we dig deeper, it's worth emphasizing the one key challenge that all Massachusetts municipalities seem to share, namely the decline in unrestricted state aid (UGGA).

*Since 2002, unrestricted state aid has fallen 25% overall — hitting every type of city and town across the Commonwealth.*

### A Common Need: UGGA

Different as they are, virtually all municipalities in Massachusetts have seen similar dropoffs in unrestricted state support. Since 2002, when adjusted for inflation, UGGA has fallen 25 percent overall, and essentially that same 20-30 percent for every type of city and town across the Commonwealth.

**FIGURE 5**  
**Unrestricted Aid Has Fallen for Virtually All Municipalities**  
 Percent change, 2002–2024



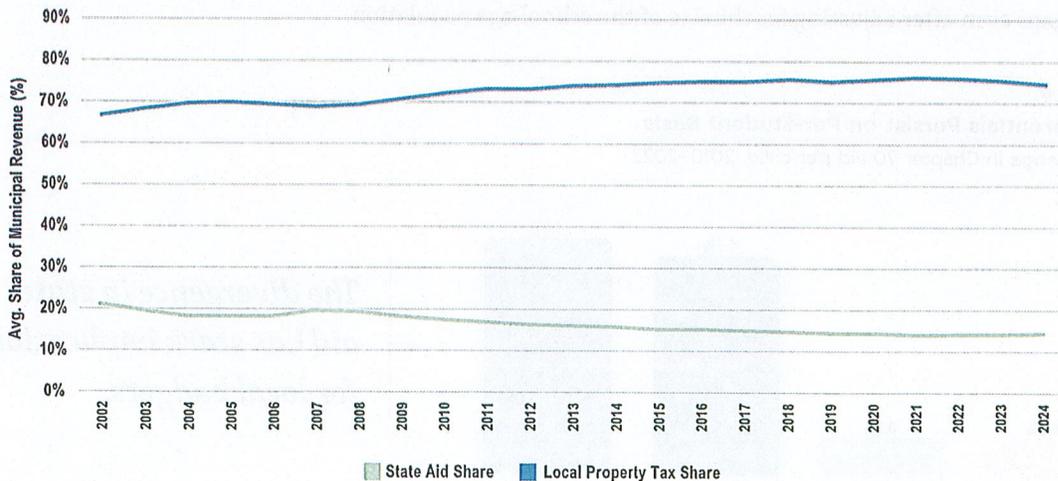
Division of Local Services; CSPA calculations

A decade after the true trough of the great recession, UGGA support has stalled at a relatively low level — despite many years of strong state revenue growth and healthy economic conditions.

Losing UGGA dollars, in this way, is particularly difficult for stressed municipal budgets, because it's a rare stream of support that can be flexibly redirected to address evolving needs — whether that means extra road repairs after a pothole-cratering spring or additional tutoring for students struggling with pandemic learning loss.

*Losing UGGA dollars hits hardest, because it's one of the few funds cities and towns can use flexibly.*

**FIGURE 6**  
**State Aid vs. Property Taxes as a Portion of Municipal Budgets**  
 Share of municipal revenue, 2002–2024



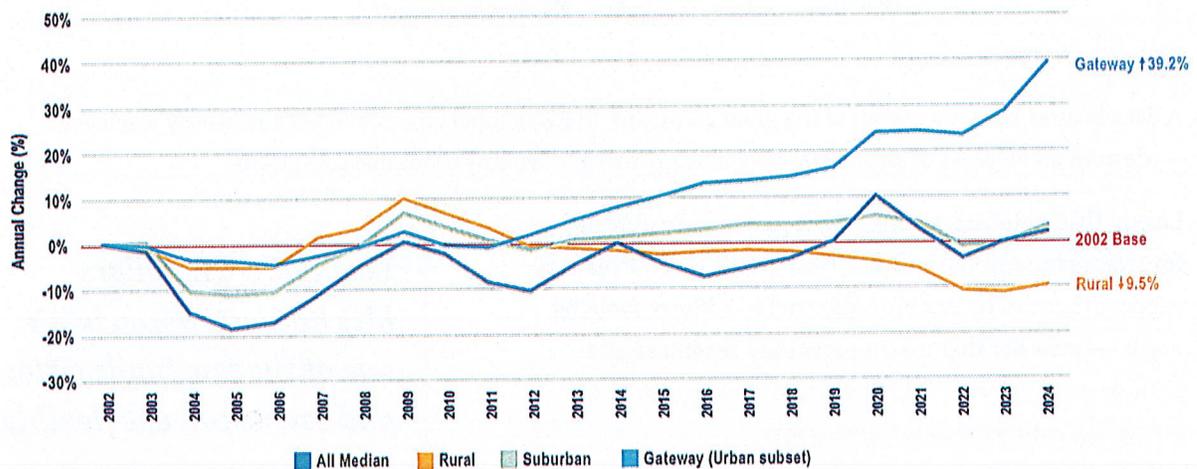
Division of Local Services  
 Percentages do not sum to 100% because other revenue sources (federal aid, fees, etc.) are excluded.

## Unequal Education Aid

Overall aid for public education has been increasing in recent years, thanks in part to investments through the Student Opportunity Act. But it would be flatly inaccurate to assume that these infusions have compensated for declines in UGGA — or even less defensibly, that they have actually left cities and towns better off.

Increases in education aid have largely been limited to urban areas and gateway cities, as illustrated in Figure 4 (on p. 6). This is the continuation of a longstanding pattern in education funding through Chapter 70, the state’s primary program. Even before the recent acceleration, gateway cities had seen a large and relatively steady increase in education-related aid. By contrast, the average municipality has seen basically no change over this same timeframe, and rural towns have lost education support.

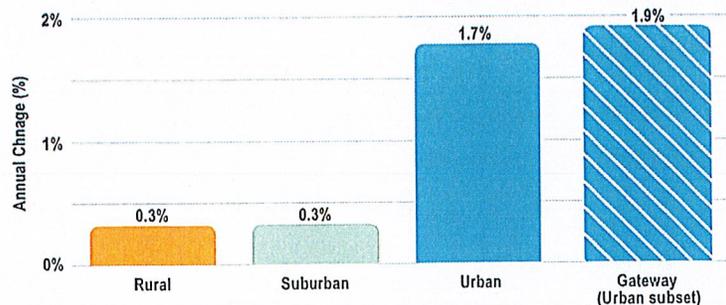
**FIGURE 7**  
**Education Aid Inconsistent Across City and Town Types**  
 Percent change, 2002–2024



Division of Local Services; CSPA calculations

And while you might reasonably think that these gaps in education aid reflect population changes, with rural towns losing young people faster than cities, that doesn’t seem to be a key driver. Figure 8 shows persistent gaps even after adjusting for the size of the school-age population.

**FIGURE 8**  
**Aid Differentials Persist on Per-Student Basis**  
 Annual change in Chapter 70 aid per child, 2010–2023



Division of Local Services, U.S. Census Bureau, CSPA calculations

*The divergence in state aid has stark implications for local budgets.*

For cities and towns, the implications of this divergence in state aid are stark, because school spending is the single biggest part of most municipal budgets.

### Impediments to Raising Local Taxes

Remember that Massachusetts imposes strict limits on the ability of cities and towns to raise property taxes, with a general cap of 2.5 percent per year (plus some additional to account for new construction).

So when state aid declines, and public services are threatened, cities and towns can't simply respond by raising more local revenue.

Overrides are one potential response. They function as a kind of escape hatch from the 2.5 percent growth cap, allowing cities and towns to increase property taxes above otherwise allowed levels to meet clearly specified needs like school funding, park beautification or general operating support.

But while overrides can be powerful tools for municipalities facing hard budget choices, they are expensive, slow, short-lived, and logistically out of reach for the majority of Massachusetts municipalities.

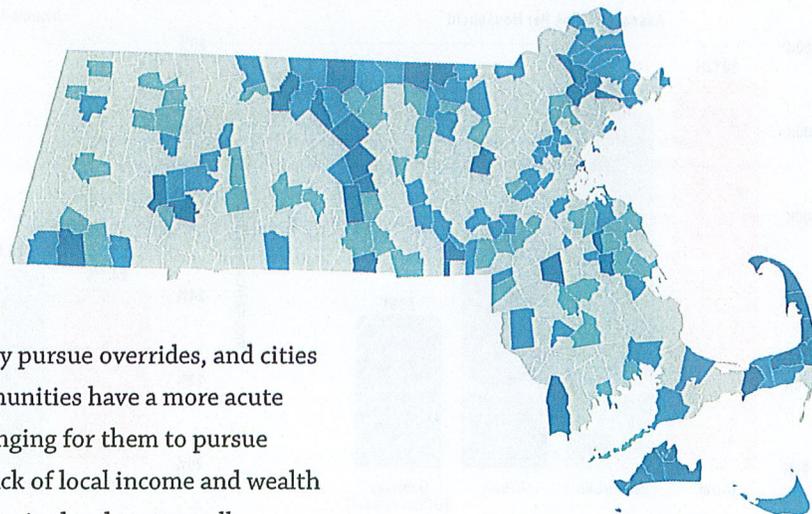
Start with the expensive and slow part. Overrides can't be passed through the normal policy-making channels typically used by city councils or town meetings. They require explicit public approval via referendum, which means a lengthy public outreach campaign with real costs and uncertain results.

And each effort is a one-off — a short-term fix for what is often a deeper mismatch between the services residents desire and the city or town's restricted ability to raise sufficient revenue.

The bulk of cities and towns (nearly 200 out of 351) have pursued exactly zero overrides over the last 15 years, which shows how ill-suited the override process is for most municipalities.

Overwhelmingly, it's the suburban towns that have been able to pass overrides in recent years, helping them to maintain services when local needs exceed the state-imposed tax restrictions. But even among suburbs, overrides remain strangely clustered geographically, suggesting that suburbs need to build up a kind of local culture for overrides before they can be effectively used.

**FIGURE 9**  
MA Municipalities:  
Total Override Initiatives  
2010–2024



*Division of Local Services*

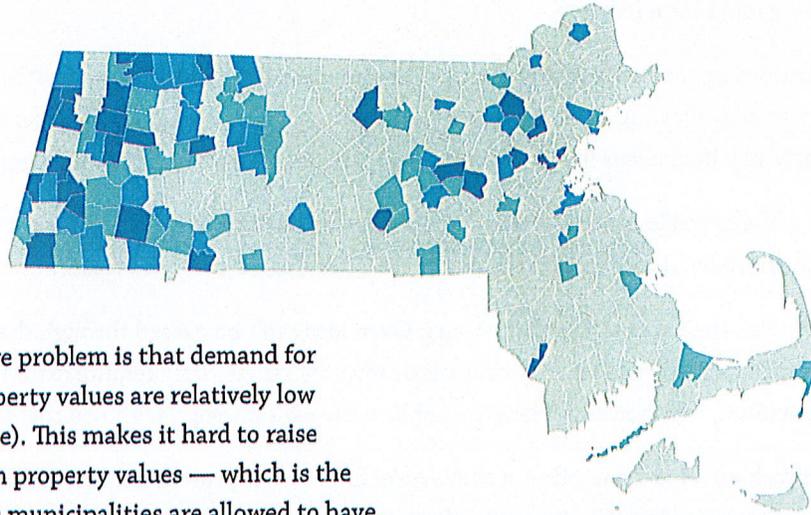
Meanwhile, rural towns rarely pursue overrides, and cities almost never do. These communities have a more acute problem: not only is it challenging for them to pursue temporary overrides, but a lack of local income and wealth makes it difficult for them to raise local taxes at all.

The tax cap set by Proposition 2½ is a ceiling, not a mandate. Cities and towns can always raise revenue by less than 2.5 percent if they find that more feasible. And this creates “excess levy capacity” that municipalities can make use of in future years (at least in theory).

Rural towns and gateway cities have far more of this excess levy capacity than their suburban neighbors. What this suggests is that they face local tax constraints even more severe than the already-strict 2.5 percent state rule. Figure 10 shows the nature of this constraint, which is actually quite different between rural towns and gateway cities.

**FIGURE 10**  
**MA Municipalities:**  
**Excess Levy Capacity**  
 Percentage of maximum, 2024

- < 5%
- 5-10%
- 10-15%
- >15%

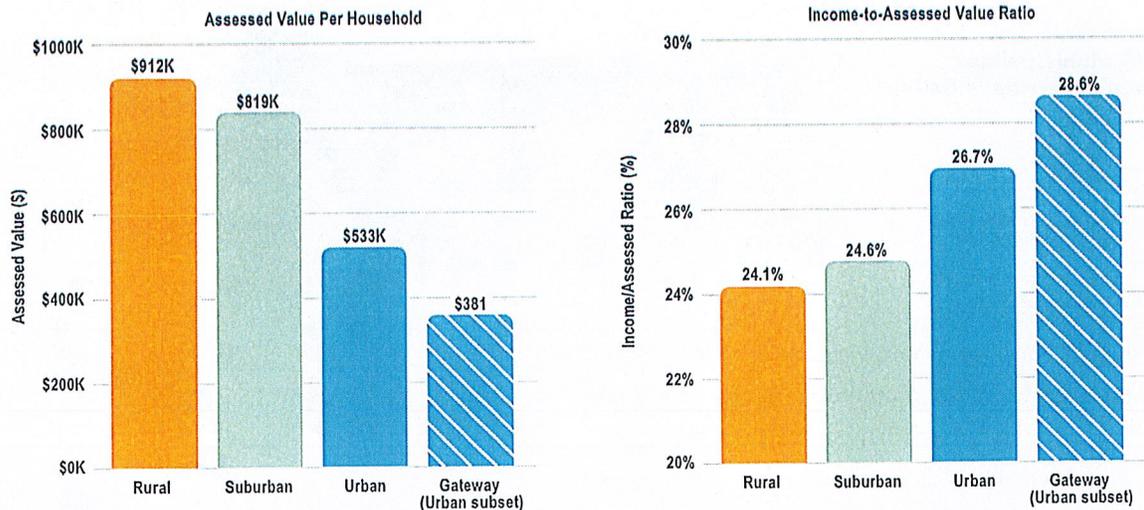


*Division of Local Services*

Among gateway cities, the core problem is that demand for real estate is limited, and property values are relatively low (compared to the state average). This makes it hard to raise money through a direct tax on property values — which is the only major tax Massachusetts municipalities are allowed to have.

Rural towns face a different issue. Property values in these areas are actually strong enough to make property taxes a reliable source of revenue. But rural towns tend to have older (and fewer) residents and more retirees, who don’t collect enough annual income to cover typical property tax bills. The result, again, is that rural towns struggle to raise enough local revenue to fund the kinds of services their residents want.

**FIGURE 11**  
**Rural Towns and Gateway Cities Lack Tax Capacity**  
 Rural towns lack income; gateway cities lack land value



*Division of Local Services, Census Bureau, CSPA calculations*

## SUMMING UP THE ISSUES

Put this all together and the true challenge of municipal finance becomes clear.

1. State aid in Massachusetts is less generous than the U.S. average.
2. Flexible state aid (through UGGA) has fallen for all cities and towns.
3. Given the 2.5 percent cap on local tax increases, the best tool for suburban towns is often an expensive and temporary override.
4. Rural towns and gateway cities lack the local income and wealth to respond at all.
5. While rising education aid has enabled substantial new investments across urban Massachusetts, it hasn't provided the same level of benefits to rural and suburban towns.

## METHODOLOGICAL NOTES

Unless otherwise noted, details about municipal spending and revenue are drawn from the Massachusetts Division of Local Services Gateway. This includes information about local spending, taxation, state aid, overrides, assessed property values, Chapter 70 support, and more. Dollar values are adjusted for inflation using the Consumer Price Index, accessed through the St. Louis Federal Reserve's Fred platform and pegged to fiscal 2024. Results reflect unweighted (simple) averages across cities and towns, where each city and town is treated as an equal fiscal unit.

The division of municipalities into rural, suburban, and urban clusters is based on a taxonomy developed by the Metropolitan Area Planning Council, with "country suburbs" shifted into the rural category.

Spending comparisons across U.S. states rely on data from the 2010 and 2022 Census of State and Local Government Finance, issued by the U.S. Census Bureau. During our research window, 2022 was the most recent available release. Growth of state budgetary spending reflects data from the Massachusetts Budget and Policy Center's Budget Browser.

The American Community Survey provided local population numbers for our comparison of per capita education spending across cities and towns. It was also the source of data for total household income used to calculate the ratio of income to assessed value.

## APPENDIX

### Gateway Cities

Gateway cities are midsize urban centers that anchor regional economies and once served as centers of industry. They have been working to reinvent themselves, often in the face of economic and social challenges.

State law (Ch. 23A, Sec. 3A) defines a gateway city as a municipality with:

- Population greater than 35,000 and less than 250,000
- Median household income below the state average
- Rate of educational attainment of a bachelor's degree or above that is below the state average

There are 26 gateway cities in Massachusetts: Attleboro, Barnstable, Brockton, Chelsea, Chicopee, Everett, Fall River, Fitchburg, Haverhill, Holyoke, Lawrence, Leominster, Lowell, Lynn, Malden, Methuen, New Bedford, Peabody, Pittsfield, Quincy, Revere, Salem, Springfield, Taunton, Westfield, Worcester.

### Proposition 2½

Approved by Massachusetts voters in 1980, Proposition 2½ limits the amount of revenue a city or town may raise, or levy, from local property taxes each year to fund municipal operations.

The law (M.G.L. Ch. 59, Sec. 21C) places two constraints on the local levy:

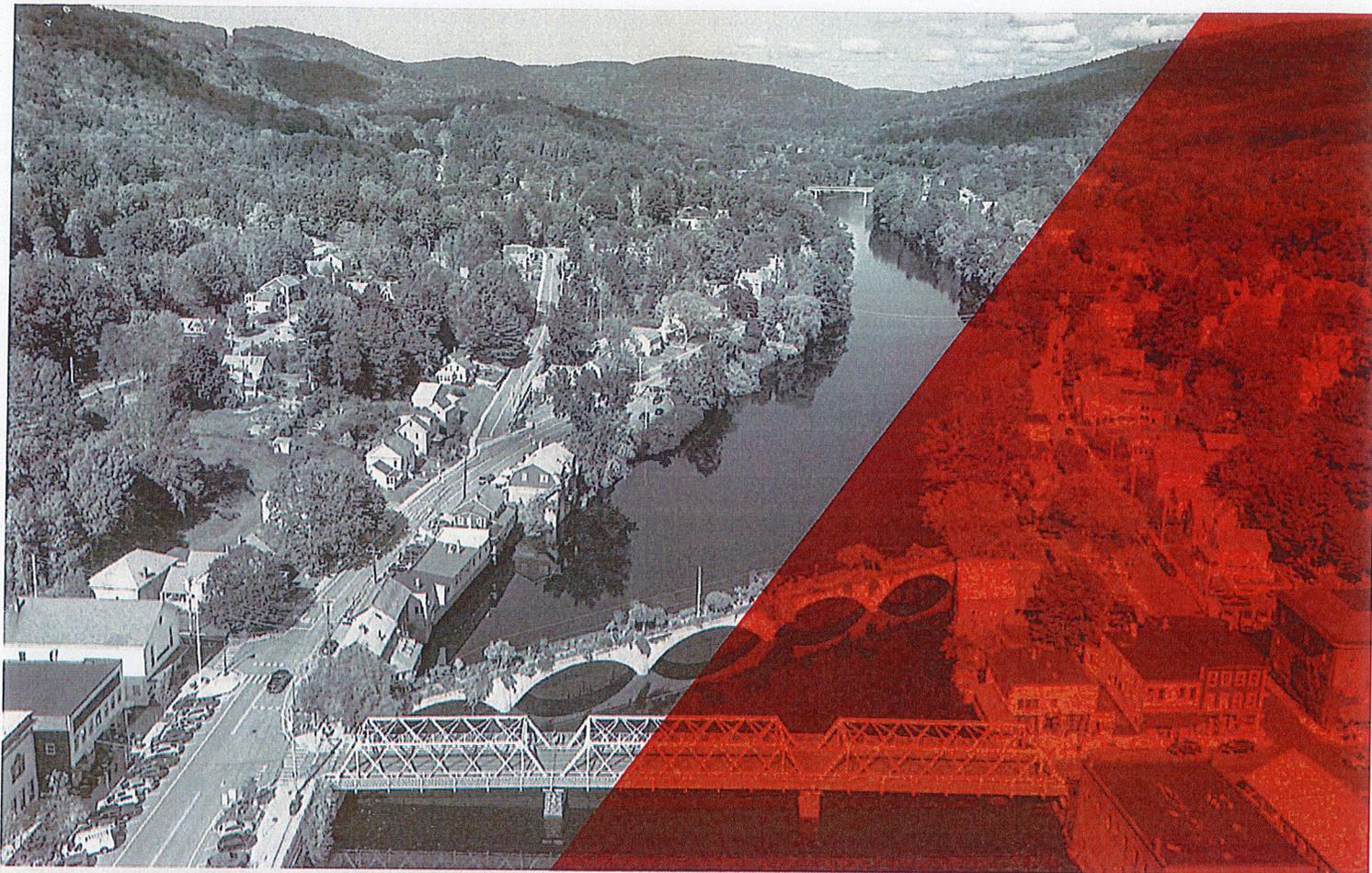
1. A community cannot levy more than 2.5% of the total full cash value of all taxable property in the community (called the levy ceiling).
2. A community's allowable levy for a fiscal year (called the levy limit) cannot increase by more than 2.5% of the maximum allowable limit for the prior year, plus a factor for new growth (property added to the tax rolls). The 2.5% increase limitation applies to the levy limit, and not to individual property tax bills.

Proposition 2½ allows two types of voter-approved increases in taxing authority:

**Override:** An override increases the amount of property tax revenue a community may raise in the year specified and in future years. An override must be approved as a ballot question by a majority of voters in a municipal election. The override must be for a set dollar amount, and the money must be spent toward the identified purposes. An override is used to provide funding for municipal expenses likely to recur or continue into the future, such as annual operating and fixed costs.

**Exclusion:** An exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund specific projects. It does not increase the community's levy limit nor become part of the base for calculating future years' levy limits. The exclusion may be used to raise additional funds only for capital purposes, such as public buildings, public works projects, land and equipment acquisitions.

It's also worth noting that state law requires municipal budgets to be balanced each year.

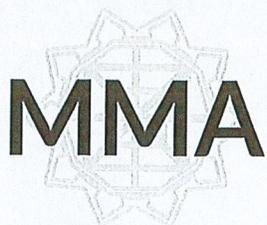


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Massachusetts  
Municipal  
Association

3 Center Plaza, Suite 610  
Boston, Massachusetts 02108  
617.426.7272 | [www.mma.org](http://www.mma.org)

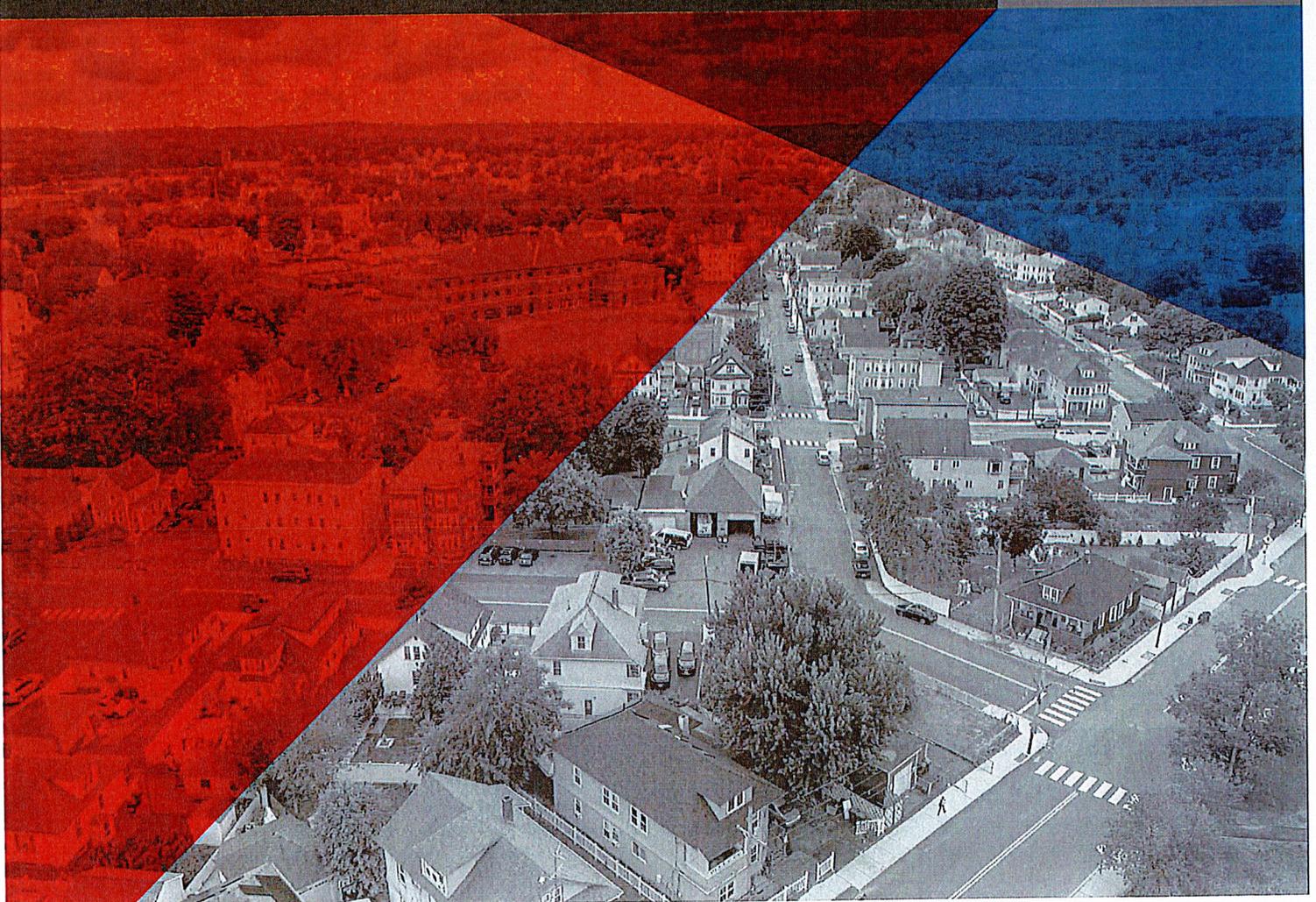


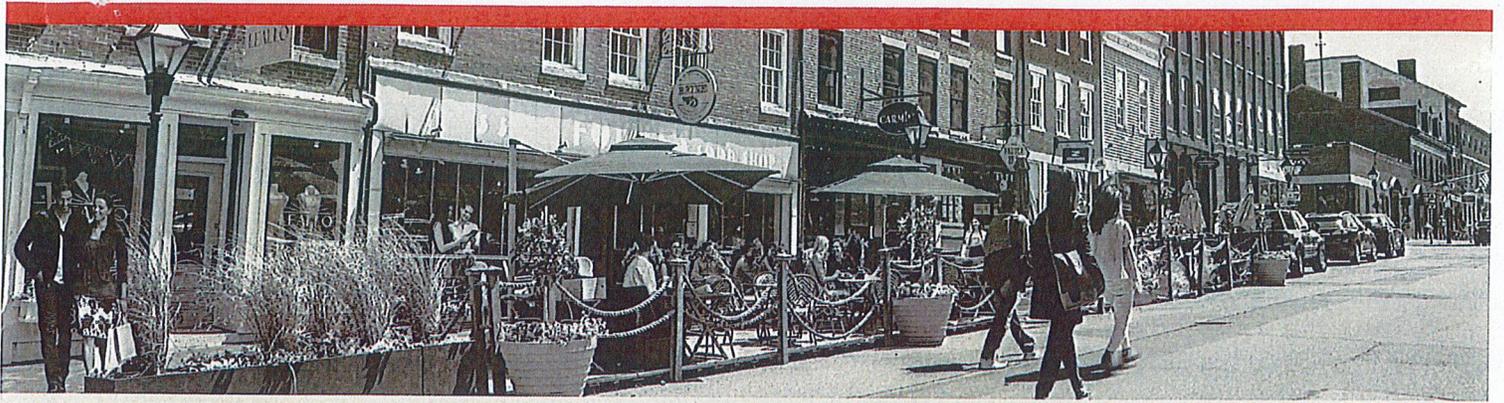
Massachusetts  
Municipal  
Association

# Navigating the Storm: Charting a Course Toward Fiscal Stability

Recommendations from the Massachusetts Municipal Association

DECEMBER 2025





**Cities and towns across Massachusetts deliver many of the essential public services that residents rely on every single day. But providing these services demands essential and stable resources.**

As our “[Perfect Storm](#)” findings detail, municipalities across the Commonwealth are confronting a convergence of relentless cost pressures, rigid revenue limits, and eroding state aid. The result is a vise-like squeeze on municipal spending in Massachusetts, with a spending growth rate well below the average for municipalities across the country.

Positioning our municipalities to thrive in the future will require a clear-eyed understanding of the challenges facing local governments, and a recognition that these difficulties vary across the state. The “Perfect Storm” analysis demonstrated the underlying need for thoughtful, targeted policy recommendations that can support municipalities in meeting today’s needs and preparing for tomorrow’s.

This is an urgent issue not only for local taxpayers, but also for the Commonwealth as a whole. Ultimately, the success of Massachusetts depends on the fiscal strength of its cities and towns. When municipalities are stable and resilient, the Commonwealth is better positioned to grow, innovate, and support its residents. This is an issue of **competitiveness and affordability**.

This report’s recommendations are rooted in the data and analysis of the “Perfect Storm” findings. They outline a **strategic path forward to promote municipal fiscal stability**, including:



Restoring adequate and reliable state aid



Providing property taxation flexibility



Prioritizing key accounts while expanding local revenue options and modernizing municipal practices

Together, these investments and reforms would reinforce the financial backbone of all 351 cities and towns, preserve essential public services, and reaffirm the vital partnership between the Commonwealth and its municipalities.

## RESTORING ADEQUATE AND RELIABLE STATE AID

Support for municipalities is a cornerstone of the Commonwealth's commitment to strong communities. From the creation of the Massachusetts State Lottery in the 1970s to the historic investments of the Student Opportunity Act, the Commonwealth has recognized that municipal budgets depend on a reliable state-local partnership. This partnership, built on predictable and flexible state aid, has allowed cities and towns to keep neighborhoods safe, support economic development, maintain public spaces, and operate effective municipal services.

The past two decades, however, have demonstrated how vulnerable that partnership can be, particularly during economic downturns. And today, the heart of this storm is an increasingly strained revenue structure that leans ever more heavily on the local property tax base. It is within this context that reinvesting in flexible state aid is not simply prudent policy, but an urgent necessity.

*Reinvesting in flexible state aid is no longer prudent policy — it's an urgent necessity.*

### A Rising Tide to Lift All Boats

State aid has always served as a stabilizing force for local governments. When Massachusetts established its lottery system, the intent was clear: to generate a steady stream of resources that would flow directly to communities. Over time, lottery proceeds became intertwined with broader local aid distributions, still supporting essential operations in every city and town.

The successor program to direct lottery funding is Unrestricted General Government Aid, or UGGA. Unlike programs tied to specific services or mandates, UGGA provides communities with the freedom to allocate resources where local needs are greatest. It recognizes that municipal leaders best understand the unique priorities of their residents — whether funding public safety efforts, addressing deferred maintenance, or keeping senior centers, health departments, and public works running effectively.

UGGA functions as the Commonwealth's most universal municipal investment. Every city and town receives it, and every community — whether a dense urban center, a small rural town, a gateway city, or a coastal suburb — benefits. UGGA is a foundational and equalizing force in the state-local partnership.

The result is that UGGA serves as a rising tide for all 351 cities and towns. In years when UGGA increases meaningfully, communities can maintain staffing, avert service reductions, and preserve core operations. But when UGGA doesn't keep up with costs — or worse, when it is reduced — the consequences cascade across all municipal budgets, leaving cities and towns scrambling to backfill services with very limited local revenue options.

### A Lasting Impact of the Great Recession

Our "Perfect Storm" findings detail the degradation of UGGA over the past few decades, especially when adjusted for inflation. But few events have reshaped local finances as profoundly as the Great Recession,

which stemmed from the 2008 global financial crisis. Between fiscal 2008 and fiscal 2011, the entirety of the Massachusetts state budget, including UGGA, faced deep cuts as state revenues collapsed and policymakers sought rapid budget solutions.

Communities had little ability to absorb these reductions. While the Commonwealth eventually regained its fiscal strength, unrestricted local aid never returned to its pre-recession course. The gap created during fiscal 2008-2011 became a long-term *structural hole* in the municipal revenue base. In fact, *even without adjusting for inflation, Unrestricted General Government Aid just returned to fiscal 2008 levels in the most recent (fiscal 2026) state budget, 18 years after the reductions.*

## Bucking the Headwinds

Today, communities are shouldering a greater share of the load for provisioning essential services, even as their cost pressures accelerate and their local revenue growth slows. Figure 1 shows that, relative to total local tax collections, UGGA has fallen since 2007 from a high of 11.5 percent of total local taxes to 5.4 percent in 2024. Between fiscal 2007 (the last full pre-Great Recession budget) and fiscal 2024, UGGA has averaged approximately 6.78% of total local taxes statewide.

**FIGURE 1**  
**UGGA's Share of Local Taxes Has Declined Significantly**  
 Ratio of UGGA vs. total local taxes in selected fiscal years

FISCAL YEAR	UGGA	TAXES	RATIO
2007	\$1.30 billion	\$11.32 billion	11.5%
2013	\$0.90 billion	\$14.53 billion	6.2%
2019	\$1.10 billion	\$18.82 billion	5.8%
2024	\$1.27 billion	\$23.59 billion	5.4%

*The decline in UGGA relative to local taxes underscores growing pressure on property taxpayers.*

Source: Massachusetts Division of Local Services

This concerning trend has resulted in a deepening dependence on local property tax collections, which further complicates housing affordability in our cities and towns and the Commonwealth's competitiveness. And despite important and desperately needed UGGA investments in recent years, funding still has not accounted for the structural hole in the municipal revenue base. As a result, local budgets continue to grapple with a deficit created nearly two decades ago.

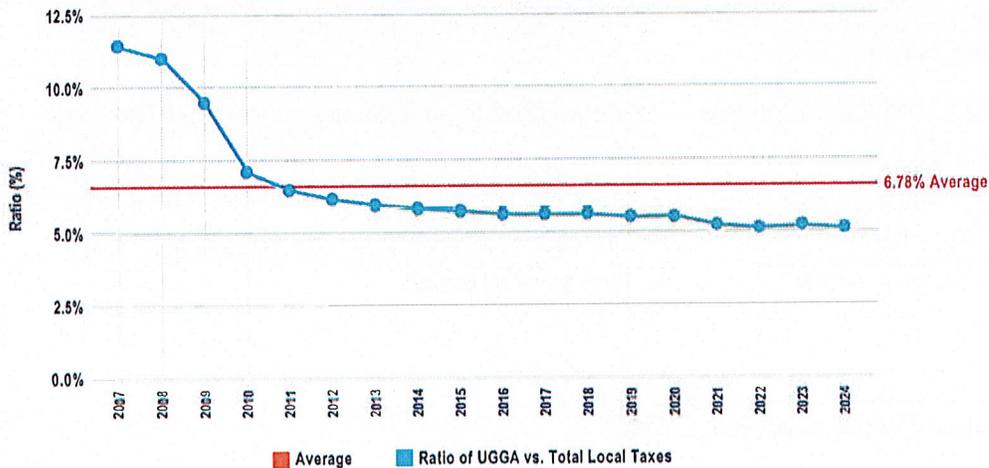
Tackling this trajectory head-on will not only help municipal budgets, but it will also provide critical local tax relief to residents. One method would be to pursue a full restoration of fiscal 2007 levels, adjusted for inflation. Another could target the pre-recession UGGA ratio of 11.5% relative to total local taxes.

*Between fiscal 2007 (the last full pre-Great Recession year) and fiscal 2024, UGGA has averaged approximately 6.78% of total local taxes statewide.*

**FIGURE 2**

**UGGA's Share of Local Taxes Has Fallen Below Its Long-Term Average**

Annual ratio vs. the 6.78% long-term average, 2007–2024



Source: Massachusetts Division of Local Services

In order to restore and stabilize the historical partnership between state and local government, the MMA is recommending that the Commonwealth target restoring funding to the 6.78 percent figure, representing the average since the Great Recession reductions. Reaching the 6.78 percent benchmark in fiscal 2027 would require roughly an additional \$356 million in funding for UGGA.

### 351 for 351 Cities and Towns

While anchoring on the 6.78 percent benchmark of \$356 million, it is also important to root this sizable investment in the importance of each and every city and town, as well as the universality of UGGA funding.

With this in mind, and given the symbolic importance of a renewed commitment to municipal fiscal health, the MMA proposes a significant and restorative investment: \$351 million for 351 cities and towns.

*The fiscal strength of all 351 cities and towns is central to the Commonwealth's success.*

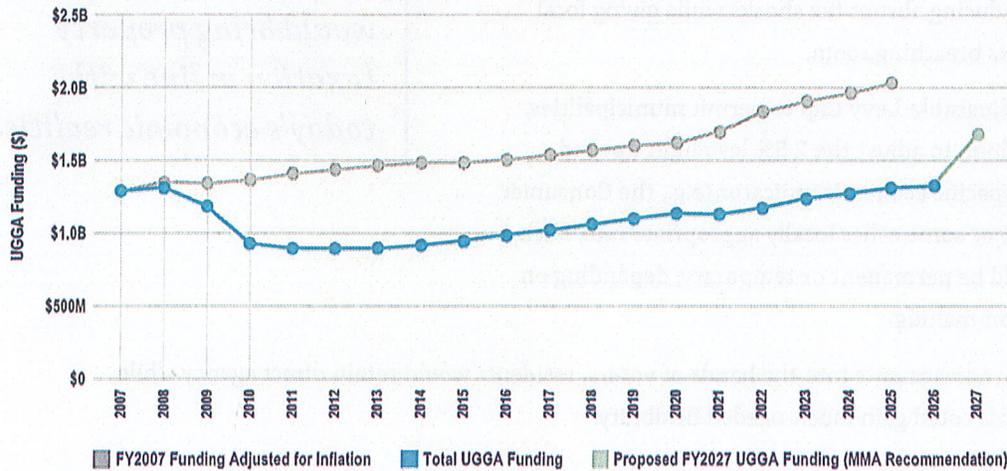
This initiative would provide \$351 million in new total UGGA funding, representing an increase of 26.5 percent above fiscal 2026 levels — a transformational reinvestment aimed squarely at closing the structural post-Great Recession funding gap.

Such an investment would provide immediate and meaningful relief for local budgets statewide, and local taxpayers. It would strengthen public safety, public health, public works, and community services in every corner of the Commonwealth. It would help municipalities stabilize budgets strained by rising costs and uncertain revenues. And it would restore a measure of balance to a state-local fiscal partnership that has drifted out of alignment for more than a decade.

**FIGURE 3**

**UGGA Funding Has Not Kept Pace With Inflation Since the Great Recession**

Total UGGA funding vs. inflation-adjusted FY2007 benchmark, 2007–2027



Source: Massachusetts Division of Local Services and U.S. Bureau of Labor Statistics (CPI)

Reinvesting in UGGA is the most direct and immediate way to strengthen the foundation of municipal government. The proposed \$351 million investment would not only help restore historical balance, it would reaffirm the Commonwealth’s enduring commitment to its cities and towns.

Over the long term, fixing UGGA to a certain target share of total local tax collections could provide future stability and reliability, since state rules and assessment norms make local tax collections very stable. In order to address current structural challenges, however, the Commonwealth must reinvest boldly and first seek a rising tide to lift all cities and towns.

**PROPERTY TAXATION FLEXIBILITY**

Our “Perfect Storm” findings identified the constraints of Proposition 2½ as unreasonable in an environment of inflationary pressures and cost drivers (health insurance, energy, construction, among others) increasing well above 2.5 percent. Aside from the local property tax, cities and towns have very few places to turn for revenue in order to keep up with inflation and maintain key municipal services — and those revenue options are not equally available among all types of municipalities. The law provides an avenue of relief, but, practically speaking, an override vote — an arduous and costly process in itself — is simply a non-starter in a majority of communities. Overrides are also a stopgap measure, not a long-term solution.

Our recommendations, below, examine the mechanics embedded within Proposition 2½ and property taxation, and explore flexibilities that would allow the law to operate in a manner that acknowledges today's economic realities.

### Support Voter-Driven, Multi-Year Levy Solutions

- **Permit Multi-Year Overrides**, which would allow voters to authorize a structured override that phases in over multiple years. The ballot question would set both the total dollar amount and a defined implementation schedule, reducing abrupt tax shocks while giving local governments breathing room.
- **Allow an Adjustable Levy Cap** to permit municipalities, via referendum, to adjust the 2.5% levy limit upward, either to a specific economic indicator (e.g., the Consumer Price Index) or some other locally appropriate rate. Such a change could be permanent or temporary, depending on local decision-making.

*Giving communities flexible, voter-driven tools would bring property taxation in line with today's economic realities.*

By putting these adjustments into the hands of voters, residents would retain direct agency while municipal officials could gain much-needed flexibility.

### Reform Property Classification and Ease Exemptions

The following policy recommendations would empower cities and towns with more direct authority within property taxation flexibility for classification of the use of property, as well as more robust means-tested exemptions for target populations.

- **Expand Local Classification Flexibility** to allow municipalities to more easily reclassify property based on use (residential, commercial, industrial) and revenue generation. This can help align tax policy and total resources with local economic development goals.
- **Delegate Flexibility for CIP Rate Shifts** to enable municipalities to provide larger shifts between Commercial-Industrial-Personal (CIP) rates and residential rates in a given year.
- **Expand Exemptions for Targeted Populations** to increase the ease and frequency for local-option exemption programs, particularly for vulnerable populations (e.g., seniors, veterans), through means-tested exemption policies.

### **PRIORITIZE KEY ACCOUNTS, EXPAND LOCAL REVENUES AND ALLEVIATE ADMINISTRATIVE BURDENS**

As our “Perfect Storm” findings indicate, the prohibition against local sales and income taxes, and a 2.5% cap on property tax increases, prevent municipalities from raising adequate revenue on their own to respond to community needs. With this in mind, the MMA's final recommendations group critical considerations as we support a pathway to fiscal sustainability — prioritizing key funding programs

from the Commonwealth, providing tools and revenue, and pursuing long overdue modernizations to municipal practices.

## Emphasize Key Accounts and Municipal Aid Programs

It's critical that attention remain on key accounts and programs for essential municipal services. To achieve meaningful progress, these foundational state resources and reimbursements must be fully funded by the Commonwealth. The result will be to provide an even more meaningful, and sustainable, fiscal impact to our communities.

- Support continued investments in **Chapter 70 School Aid** to implement the Student Opportunity Act, while pursuing ongoing reforms to minimum new aid levels for districts and to the local contribution.
- Fully fund the **special education circuit breaker, charter mitigation funding, and all school transportation accounts**. This will ensure reliable, equitable programs without significantly shifting the financial burden to municipalities.
- Provide increases to **Rural School Aid**, in alignment with recommendations from the Commission on the Long-Term Fiscal Health of Rural Districts.
- Fully fund **PILOT (Payment-In-Lieu-of-Taxes)** for state-owned land, fully recognizing that cities and towns provide municipal services to state facilities that are exempt from the local property tax.

*Fully funding key state accounts would deliver meaningful, sustainable relief for every community.*

## Local Option Revenues

In addition to flexibility within Proposition 2½, municipalities should be given more **local-option revenue tools**, which would diversify municipal revenue, reduce reliance on narrow tax bases, and tie certain resources to community priorities.

- Raise the **meals tax ceiling** to generate more dining-and-retail revenue.
- Increase the **lodging (hotel) tax**.
- Introduce a **local-option surcharge** on motor vehicle excise bills, giving a flexible source tied to vehicle ownership.
- Authorize a **real estate transfer fee (or deed excise)** dedicated to **local affordable housing trusts**, linking property market activity to housing affordability investments.

## Modernize Municipal Practices and Reduce Administrative Burdens

Beyond funding, the structures by which municipalities receive aid and deliver services require an update. Reform here could reduce costs and improve efficiency by removing unnecessary or outdated administrative burdens.

- Pass the **Municipal Empowerment Act**, a multifaceted package of reforms and local options intended to cut costly red tape, enhance local revenue-raising options, and improve local government efficiency.
- Incentivize **regionalization efforts** through additional grants, technical assistance, and pilot programs, which would promote more efficient and effective delivery of services.
- Pursue lasting reform to **municipal liabilities and legacy costs**, including in health care and pensions.

## CLOSING

As the backbone of the state's economy and quality of life, the 351 cities and towns of Massachusetts deliver the essential services that residents rely on every single day. But their ability to do so is imperiled by a convergence of relentless cost pressures, rigid revenue limits, and eroding state aid.

This report outlines a strategic path forward to promote municipal fiscal stability, including:



Restoring adequate and reliable state aid

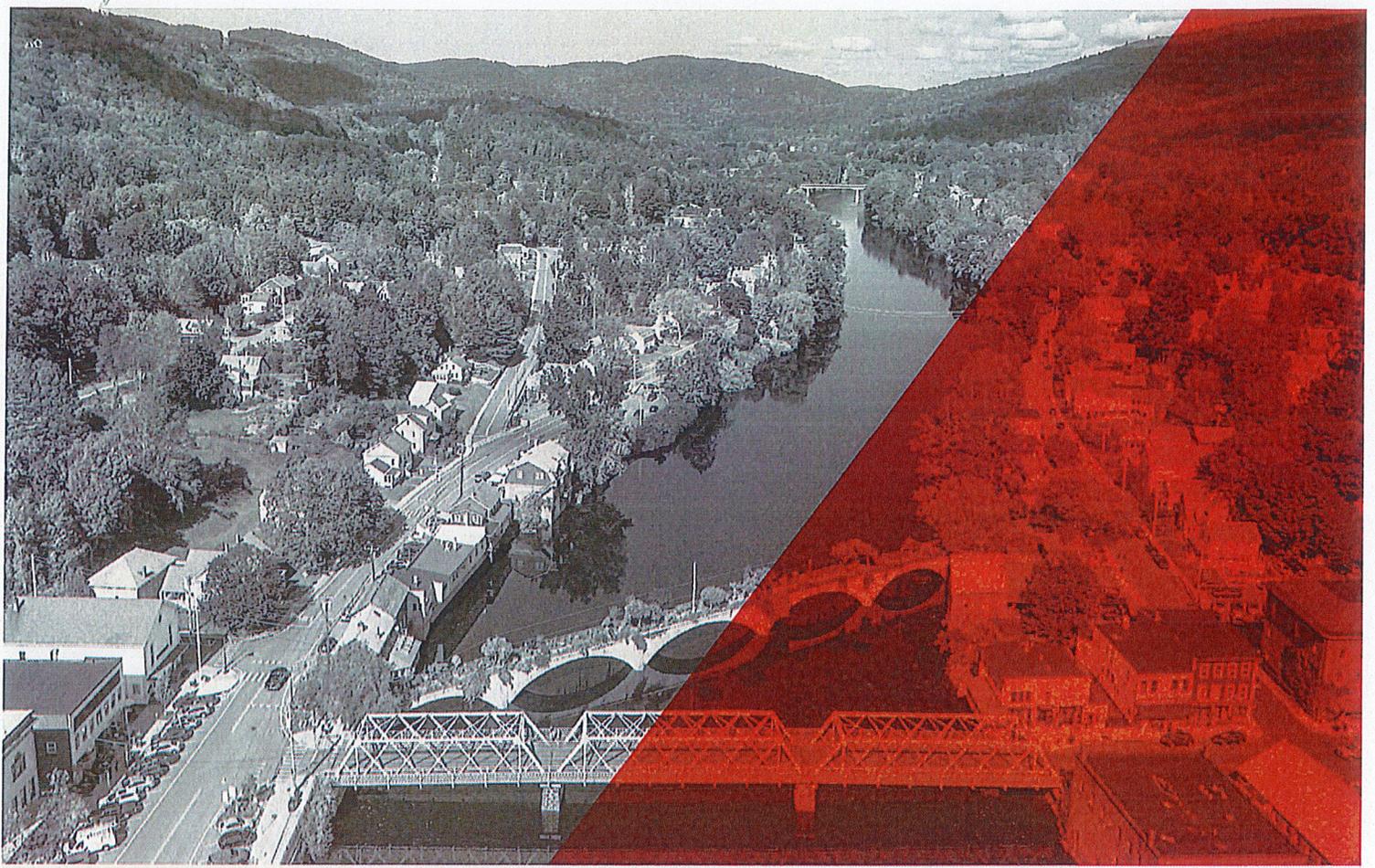


Providing property taxation flexibility



Prioritizing key accounts while expanding local revenue options and modernizing municipal practices

Together, these investments and reforms are intended to reinforce the financial standing of all 351 cities and towns, preserve essential public services, and reaffirm the vital partnership between the Commonwealth and its municipalities.



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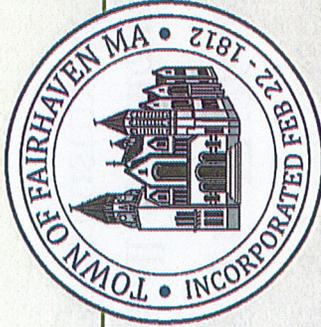


Massachusetts  
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3 Center Plaza, Suite 610  
Boston, Massachusetts 02108  
617.426.7272 | [www.mma.org](http://www.mma.org)

State Code		FY26 Budgeted	FY27 Budgeted
1000	District Leadership & Administration	252,290	241,700
2210	School Leadership	65,225	70,867
2250	Tech/Maintenance Agreements	28,975	29,725
2357	Professional Development	147,951	87,200
2410	Textbooks	56,802	58,586
2430	Instructional Equip./General Supplies	188,363	184,676
2440	Other Instructional Services (Tutoring)	89,780	100,975
2450	Instructional Technology	219,549	308,470
2710	Guidance and Adjustment	18,000	17,375
2800	Psychological Services	9,000	13,000
	<b>TOTAL INSTRUCTION</b>	<b>823,645</b>	<b>870,874</b>
3200	Medical Health Services	9,866	10,154
3300	Transportation Services	1,814,984	2,106,700
3500	Athletics/Student Activities	383,691	386,816
3400	Food Service	1,200	0
3600	School Security	35,000	39,750
	<b>TOTAL STUDENT SERVICES</b>	<b>2,244,741</b>	<b>2,543,420</b>
4110	Custodial Services	1,500	1,500
4120	Heating of Buildings	240,000	308,760
4130	Utility Services	402,260	408,500
4200	Maintenance	321,925	365,082
4225	Building Security Equipment	30,882	39,750
4400	Networking and Telecommunications	2,500	3,500
	<b>TOTAL MAINTENANCE</b>	<b>999,067</b>	<b>1,127,092</b>
5260	Non-Employee Insurance	3,390	3,850
5300	Lease Agreements	28,950	23,375
9000	Out of District Tuitions	1,464,019	1,460,573
	<b>OPERATIONAL EXPENDITURES</b>	<b>5,816,102</b>	<b>6,270,884</b>
	<b>SALARY</b>	<b>19,840,064</b>	<b>20,641,603</b>
	<b>TOTAL REQUEST</b>	<b>25,656,166</b>	<b>26,912,487</b>
	<b>INCREASE</b>		<b>1,256,321</b>
	<b>PERCENTAGE INCREASE</b>		<b>4.90%</b>

FISCAL YEAR 2027  
BUDGET PRESENTATION



TO THE  
SELECT BOARD

Presented by:  
Keith R. Hickey  
Anne Carreiro

# Assumptions Used to Develop FY27 Budget

- Annual budget increase of 4.93% based on historical increases.
- State revenues are estimated at FY26 levels plus 5.7%.
- Proposed budget includes all contractual wage adjustments for union employees and wage adjustments for all nonunion employees.
- Local school budget include an increase by 3.6% and an increase of \$200,000 (6.75%) for New Bedford Vocational and Bristol Agricultural High School
- The Health Insurance budget is based on the average FY2026 monthly expenditure and includes an 15% increase
- The retirement appropriation is based on the actual amount due.<sub>2</sub>

# FY27 Salary Increase Projection

<b>Detail:</b>		
<b>Town Salaries:</b>		
FY26 salaries before COLA		14,016,206
FY 26:	COLA = 1% as of 1/1/26	x 1.005
		14,086,287
FY 27:	1% 7/1/26 & 1% 1/1/27	x 1.015
		14,297,581
	Step increases 2.5% (60% of ees)	x 60%
		8,578,549
	Step increases 2.5%	x .025
		214,464
		<u>214,464</u>
		<b>495,839</b>
<b>School Salaries:</b>		
FY26 Budgeted amount in Vadar		19,840,064
FY27:	2% COLA as of 7/1/26	x 1.02
		20,236,865
	Lane increases 5% (40% of ees)	x 40%
		8,094,746
	Lane increases 5%	x .05
		404,737
		<u>404,737</u>
		<b>801,539</b>

# FY27 Expenditure Increase Projection

<b>Salaries:</b>			
	Town salaries (see below)	495,839	
	School salaries (see below)	<u>801,539</u>	1,297,378
<b>Operating expenses:</b>			
	Town (FY26 = \$6,039,548 x 2.5%)	150,989	
	School (FY26 = \$5,816,102 x 2.5%)	<u>145,403</u>	296,391
<b>Fixed Costs:</b>			
	Voke & Bristol Aggie (Est increase 6.75% of FY26)	200,000	
	Retirement increase from FY26 approp.	202,585	
	Health 15% increase of FY26 approp.	816,750	
	Unemployment estimate	50,000	
	Town insur 12% increase of FY26 approp.	150,000	
	Medicare tax 1.45% of salary increase above	<u>18,812</u>	1,438,147
	<b>Total estimated expense increase from FY26 budget</b>		<u><u>3,031,916</u></u>

# REVENUE PROJECTION FOR FISCAL YEARS FY27-FY31

	<u>FY26</u>	<u>FY27</u>	<u>FY28</u>	<u>FY29</u>	<u>FY30</u>	<u>FY31</u>
<b>REVENUE:</b>						
Prior Year Levy Limit	\$34,476,372	\$35,760,042	\$37,056,511	\$38,385,391	\$39,747,494	\$41,143,650
Amended FY 00 Growth	\$1,440	\$0	\$0	\$0	\$0	\$0
Add FY - 00 - 2.5%	\$861,945	\$894,001	\$926,413	\$959,635	\$993,687	\$1,028,591
Add FY - 00 - New Growth	\$420,285	\$402,468	\$402,468	\$402,468	\$402,468	\$402,468
Levy Limit	5 Year Average \$35,760,042	5 Year Average \$37,056,511	5 Year Average \$38,385,391	5 Year Average \$39,747,494	5 Year Average \$41,143,650	5 Year Average \$42,574,709
Debt Excl.	<u>\$715,775</u>	<u>\$693,239</u>	<u>\$492,845</u>	<u>\$475,064</u>	<u>\$461,615</u>	<u>\$447,269</u>
<b>FY - 00 - Maximum Allowable</b>	<b>\$36,475,816</b>	<b>\$37,749,749</b>	<b>\$38,878,236</b>	<b>\$40,222,558</b>	<b>\$41,605,265</b>	<b>\$43,021,978</b>
Net Cherry Sheet Revenues	\$12,903,718	\$12,977,269	\$13,051,240	\$13,125,632	\$13,200,448	\$13,275,690
Local Receipts	<u>\$9,209,233</u>	<u>\$9,277,630</u>	<u>\$9,346,535</u>	<u>\$9,415,952</u>	<u>\$9,485,884</u>	<u>\$9,556,336</u>
Indirect Charges	<u>\$1,434,607</u>	<u>\$1,470,472</u>	<u>\$1,507,234</u>	<u>\$1,544,915</u>	<u>\$1,583,538</u>	<u>\$1,623,126</u>
Other Available Funds	<u>\$1,739,000</u>	<u>\$1,756,390</u>	<u>\$1,773,954</u>	<u>\$1,791,693</u>	<u>\$1,809,610</u>	<u>\$1,827,706</u>
<b>TOTAL REVENUE SOURCES</b>	<u><b>\$61,762,374</b></u>	<u><b>\$63,231,511</b></u>	<u><b>\$64,557,198</b></u>	<u><b>\$66,100,750</b></u>	<u><b>\$67,684,744</b></u>	<u><b>\$69,304,836</b></u>

# EXPENDITURE PROJECTION FOR FISCAL YEARS FY27-FY31

**EXPENDITURES:**

	<u>FY26</u>	<u>FY27</u>	<u>FY28</u>	<u>FY29</u>	<u>FY30</u>	<u>FY31</u>
General Fund Budget Expense	\$61,462,374	\$64,494,290	\$67,673,858	\$71,010,180	\$74,510,982	\$78,184,373
Anticipated Increase in Appropriations		\$3,031,916	\$3,179,568	\$3,336,321	\$3,500,802	\$3,673,391
Abatements & Exemptions	<u>\$300,000</u>	<u>\$400,000</u>	<u>\$400,000</u>	<u>\$400,000</u>	<u>\$400,000</u>	<u>\$400,000</u>
<b>TOTAL BUDGET EXPENSE</b>	<u>\$61,762,374</u>	<u>\$64,894,290</u>	<u>\$68,073,858</u>	<u>\$71,410,180</u>	<u>\$74,910,982</u>	<u>\$78,584,373</u>
<b>TOTAL EXCESS (DEFICIT)</b>	<u>\$0</u>	<u><del>-\$1,662,779</del></u>	<u><del>-\$3,516,660</del></u>	<u><del>-\$5,309,430</del></u>	<u><del>-\$7,226,237</del></u>	<u><del>-\$9,279,537</del></u>

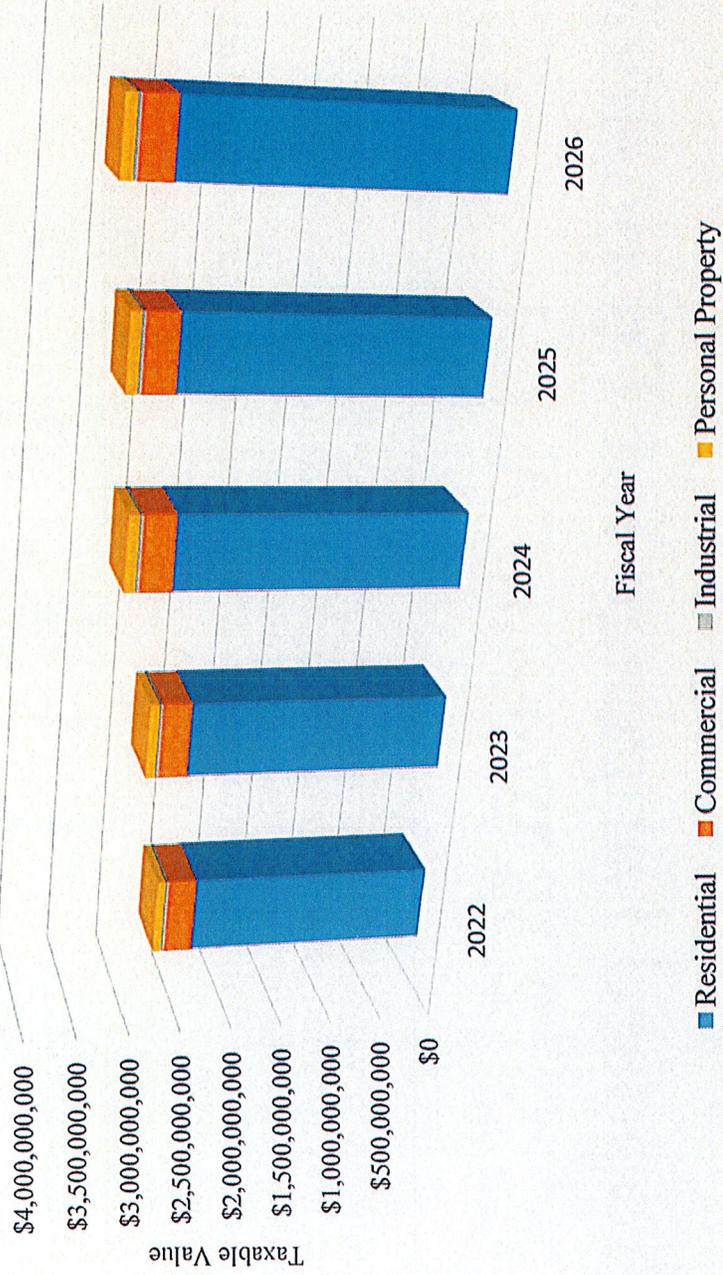
# Proposed Language for Proposition 2 1/2 Warrant Article

To see if the Town will vote to raise and appropriate the following amounts from the tax levy for the Fiscal Year beginning July 1, 2026, for departmental operating purposes and other town expenses contingent upon passage of a Proposition 2-1/2 Ballot Question under Massachusetts General Laws Chapter 59, Section 21C.

<u>PURPOSE</u>	<u>RECOMMENDED</u>
Department	\$
Department	\$
Department	\$
Total Contingent Appropriations	\$

or take any other action in relation thereto.

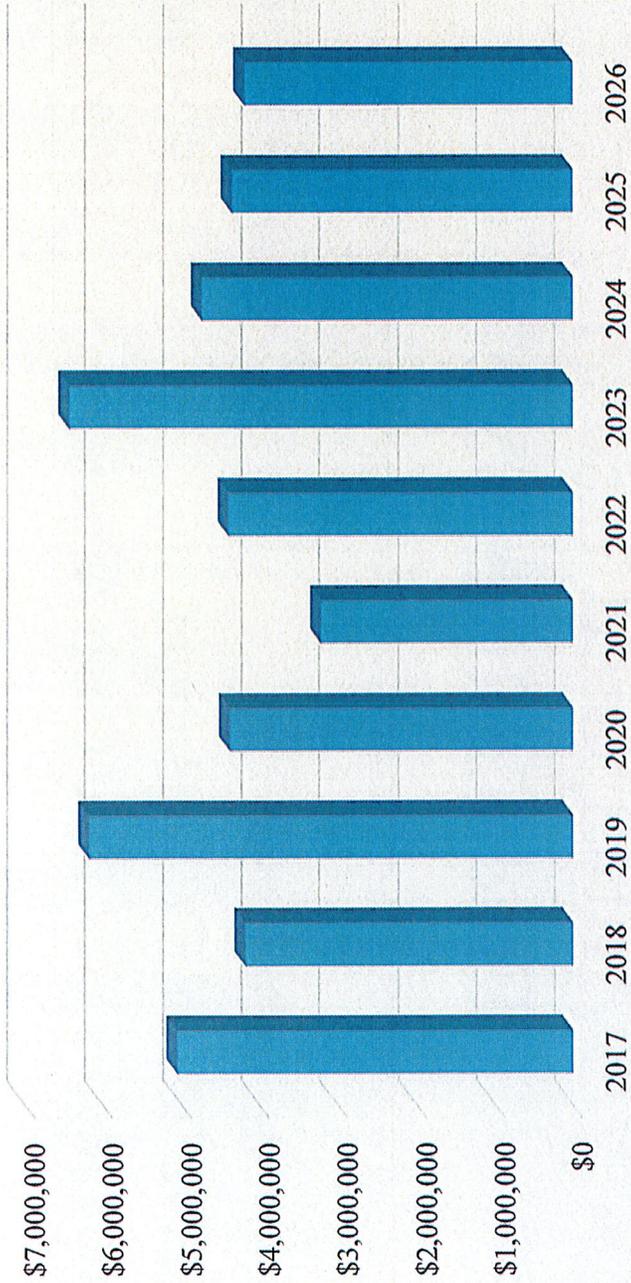
# Annual Taxable Value by Property Type



## Anticipated Use of Free Cash in FY27

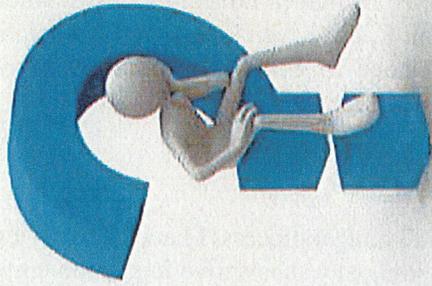
Beginning Free Cash	\$ 4,143,249
Reserve 2% of FY27 Budget	\$ (1,290,000)
Anticipated FY27 Free Cash Articles	\$ <u>(600,000)</u>
Available Free Cash Balance	\$ <u>2,253,249</u>
Recommended Capital Purchases Using Free Cash	\$ 2,000,000

# Free Cash Balances by Fiscal Year 2009-2024



# Questions

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

40 Center Street  
Fairhaven, MA 02719

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

**Keith R. Hickey  
Town Administrator**

January 5, 2026

Officer Scott Coelho, Fairhaven Police Union, NEPBA Local 64  
Dispatcher Ann Dupont, Fairhaven Dispatch Union, NEPBA Local 106  
Firefighter Kyle Tevault, Fairhaven Firefighters Association Local 1555, IAFF/PFFM  
Chris Fernandes, AFSCME Council 93, Highway Division Employees  
Kristy Horsman, AFSCME Council 93, Fairhaven Clerical Union Employees  
Seth Alexion, Teamsters Local 59, Water Division Employees  
Jared Amaral, Teamsters Local 59, Sewer Division Employees  
Gregory Davis, FEA, Unit A, Fairhaven Educators' Association  
Derek Galvan, FEA, Unit B, Fairhaven Educators' Association  
Michelle Souza, FEA, Unit C, Fairhaven Educators' Association  
Robert Smith, AFSME Council 93, School Custodial Employees  
Donna Charpentier, AFSCME Council 93, School Secretarial Employees

Dear Union Representatives,

In preparation for the FY27 budget process, I have been reviewing opportunities to reduce municipal operating costs while avoiding any substantive impact on employees' wages, benefits, or working conditions. There are two opportunities I would like to share with the union leadership. One such opportunity involves modernizing the Town's payroll practices by transitioning from weekly printed paystubs to electronic paystubs. The second would add a voluntary subscription service for employees to utilize. Below is a summary of each opportunity.

#### Electronic Paystubs

The Town currently utilizes Harpers Payroll Service to process weekly payroll. Under the existing process, paper paystubs are printed and physically distributed to all Town departments. This process results in an annual cost of approximately \$38,000 to print and distribute roughly 500 paystubs each week.

Harpers offers an electronic employee self-service platform, accessible via both a secure website and mobile application, known as Employee Forward. This platform allows employees to view and print current and prior paystubs, review accrued vacation and sick leave balances, and make permitted changes to payroll deductions. The annual cost to provide access to Employee Forward for all employees is \$5,242, resulting in an estimated annual savings to the Town of approximately \$32,750. For additional information, please visit the Employee Forward webpage on the Harpers Payroll Services website EmployeeForward - Employee Self Service.

Importantly, this proposed change would not affect payroll frequency, compensation, benefits, or the accuracy and timeliness of pay. Employees would retain continuous access to their payroll information and would be able to print paystubs as needed for personal records, financial transactions, or other purposes. Please note that all employees would need to have their paychecks direct deposited into their bank accounts rather than receiving a paper check.

In order to implement electronic paystubs, all Town and School collective bargaining units must voluntarily agree to the change. I respectfully request that each unit review this proposal and consider whether it is willing to provide such agreement. I recognize that this request may require internal discussion, and I am available to answer questions or provide additional information regarding the Employee Forward platform at your convenience.

#### Additional Prescription Service Provider

As part of the Town's ongoing review of opportunities to manage health insurance costs while preserving employee benefits, the Town is proposing to add an additional voluntary prescription service option known as Canarx to the prescription providers currently available to employees.

Canarx is an international prescription service that provides access to certain brand-name medications at a lower cost than existing providers. Based on an analysis performed by the Town's insurance advisor, if medications currently prescribed to employees were obtained through Canarx where eligible, the Town's annual prescription insurance costs could be reduced by approximately \$1 million. Participation in Canarx would be entirely voluntary. Employees who choose not to participate would continue to have access to all existing prescription benefit options without change. Any employee information associated with the use of Canarx is confidential and is not shared with the Town.

The Town's position is that the addition of Canarx constitutes an optional benefit enhancement rather than a modification to existing benefits, as participation is not mandatory. Initial, informal discussion regarding Canarx occurred at a recent Insurance Advisory Committee meeting. More formal informational meetings will be scheduled later in January to provide employees with additional details and the opportunity to ask questions. Additional information regarding Canarx is available on the company's website at [www.Canarx.com](http://www.Canarx.com).

Please provide the union's decision on the request to use only electronic paystubs via email to: [khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov) when your review is complete.

Thank you for your consideration and continued cooperation.

Respectfully,



Keith R. Hickey  
Town Administrator

Cc: Tara Kohler, Superintendent of Schools  
Daniel Dorgan, Police Chief  
Todd Correia, Fire Chief  
Vincent Furtado, Public Works Superintendent



December 22, 2025

Tara Kohler, Superintendent  
Fairhaven Public Schools  
128 Washington Street  
Fairhaven, MA 02719

Re: Age Span Waiver 2481  
**Leroy Wood Elementary  
Learning Center Program**

Dear Superintendent Kohler:

I write in response to your request for an Age Span Waiver of the 48-month age span requirement for students in the Leroy Wood Elementary School Learning Center Program. You asked that Fairhaven Public Schools receive approval to increase the age span for this in-class instructional grouping during the dismissal check-in period with the goal of providing the students with a free appropriate public education (FAPE) in the least restrictive environment.

Staff members from the Office of Public School Monitoring (PSM) reviewed and approved your waiver request **for a maximum age span of 60 months for the 2025-2026 school year**. Pursuant to current state special education requirements, I ask that you take steps now to ensure that Fairhaven Public Schools will not need to request the continuing approval of this waiver of Board of Elementary and Secondary Education regulations in subsequent years.

If you should have any questions, please contact Julie Evans, PSM Educational Specialist, at [Julie.Evans@mass.gov](mailto:Julie.Evans@mass.gov).

Sincerely,

*Jesee Kihiko*

Jesee Kihiko, Supervisor  
Office of Public School Monitoring

CC: Tanya Dawson, Special Education Director, Fairhaven Public Schools  
Julie Evans, Educational Specialist, Office of Public School Monitoring

**COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT**

BRISTOL, ss.

25 MISC 000064 (LER)

FAIRHAVEN SCHOOL COMMITTEE,

Plaintiff,

v.

PATRICK CARR, RUY DaSILVA, PEG  
COOK, DARYL MANCHESTER, AMY  
GOYER, KRISTEN RUSSELL,  
KATHERINE MacPHAIL, DEREK  
FURTADO, and BOB HANNAN as Members  
of the FAIRHAVEN ZONING BOARD OF  
APPEALS, KAREN A. VILANDRY,  
MAUREEN HAGAN, MOLLY  
SCHAEFFER, STEVEN SCHAEFFER,  
DANIEL JONES, AMANDA JONES,  
CLAIRE MILLETTE, DIANE G.  
TOMASSETTI, and IAN COMERFORD,

Defendants.

**MEMORANDUM OF DECISION ALLOWING  
PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS  
& MOTION FOR DEFAULT JUDGMENT**

Plaintiff Fairhaven School Committee commenced this G.L. c. 40A, § 17 appeal through a Complaint filed on February 10, 2025, seeking to annul the January 22, 2025 decision of the Fairhaven Zoning Board of Appeals ("ZBA").<sup>1,2</sup> The ZBA's decision revoked a commercial

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<sup>1</sup> On June 4, 2025, plaintiff filed its Amended Complaint. The Amended Complaint made no changes to the facts alleged or relief sought, instead merely correcting a misspelling of one party's name and adding an omitted necessary party.

<sup>2</sup> Plaintiff's original Complaint and Amended Complaint also sought relief in the form of declaratory judgment pursuant to G.L. c. 231A as to the enforceability of the ZBA's decision and the applicability of the provisions protecting educational land uses in G.L. c. 40A, § 3, often referred to as the "Dover Amendment." Plaintiff

building permit granted to plaintiff to build a storage facility accessory building at the Fairhaven High School, located at 12 Huttleson Avenue, Fairhaven (Bristol County), Massachusetts.

Before the court are (1) Plaintiff's Motion for Judgment on the Pleadings against the ZBA ("Motion for Judgment on the Pleadings") and (2) Plaintiff's Motion for Default Judgment against the private abutter defendants, Karen A. Vilandry, Maureen Hagan, Molly Schaeffer, Steven Schaeffer, Daniel Jones, Amanda Jones, Claire Millette, Diane G. Tomasetti, and Ian Comerford ("Motion for Default Judgment"), both filed on August 29, 2025. The Motion for Judgment on the Pleadings seeks to annul the ZBA decision, which granted the zoning enforcement appeal filed by the private party defendants and thereby revoked the commercial building permit issued to plaintiff. Counsel for the ZBA appeared in this case but declined to actively defend, leaving any defense of the ZBA decision to the proponents of the enforcement petition.<sup>3</sup> The Motion for Default Judgment concerns the private party defendants ("Abutters"), who did not appear in this case to defend the ZBA's decision and were defaulted pursuant to Mass. R. Civ. P. 55(a) on August 8, 2025. Having failed to defend, plaintiff now moves for default judgment against the Abutters pursuant to Mass. R. Civ. P. 55(b), asserting they lacked standing to challenge the permit granted to plaintiff in the ZBA proceeding below.

Oral argument on both motions was held on October 30, 2025. After argument, the court allowed plaintiff leave to further supplement its motions. On November 26, 2025, plaintiff filed

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voluntarily dismissed this count in its Memorandum of Law in Support of its Motion for Judgment on the Pleadings, p. 4 n.1.

<sup>3</sup> On September 4, 2025, the ZBA filed a limited opposition to plaintiff's Motion for Judgment on the Pleadings only as to plaintiff's request for fees or costs against the ZBA. Counsel for the ZBA confirmed that it "is not taking an active role in this litigation and defers to the Defendant abutters on any defense of the Board's decision at issue in this appeal by the Plaintiff." Limited Opposition of Defendant Members of the Fairhaven Zoning Board of Appeals to Plaintiff's Motion for Judgment on the Pleadings, ¶ 1. In response, plaintiff filed a Notice of Withdrawal of Request for Attorneys' Fees and Costs on September 18, 2025.

its Supplemental Memorandum of Law in Support of its Motions for Judgment on the Pleadings and Default Judgment. Thereafter, the court took the pending motions under advisement. Now, for the reasons discussed below, the court ALLOWS both motions.

### **BACKGROUND AND FACTS**

Upon a review of the pleadings and the documents relied on therein, the following facts are undisputed and relevant to the Motion for Judgment on the Pleadings and the Motion for Default Judgment.

1. On April 1, 2024, plaintiff obtained a residential building permit to construct a storage facility accessory building at the Fairhaven High School. Am. Compl. ¶ 31.
2. On May 16, 2024, the Town of Fairhaven's building commissioner issued a zoning determination finding that the storage facility did not comply with the size, height, and setback requirements set forth in the Town of Fairhaven Zoning Code ("Zoning Code"). Am. Compl. ¶ 33; Ex. B.
3. On June 18, 2024, in response to a letter from plaintiff's counsel, the building commissioner issued a formal zoning determination that the storage facility is exempt from zoning requirements because it is a structure used for educational purposes on land owned or leased by the commonwealth or any of its agencies and that requiring Plaintiff to comply with size, height, and setback requirements would not be a "reasonable regulation" within the meaning of the Dover Amendment, G.L. c. 40A § 3. Am. Compl. ¶ 35; Ex. D.
4. On September 11, 2024, the building commissioner revoked the residential building permit and requested that Plaintiff apply for a commercial building permit. Am. Compl. ¶ 36.
5. Plaintiff applied for the commercial building permit on September 20, 2024. Am. Compl. ¶ 37.
6. On October 3, 2024, after the building commissioner had revoked the residential building permit, the Abutters filed a request that the building commissioner revoke the residential building permit and enforce the Zoning Code. Am. Compl. ¶ 38; Ex. E.
7. On October 15, 2024, the building commissioner issued a commercial building permit to plaintiff. Am. Compl. ¶ 39; Ex. F.

8. That same date, October 15, 2024, the building commissioner issued a written memorandum in response to the Abutters' request, stating that the residential building permit was already revoked and that the building commissioner declined to take further zoning action at this time. The written memorandum notified the Abutters that a commercial building permit had been issued to plaintiff, though it also noted that "there is no requirement in state or local law or regulations to provide notice of building permits to abutters." Am. Compl. ¶ 40; Ex. G.
9. On October 19, 2024, the Abutters filed an appeal with the ZBA of the building commissioner's decision declining to take enforcement action. Am. Compl. ¶ 41.
10. A public hearing on the Abutters' appeal was held before the ZBA on January 7, 2025. At the hearing, the ZBA members voted to grant the Abutters' appeal and revoke the commercial building permit previously issued to plaintiff. Am. Compl. ¶ 45; Ex. I.
11. The ZBA issued a written decision memorializing the same, which was filed with the Fairhaven Town Clerk on January 22, 2025. Am. Compl. Ex. I.

## DISCUSSION

### *Motion for Judgment on the Pleadings*

#### **1. Standard of Review**

"Judgment on the pleadings under rule 12(c) lies only when the text of the pleadings produces no dispute over material facts." *Tanner v. Bd. of Appeals of Belmont*, 27 Mass. App. Ct. 1181, 1182 (1989), citing *Clarke v. Metro. Dist. Comm'n*, 11 Mass. App. Ct. 955 (1981). "[W]here a party ... fails to timely and properly deny the factual allegations of a complaint, those allegations are deemed admitted."<sup>4</sup> *Fialkowski v. Baltromitis*, 103 Mass. App. Ct. 281, 287 (2023). As in a motion to dismiss pursuant to Mass. R. Civ. 12(b)(6), the court accepts as true well-pleaded factual allegations and reasonable inferences drawn therefrom, *Marram v. Kobrick*

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<sup>4</sup> Though defendants were not required to file an answer by G.L. c. 40A § 17, the court may nonetheless consider a motion for judgment on the pleadings where defendants have been given adequate opportunity to oppose the facts alleged in the complaint and the motion. *See Fialkowski*, 103 Mass. App. Ct. at 286. Here, where the ZBA confirmed it would not defend against plaintiff's appeal and filed only a limited opposition to Plaintiff's Motion for Judgment on the Pleadings, and the Abutters did not appear in this case despite being duly served, it is appropriate to dispose of this matter through a motion pursuant to Mass. R. Civ. P. 12(c).

*Offshore Fund, Ltd.*, 442 Mass. 43, 45 (2004), but does "not accept legal conclusions cast in the form of factual allegations." *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 633 (2008), quoting *Schaer v. Brandeis Univ.*, 432 Mass. 474, 477 (2000); see *Jarosz v. Palmer*, 436 Mass. 526, 529-30 (2002). The court then proceeds to determine whether "the undisputed facts establish, as a legal matter, that that party is entitled to a judgment." *Morris v. Tewksbury Junction Condo. Ass'n*, 14 LCR 537, 538 (2006) (Case No. 05 MISC 310613) (Piper, J.), *aff'd* 71 Mass. App. Ct. 1103, 2008 WL 108771 (2008) (Rule 1:28 Decision), citing *Wing Mem'l Hosp. v. Dep't of Pub. Health*, 10 Mass. App. Ct. 593, 596 (1980) (where the parties completed their pleadings and no dispute of fact remained, the trial court appropriately disposed of the case by deciding the questions of law raised by the pleadings).<sup>5</sup>

With plaintiff's Amended Complaint unopposed and no disputes of material fact in the record, plaintiff's Rule 12(c) motion seeks to annul the ZBA's decision revoking the commercial building permit on the grounds that: (1) the Abutters lacked standing to challenge the building commissioner's issuance of the commercial building permit and denial of their enforcement request before the ZBA, and (2) plaintiff was not properly notified in accordance with legal requirements of the Abutters' appeal to the ZBA, the public hearing held by the ZBA, or the filing of the ZBA's decision with the Town Clerk.

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<sup>5</sup> While Rule 12(c) states that presentation of matters outside the pleadings generally requires the court to convert a motion for judgment on the pleadings to one for summary judgment, conversion is not required if the matters outside the pleadings relied upon are matters of public record or documents relied upon in the complaint. See *Town of Winchendon by and through Bd. of Selectman v. Brandywine Farms Inc.*, 26 LCR 253, 254 (2018) (Case No. 17 MISC 000332) (Foster, J.), 2018 WL 2297177 at \*2 ("The court may, however, take into account matters of public record and documents integral to, referred to, or explicitly relied on in the complaint, whether or not attached, without converting the motion to a motion for summary judgment.") and cases cited; *accord Bos. Med. Ctr. Corp. v. Sec'y of Exec. Off. of Health and Hum. Servs.*, 463 Mass. 447, 450 (2012); see also *Jarosz*, 436 Mass. at 530 (2002) ("[W]e see no reason that a judge may not also consider on a rule 12(c) motion those facts of which judicial notice can be taken.").

## 2. Standing

"Aggrieved person status is no less a jurisdictional condition to maintaining an appeal to a board of appeal under G.L. c. 40A, § 8, than it is to maintaining judicial review under § 17." *Chongris v. Bd. of Appeals of Andover*, 17 Mass. App. Ct. 999, 1000 (1984), citing *Turner v. Bd. of Appeals of Milton*, 305 Mass. 189, 192-93 (1940). "[U]nder G.L. c. 40A, §§ 8 and 13, only a 'person aggrieved' by an order or decision of an administrative official may appeal to the zoning board of appeals." *Butts v. Zoning Bd. of Appeals of Falmouth*, 18 Mass. App. Ct. 249, 253 (1984); see *Green v. Bd. of Appeals of Provincetown*, 404 Mass. 571, 573 (1989) (the word "aggrieved" is interpreted consistently throughout Chapter 40A). "[S]tanding at the zoning board of appeals level is limited solely to an analysis of whether the party has a specific and substantial interest, such that they are a 'person aggrieved' for the purposes of both G.L. c. 40A, § 8 and § 17...." *Cottone v. Cedar Lake, LLC*, 67 Mass. App. Ct. 464, 468 (2006), quoting *Newton v. Dep't of Pub. Util.*, 339 Mass. 535, 544 (1959); *81 Spooner Rd., LLC v. Zoning Bd. of Appeals of Brookline*, 461 Mass. 692, 700 (2012), quoting *Marashlian v. Zoning Bd. of Appeals of Newburyport*, 421 Mass. 719, 721 (1996) ("A 'person aggrieved' is one who 'suffers some infringement of his legal rights."); *Denmeny v. Zoning Bd. of Appeals of Seekonk*, 59 Mass. App. Ct. 208, 212 (2003), citations omitted (the legal right or interest asserted "must be personal to the plaintiff, not merely reflective of the concerns of the community"). If a party lacks standing to pursue relief before the ZBA, the ZBA lacks jurisdiction to issue a decision granting that relief. See G.L. c. 40A, § 14 ("A board of appeals shall have the following powers: (1) To hear and decide appeals in accordance with section eight...") and § 8 ("An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken by any person aggrieved..."); *Turner*, 305 Mass. at 193 (where party seeking relief before the board of appeal was not an aggrieved person, the board did not have authority to hear the appeal); *Cottone*, 67

Mass. App. Ct. at 459 (where named defendant was the "aggrieved person" before the zoning board of appeals, the trial court had jurisdiction to hear plaintiff's appeal pursuant to G.L. c. 40A, § 17 because defendant "had the requisite standing before the board").

According to the undisputed facts set forth in plaintiff's Amended Complaint, the Abutters did not have standing as "persons aggrieved" before the ZBA because their alleged harms are only aesthetic and general in nature. Plaintiff's pleadings identify the aesthetic harms asserted by the Abutters as "the storage facility is an 'eye sore' and Huttleston Avenue is a 'drag strip.'" Am. Compl. ¶ 49. The Abutters' only other claimed harm is the alleged violation of the Zoning Code itself. The Abutters' Formal Appeals Letter<sup>6</sup> to the building commissioner states that the proposed project violates certain size, height, and setback requirements of the Zoning Code as a basis for their enforcement request and questions whether the structure would be protected under the Dover Amendment, G.L. c. 40A, § 3.<sup>7</sup> Compl. Ex. G. The Letter does not identify any individualized harms the Abutters might suffer from the construction of the storage facility at the high school, nor does it explain how they are collectively or individually aggrieved by the alleged dimensional zoning violations. Similarly, the decision issued by the ZBA finds only that the proposed project would violate height and size restrictions set forth in the Zoning Code and that granting a "variance" would not comport with neighborhood character.<sup>8</sup> Compl.

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<sup>6</sup> While the Abutters did not need to show aggrievement when making an enforcement request to the building commissioner, G.L. c. 40A, § 7, the Letter is the only source in the record of the Abutters' claimed harms and reasons for pursuing the enforcement request and subsequent appeal.

<sup>7</sup> The court notes that the building commissioner had issued a zoning determination on June 18, 2024 that applying the Fairhaven Zoning Code's dimensional regulations to the accessory storage facility would conflict with the protections of the Dover Amendment, G.L. c. 40A § 3.

<sup>8</sup> Despite the references in the ZBA decision to an "Approval of Variance# ZBA-024-021," the record does not disclose that Plaintiff ever applied for a variance or that they were required to. *See Campbell v. City Council of*

Ex. I. The decision recites no basis or finding that the Abutters were persons aggrieved with standing to bring their appeal before the ZBA.

To be aggrieved, "a person must suffer 'some infringement of his legal rights.'" *Murchison v. Zoning Bd. of Appeals of Sherborn*, 485 Mass. 209, 213 (2020), quoting *Sweeney v. A.L. Prime Energy Consultants*, 451 Mass. 539, 543 (2008). "The aggrievement must be more than 'minimal or slightly appreciable,' and the right or interest asserted must be 'one that G. L. c. 40A is intended to protect.'" *Id.*, quoting *Kenner v. Zoning Bd. of Appeals of Chatham*, 459 Mass. 115, 120-21 (2011). "Generally speaking, concerns about the visual impact of a proposed structure on an abutting property are insufficient to confer standing." *Kenner*, 459 Mass. at 120. Moreover, a "general civic interest in the enforcement of zoning laws is not enough to confer standing." *Denneny*, 59 Mass. App. Ct. at 215 (citation modified), quoting *Harvard Square Def. Fund, Inc. v. Plan. Bd. of Cambridge*, 27 Mass. App. Ct. 491, 495-96 (1989); accord *Owens v. Bd. of Appeals of Belmont*, 11 Mass. App. Ct. 994, 995 (1981), quoting *Waltham Motor Inn, Inc. v. LaCava*, 3 Mass. App. Ct. 210, 218 (1975) (citation modified) (plaintiffs who challenged the ZBA decision "had nothing more than 'a general civic interest in the enforcement of the zoning ordinance,' and, as a result, were not 'persons aggrieved' within the meaning of G.L. c. 40A, § 17.").

The alleged harms of the Abutters, to the extent any can be discerned from the record, are not the type of interests protected by G.L. c. 40A or the Fairhaven Zoning Code and do not threaten any injury special and different to the Abutters from the rest of the community. The undisputed material facts show that the Abutters were not "persons aggrieved" and therefore did

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*Lynn*, 415 Mass. 772, 779 (1993) (where proposed structure was for educational use within the meaning of the Dover Amendment, "the owners cannot be compelled to seek a variance in order to have their educational use").

not have standing to appeal to the ZBA under G.L. c. 40A, § 8. As a result, the ZBA did not have jurisdiction to render its decision granting their appeal and revoking plaintiff's commercial building permit. The Abutters "had no right to file [the appeal] and the board had no authority to hear it." *Turner*, 305 Mass. at 193. On this basis, the ZBA's decision "exceeds the authority of the board" and must be annulled. G.L. c. 40A, § 17.

### 3. Notice

Plaintiff also asserts it is entitled to judgment on the pleadings because the ZBA's decision is procedurally defective. Plaintiff argues the ZBA "failed to provide notice to Plaintiff of the filing of the Abutters' appeal, failed to provide notice of the hearing scheduled on the Abutters' appeal, and ... also failed to provide the Plaintiff with notice of its Decision being filed with the Town Clerk." Motion for Judgment on the Pleadings, p. 7. However, plaintiff's pleadings do not contain facts sufficient for the court to enter judgment on these grounds. Paragraphs 53 and 54 of the Amended Complaint contain the only references to plaintiff not receiving notice, and read as follows:

53. The board erred in failing to provide the requisite notice to parties in interest, namely, the School Committee, once the hearing was scheduled on the Application.

54. The Board erred in failing to provide notice to the parties in interest, namely, the School Committee, of its Decision being filed with the Town Clerk.

These, however, are legal conclusions unsupported by specific allegations of what the ZBA did or did not do and what, if any, prejudice plaintiff suffered. *See Cubberley v. Commerce Ins. Co.*, 395 Mass. 289, 292-93 (2025), quoting *Leavitt v. Brockton Hosp., Inc.*, 454 Mass. 37, 39 n.6 (2009) ("Well-pleaded facts do not include '[l]egal conclusions cast in the form of factual allegations.>"). Sufficiency of notice is in part a question of fact. *See, e.g., Allegaert v. Harbor*

*View Hotel Owner LLC*, 100 Mass. App. Ct. 483, 489 (2021) ("It bears mention that not all defects in notice, even defects in notice by mail, require a new hearing by the board."); *Kasper v. Bd. of Appeals of Watertown*, 3 Mass. App. Ct. 251, 257-58 (1975) (declining to find that a zoning board of appeal's decision was defective where plaintiff was not prejudiced by the defective notice).

Accordingly, the court cannot find on this record, as a matter of law, that the ZBA's decision was procedurally defective for lack of notice to plaintiff.

### ***Motion for Default Judgment***

The Abutters failed to timely appear, answer, or otherwise defend after being duly served with plaintiff's Complaint and Amended Complaint. They were accordingly defaulted pursuant to Mass. R. Civ. P. 55(a). Plaintiff's Motion for Default Judgment against the Abutters relies on the same undisputed facts underlying plaintiff's Motion for Judgment on the Pleadings against the ZBA. Because the court has found herein that the Abutters lacked standing to appeal under G.L. c. 40A, § 8, and that the ZBA's decision revoking the commercial building permit exceeded its authority and must be annulled, the court finds that plaintiff has also shown its entitlement to a default judgment against the Abutters.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion for Judgment on the Pleadings and Motion for Default Judgment are **ALLOWED**.

Judgment to enter accordingly.

By the Court (Reznick, J.)

/s/ Lauren E. Reznick

Attest:

/s/ Deborah J. Patterson

Deborah J. Patterson, Recorder

Dated: December 29, 2025

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT

BRISTOL, ss.

25 MISC 000064 (LER)

FAIRHAVEN SCHOOL COMMITTEE,

Plaintiff,

v.

PATRICK CARR, RUY DaSILVA, PEG  
COOK, DARYL MANCHESTER, AMY  
GOYER, KRISTEN RUSSELL,  
KATHERINE MacPHAIL, DEREK  
FURTADO, and BOB HANNAN as Members  
of the FAIRHAVEN ZONING BOARD OF  
APPEALS, KAREN A. VILANDRY,  
MAUREEN HAGAN, MOLLY  
SCHAEFFER, STEVEN SCHAEFFER,  
DANIEL JONES, AMANDA JONES,  
CLAIRE MILLETTE, DIANE G.  
TOUASSETTI, and IAN COMERFORD,

Defendants.

**JUDGMENT**

Pursuant to the Memorandum of Decision Allowing Plaintiff's Motion for Judgment on the Pleadings & Motion for Default Judgment issued December 29, 2025, it is hereby

**ADJUDGED** that the private abutter defendants Karen A. Vilandry, Maureen Hagan, Molly Schaeffer, Steven Schaeffer, Daniel Jones, Amanda Jones, Claire Millette, Diane G. Tomasetti, and Ian Comerford did not have standing as persons aggrieved to appeal the Town of Fairhaven building commissioner's denial of their enforcement request to the Fairhaven Zoning Board of Appeals pursuant to G.L. c. 40A, § 8. It is further

**ORDERED** and **ADJUDGED** that the decision issued by the Fairhaven Zoning Board of Appeals and filed with the Fairhaven Town Clerk on January 22, 2025, which granted an appeal brought by the private abutter defendants and revoked the commercial building permit issued to the Fairhaven School Committee on October 15, 2024 (Permit #C-24-0738) exceeded the ZBA's authority. It is further

**ORDERED, ADJUDGED, and DECLARED** that the decision issued by the Fairhaven Zoning Board of Appeals and filed with the Fairhaven Town Clerk on January 22, 2025 is annulled and declared invalid and of no force and effect. It is further

**ORDERED** and **ADJUDGED** that the commercial building permit issued to the Fairhaven School Committee on October 15, 2024 (Permit #C-24-0738) shall be reinstated and any cease-and-desist order issued pursuant to the January 22, 2025 ZBA decision shall be withdrawn and have no further force and effect. It is further

**ORDERED** that this Judgment disposes of the entire case, and no further relief, and no costs, fees, damages, awards or other sums, are awarded to any party.

SO ORDERED.

By the Court (Reznick, J.)  
/s/ Lauren E. Reznick

Attest:

/s/ Deborah J. Patterson  
Deborah J. Patterson, Recorder

Dated: December 29, 2025

## AGREEMENT

THIS AGREEMENT (this “**Agreement**”) is made this \_\_\_<sup>th</sup> day of July, 2025, by and between Town of Fairhaven School Committee (“School Committee”), Town of Fairhaven Building Inspector (“Building Inspector”) and Town of Fairhaven Select Board (“Select Board” together with Building Inspector, the “Town”).

WHEREAS, in 2021, a building permit was issued to the School Committee for the construction of the new turf athletic field at Fairhaven High School (“Athletic Field Permit”);

WHEREAS, in 2021, the School Committee recognized and acknowledged that it was required to build permanent restroom facilities under the Athletic Field Permit;

WHEREAS, in 2021, the School Committee worked with Traverse Landscape Architects, LLC (“Traverse”) to plan and design permanent restroom facilities;

WHEREAS, in 2021, Traverse communicated with the Town of Fairhaven’s prior Building Inspector regarding his interpretation and expectations related to occupancy of the new turf athletic field at Fairhaven High School (“Field”) and minimum required permanent restroom facilities;

WHEREAS, in 2021, the School Committee proposed that it would provide (1) handicap restroom and (1) standard restroom for females and (1) handicap restroom and (1) urinal for males for the Field;

WHEREAS, the construction of the restrooms was halted due to ongoing disputes related to the location of the required restrooms at the Field;

WHEREAS, the Town of Fairhaven’s prior Building Inspector issued temporary portable restroom permits for the Field pending completion of the permanent restrooms;

WHEREAS, in or around August 10, 2021, the Town of Fairhaven’s prior Building Inspector conducted a final inspection of the Field and issued a partial final sign-off on the Athletic Field Permit;

WHEREAS, in 2023, the School Committee proposed the addition of a storage facility adjacent to the Field;

WHEREAS, in March 2024, the School Committee applied for a building permit to construct the storage facility (“Storage Shed”), which was issued on April 1, 2024 as a residential building permit (“Residential Building Permit”);

WHEREAS, after construction commenced on the Storage Shed, purported abutters expressed concerns related to the issuance of the Residential Building Permit;

WHEREAS, on May 16, 2024, the Town of Fairhaven's prior Building Inspector issued an informal zoning determination that the Storage Shed did not comply with the Fairhaven Zoning Code;

WHEREAS, on June 18, 2024, the Town of Fairhaven's prior Building Inspector issued a formal zoning determination under M.G.L. c. 40A, §8 that the Storage Shed was exempt under the Dover Amendment;

WHEREAS, on September 11, 2024, the Town of Fairhaven's current Building Inspector revoked the Residential Building Permit and requested that the School Committee reapply for a commercial building permit, which it did on September 20, 2024;

WHEREAS, on October 15, 2024, the Town of Fairhaven's current Building Inspector issued a commercial building permit (#C-24-0738) to the School Committee for the construction of the Storage Shed ("Commercial Permit");

WHEREAS, certain abutters appealed the Residential Building Permit to the Town of Fairhaven's Zoning Board of Appeals, which granted the abutters' appeal and rescinded the Residential Permit;

WHEREAS, the School Committee filed an appeal pursuant to M.G.L. c. 40A, §17 in the Massachusetts Land Court styled *Town of Fairhaven School Committee v. Town of Fairhaven Zoning Board of Appeals, et al.*, 25MISC000064(LER) ("Zoning Appeal"), which is still pending;

WHEREAS, on or about March 19, 2025, the Town of Fairhaven's current Building Inspector issued a letter to the School Committee declaring his intention to revoke the Commercial Permit that he issued in October 2024 based on the School Committee's failure to comply with the Athletic Field Permit and construct the requisite permanent restrooms;

WHEREAS, the Building Code Appeals Board ("BCAB") overturned the Town of Fairhaven's current Building Inspector's revocation of the Commercial Permit as improper;

NOW, THEREFORE, in consideration of the premises and of other good and valuable consideration, the receipt of which is hereby acknowledged by the parties hereto, the parties hereto hereby agree as follows:

1. The Agreement

1-1. Storage Shed. The Town has expressed its recognition and understanding that the Storage Shed is currently being built and will continue to be built. The Town does not intend to

oppose the School Committee's Zoning Appeal. The Building Inspector agrees to lift the suspension on the Commercial Permit and will conduct the pertinent inspections on the Storage Shed, so to allow the School Committee to obtain a final sign-off on the Commercial Permit. The Building Inspector agrees to issue a Certificate of Occupancy for the Field with the condition that the School Committee shall adhere to the terms of this Agreement, and the Town has agreed to treat the restrooms for the Field as a separate issue from the Athletic Field Permit. The Building Inspector agrees to renew and continue to renew the Temporary Permit for portable restrooms presently located at the Field until permanent restrooms are constructed at the location, provided that permanent restrooms are constructed in accordance with the provisions of this Agreement.

1-2. Restrooms. The School Committee acknowledges that it needs to construct restrooms in support of the Field. The Town and the School Committee recognize the cost prohibitive nature of constructing the number of restrooms required under the International Building Code and the lack of available space to construct the requisite number of restrooms. The Building Inspector has acknowledged that the Town will issue a permit for the permanent restrooms with fewer than the number required by the International Building Code if the School Committee obtains a variance from the Commonwealth of Massachusetts.

The School Committee hereby agrees to work with and in conjunction with the Building Inspector, and hereby agrees to remain in contact with the Building Inspector through written and/or oral communications concerning the construction of the restrooms. The Building Inspector, based on his expertise, agrees to provide his input and suggestions to the School Committee concerning the number of restrooms and location of the restrooms, and to coordinate with the Town of Fairhaven Water and Sewer Department regarding same.

The School Committee will engage appropriate architects and/or engineers to prepare plans for the restrooms upon receiving the Building Inspector's input and possibly conducting a feasibility study as to the number of restrooms and location of same. The Town agrees to allow the School Committee six (6) from the date of this Agreement to obtain plans for the restrooms.

Then, the School Committee shall have another six (6) to seek proper permitting and/or variances for the restrooms.

The School Committee shall also have at least one (1) year to secure financing for the construction of the restrooms.

Thereafter, upon receipt of the requisite permits and/or variances and financing, the School Committee will submit the construction of the restrooms for bid.

The School Committee shall have eighteen (18) months from the date this Agreement to complete construction of the restrooms.

The Town and the School Committee agree that the aforementioned deadlines are not mandatory and are intended to be flexible to accommodate reasonable extensions if needed due to hardship, so long as the School Committee stays in open communication with the Town.

3. Termination

3-1. This Agreement shall continue in full force and effect until the restrooms have been constructed in support of the Field.

4. Miscellaneous Provisions

4-1. Any notice, demand and other communication under this Agreement shall be in writing and shall be (a) personally delivered, (b) sent by first class United States mail, (c) sent by overnight courier of national reputation, (d) transmitted by telecopy, or (e) sent as electronic mail, in each case delivered or sent to the party to whom notice is being given to the business address, telecopier number, or email address set forth below or, as to each party, at such other

business address, telecopier number, or e mail address as it may hereafter designate in writing to the other party pursuant to the terms of this Section. All such notices, requests, demands and other communications shall be deemed to be an authenticated record communicated or given on (a) the date received if personally delivered, (b) three (3) days after deposited in the mail if delivered by mail, (c) the date following the day delivered to the courier if delivered by overnight courier, or (d) the date of transmission if sent by telecopy or by e mail.

If to School Committee:      Meghan E. Hall, Esq.  
   Ruberto Israel & Weiner, P.C.  
   255 State Street, 7<sup>th</sup> Floor  
   Boston, MA 02109  
   meh@riw.com

If to Town:                              Heather White, Esq.  
   Petrini & Associates, P.C.  
   372 Union Avenue  
   Framingham, MA 01702  
   hwhite@petrinilaw.com

4-2. This Agreement shall be governed and construed in accordance with the law of the Commonwealth of Massachusetts.

4-3. School Committee and Town each waive the right to jury trial in any action arising out of the within Agreement.

4-4. This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

4-5. If any portion of this Agreement is determined to be invalid or unenforceable, the remainder shall be enforceable to the maximum extent possible.

4-6. The parties hereto agree that this Agreement shall constitute the entire agreement between the parties regarding the subject matter of this Agreement and that this Agreement supersedes all prior and contemporaneous written or oral agreements of the parties with respect to the subject matter hereof. Any agreement, understandings or representations of any kind

between the parties shall not be binding on either party except to the extent specifically set forth herein or subsequently agreed to in writing, signed by the parties and made a part hereof.

4-7. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original instrument, but all of which taken together shall constitute one instrument.

This Agreement shall take effect as an instrument under seal.

Town of Fairhaven School Committee,

By: \_\_\_\_\_  
Tara Kohler, School Superintendent

Town of Fairhaven Building Department,

By: \_\_\_\_\_  
Richard Forand, Building Inspector

Town of Fairhaven Select Board,

By: \_\_\_\_\_  
Keith Silvia, Select Board Liaison