



## FAIRHAVEN SELECT BOARD

### Meeting Minutes

February 2, 2026

FAIRHAVEN TOWN CLERK  
RCUD 2026 MAR 8 AM 9:43

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

**Also Present:** Planning Board: Jessica Fidalgo, Sharon Simmons, Patrick Carr, Ruy daSilva, Miles Grant, Kevin Grant, Sean Powers and Jeffrey Lucas

Mr. Murphy opened the Select Board meeting at 5:48pm

Ms. Fidalgo opened the Planning Board meeting at 5:51pm and confirmed a quorum was present.

#### **EXECUTIVE SESSION – joint with the Select Board**

**Motion:** Mr. Carr motioned to enter Executive Session Pursuant to G.L. c. 30A, s. 21(a)(7) To comply with, or act under the authority of, G.L. c. 30A, s. 22, and G.L. c. 4, s. 7(26), to review the minutes of Executive Sessions of the Planning Board dated 6/14/2022, 12/13/2022, 2/19/2025, 9/9/2025, 10/14/2025, 10/28/2025, 11/18/2025 and 12/16/2025 in response to a request for release and discuss whether to waive attorney-client privilege AND not to return to open session. Mr. Miles Grant seconded. Roll Call Vote. The motion passed unanimously (8-0-0).

#### **EXECUTIVE SESSION – joint with the Planning Board**

**Motion:** Mr. Saunders motioned to enter Executive Session Pursuant to G.L. c. 30A, s. 21(a)(7) To comply with, or act under the authority of, G.L. c. 30A, s. 22, and G.L. c. 4, s. 7(26), to review the minutes of Executive Sessions of the Planning Board dated 6/14/2022, 12/13/2022, 2/19/2025, 9/9/2025, 10/14/2025, 10/28/2025, 11/18/2025 and 12/16/2025 in response to a request for release and discuss whether to waive attorney-client privilege AND to return to open session. Ms. Mello seconded. Roll Call Vote. Mr. Saunders, Ms. Mello, Mr. Murphy, Mr. Romano and Mr. Silvia in favor. The motion passed unanimously (5-0-0).

*The Planning Board adjourned to Executive Session at 5:54pm*

*The Select Board adjourned to Executive Session from 5:54pm to 7:03pm.*

#### **APPOINTMENTS AND COMMUNITY ITEMS**

##### **Proclamation: Fairhaven High School Football Team**

Mr. Murphy read the proclamation. Each board members shared a personal message congratulating the team and coaches on their winning season.

**Motion:** Mr. Saunders motioned to approve the proclamation for the Fairhaven High School Football Team. Ms. Mello seconded. The motion passed unanimously (5-0-0).

##### **Recognition: Derek Almeida: New England Patriots Coach of the Year for 2025**

Coach Almeida was recognized for being awarded the New England Patriots Coach of the Year for 2025.

**Motion:** Mr. Saunders motioned to recognize the selection of Coach Derek Almeida as New England Patriots Coach of the Year for 2025. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Coach Almeida thanked the Board for honoring a true team that committed to each other and played their hearts out at Gillette Stadium.

##### **Recognition: Zach Moura: 2025 Otto Graham Award Recipient**

Zach Moura was recognized for being awarded the 225 Otto Graham Award.

**Motion:** Mr. Saunders motioned to recognize Zach Moura for being awarded the 2025 Otto Graham Award. Ms. Mello seconded. The motion passed unanimously (5-0-0).

### **Event Request: Fairhaven Father's Day Road Race: June 21, 2026**

The Board reviewed the event request details.

**Motion:** Mr. Saunders motioned to approve the Event Request for the Fairhaven Father's Day Road Race on June 21, 2026 as presented, contingent upon the approval of MassDOT. Ms. Mello seconded. The motion passed unanimously (5-0-0).

### **Historical Commission: Application for the National Registry of Historic Places: Old Stone School House**

Historical Commission Chair Rick Martin presented the request to the Select Board (*Attachment A*) and answered questions about the benefits to the Town and potential downside of future limited use. Doug Brady addressed the Board and clarified that the recognition would be for the exterior and not the interior; there are mechanisms to allow what the Town may want to do in the future. Mr. Martin added that the Rogers Grammar School was recently awarded a certificate and placed on the National Registry.

**Motion:** Mr. Saunders motioned to support the Historical Commission application to place the Old Stone School House on the National Registry of Historic Places. Ms. Mello seconded. The motion passed unanimously (5-0-0).

### **Atlas Tack Working Group Update**

Rick Trapilo of the Atlas Tack Working Group (ATWG) presented an update to the Board (*Attachment B*). Mr. Trapilo recognized the members of the ATWG and wished Brandon Estrella a speedy recovery from his recent surgery. Building Commissioner Rick Forand prepared a memo regarding the demo order (*Attachment C*).

The Board thanked Mr. Trapilo for the update and asked for a follow-up in March after the anticipated contamination assessment report from the Environmental Protection Agency (EPA) is received.

### **Consider Establishing an Affordable Homes Committee**

Michelle Costen addressed the Board about establishing an Affordable Homes Committee (*Attachment D*) to bring small homes on small lots back that would be lower cost and bring affordable home ownership to Fairhaven. Mr. Forand advised the Board that it is a good idea and land would be needed first then zoning changes, then interested developers or contractors. At this time, it's too early to discuss building the homes which is where he would come in. The Board asked if Mr. Forand has worked in a town with an Affordable Homes Committee. He said he has not.

The Board asked what the charge and scope of the committee would be and what would they be asked to do. Ms. Costen said the committee should be five people if the Town were to present a housing trust fund and place something on the warrant. She suggested current members of other boards that are interested in bringing forth affordable homes like the Planning Board or Economic Development.

Brief discussion ensued about the process, research needed, potential membership of an Affordable Homes Committee, next steps and the use of Community Preservation Act funds for a community land trust. The Board asked Ms. Costen to work with the Town Administrator on a scope and charge to bring back for a future agenda.

**Motion:** Mr. Saunders motioned to take items C3 and C4 out of order. Ms. Mello seconded. The motion passed unanimously (5-0-0).

### **ACTION/DISCUSSION**

#### **Review the Timothy-Hiller Subdivision Investigation Process and Scope of Services**

Bob Espindola addressed the Board about the request related to the Timothy-Hiller Subdivision (*Attachment E*) and asked for the additional people outlined in the email be added to the investigation interview list. Brief discussion on the interviews as part of the investigation process ensued. Mr. Hickey explained that the interviewee list has expanded as the interview progresses and that communications are vague to maintain the integrity of the investigation.

#### **Petition to Expand the Timeline of Timothy Hiller Subdivision Investigation**

Jennifer Cardoza of Main Street addressed the Board in support of the petition (*Attachment F*) to extend the investigation to the date of Diane Tomassetti's resignation on October 19, 2025. Ms. Cardoza made a statement to

the Board about volunteers, reputations publicly challenged and unsubstantiated accusations shared on social media platforms. She mentioned the Select Board's social media policy, acknowledgement of the tone of public discourse and responsibilities of public service. Ms. Cardoza asked for the extension of the investigation to ensure a thorough, fair and complete process and to show that Fairhaven values ethical leadership.

Discussion ensued about the scope of the investigation, the social media policy and enforcement challenges, potential consequences to appointed versus elected members of boards, civil tools available to individuals outside of the current investigation, impacts on the Town in attracting a Town Planner, the role of the Planning Board for the Town and the concepts of relevance and materiality in regards to evidence as part of the investigation process.

Erin Carr of Main Street addressed the Board about the investigation, the twenty-eight signatures on the petition under the previous item on the agenda tonight and triple that on the petition submitted here to expand the timeframe and asked what the consequences of the investigation would be.

Mr. Hickey could not speak to consequences due to the ongoing investigation and said the Select Board would discuss the results and debate any potential action as a result at a future meeting. Brief discussion ensued about the independent investigation, restoring the public trust and getting back to normalcy. Outside of this investigation, if facts are brought forward to the Board about a potential violation of the social media policy the Board can hold a hearing and consider acting if the member is appointed and if elected, it would be up to the electorate to decide.

Patrick Carr of Pleasant Street addressed the Board about the petition under the previous agenda item asking for individuals outside of the constructive approval date, holding people back from appointments, impacts to the families of those being investigated, impacts to their businesses, the Fairhaven Neighborhood News and false accusations. He said Ms. Tomassetti had no safe haven with the Select Board and the question remains as to what happens if you break the social media policy as an appointed or elected official. He asked what the law says about recall and added that Mr. Espindola should be on the list too.

Mr. Murphy said the Board will ask Town Counsel to provide an opinion on recourse for breaking the social media policy. Mr. Silvia added that he felt the investigation is a waste of money and that no matter what the results are, there will still be finger pointing.

#### **Town Administrator's Recommended FY27 Budget Presentation**

Mr. Hickey and Anne Carreiro reviewed the recommended FY27 budget (*Attachment G*). Mr. Hickey spoke to a potential proposition 2 ½ override and impacts to services. He added that the Veteran's Services budget reflects a reduction that will not impact services, historically Veteran's Service has turned back a significant amount and that average was used to make the reduction. The cost of a one point two million dollars (\$1,200,000) override for a home valued at four hundred and fifty-thousand dollars (\$450,000) would be approximately one hundred and eighty-nine dollars (\$189) annually. The recommended override would be for two to three fiscal years.

Discussion ensued regarding what net school spending is (minimum state required spending), what non-departmental costs are insurance benefits, medicare, etc., the measures the Town is looking at to save on employee costs like asking to move to electronic paystubs and offering a new prescription provider. The original estimate for health insurance was a fifteen percent (15%) increase and new figures show it closer to an eight percent (8%) increase. Mr. Hickey will be available to hold meetings to discuss a potential override and impacts and asked for suggestions of groups or organizations that he can set up meetings with.

#### **Accept Retirement Notification: Lieutenant Timothy Souza**

Per the Personnel Policy, the Board was asked to accept Lt. Souza's retirement notification.

**Motion:** Mr. Saunders motioned to accept the written notification of intent to retire from Lieutenant Timothy Souza as presented. Ms. Mello seconded. The motion passed unanimously (5-0-0).

#### **Consideration of Agreement with the School Department on the Construction of Restrooms at the Fairhaven High School Athletic Fields**

Mr. Hickey addressed the Board about the proposed agreement on a certificate of occupancy for the Fairhaven

High School Athletic Field (*Attachment H*). The Board asked for confirmation of where the funds for the bathroom project are coming from.

**Motion:** Mr. Saunders motioned to accept the Agreement with the School Department on the Construction of Restrooms at the Fairhaven High School Athletic Fields as presented. Ms. Mello seconded.

Mr. Hickey asked the Board about the update within the agreement to replace Keith Silvia with the Town Administrator (TA). The Board's consensus was to accept the agreement as presented in the packet that has the Town Administrator for the Town which replaces Mr. Silvia who had been a point of contact under Interim TA George Samia.

**On the Motion:** Mr. Saunders motioned to accept the Agreement with the School Department on the Construction of Restrooms at the Fairhaven High School Athletic Fields as presented. Ms. Mello seconded. The motion passed unanimously (5-0-0).

### **Approve the Select Board's 2025 Annual Report**

The Board reviewed the draft report.

**Motion:** Mr. Saunders motioned to accept the Select Board's 2025 Annual Report as presented. Ms. Mello seconded. The motion passed unanimously (5-0-0).

### **PUBLIC COMMENT**

Bob Espindola of John Street addressed the Board via zoom. He said he wanted to reiterate prior meeting comments that the Board consider long-term planning when reviewing any potential override and include capital needs with the projections.

Erin Carr of Main Street addressed the Board to voice her concerns on the way some members are approaching appointments to boards; in January Cathy Melanson was the only applicant for one Zoning Board of Appeals (ZBA) position and Ms. Carr described Ms. Melanson's leadership and accomplishments and that there was a motion and no second for her appointment to the ZBA. Ms. Carr said that it does not seem like a benefit to the Town when having another Associate ZBA member would prevent a meeting being cancelled. Ms. Carr urged members to put away personal or political influence when making these decisions.

### **TOWN ADMINISTRATOR REPORT**

Mr. Hickey reviewed his report (*Attachment I*). He added that the Recreation Center will present at a future meeting an option for free childcare the day of Town Meeting for Town Meeting members; more details will be provided.

### **BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS**

*Mr. Saunders had no meetings to report on.*

*Ms. Mello reported:*

- She participated in the Community Kindness Tunnel at East Fairhaven, it was a great opportunity.

*Mr. Murphy reported:*

- He also participated in the Community Kindness Tunnel at East Fairhaven. Lagoa meets soon and the Sister City meets monthly.

*Mr. Romano reported:*

- Sustainability met to prioritize FY27 goals for Town initiatives like adopt a drain and recycling.

*Mr. Silvia reported:*

- The Recreation Center had a great Family Feud event that was well attended

Mr. Hickey reminded everyone that sidewalk snow removal is residents' responsibility under the Town Bylaws

## MINUTES

An amended copy was distributed to the Board, a line referring to “*A moment of silence was observed*” was removed; the Board is being asked to accept the amended Open Session minutes of January 20, 2026.

**Motion:** Mr. Saunders motioned to accept the Open Session Minutes of January 20, 2026 as amended. Ms. Mello seconded. The motion passed unanimously (5-0-0).

## CORRESPONDENCE (Attachment J)

1. Emails: Michelle Costen: Towns with Housing Trust through CPA; Authority of Town Meeting & Select Board & Housing Trust Fund-Public Comment; Municipal housing trust fund-important info; FWD: From the Center of State Policy Analysis; A correction in Ref to meeting held on 1/12/26 on CPA App deadlines; Fwd., Correction needed-; Take a look-; From the White House-Protecting Home Buyers
2. Commonwealth of Massachusetts: Rogers Grammar School: National Registry of Historic Places

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

## NEWS AND ANNOUNCEMENTS

- The next regular Select Board meeting will be on Monday, February 9, 2026 at 6:30pm.

FINAL THOUGHT... “May we meet this moment with patience, compassion, and a commitment to peace.”

## EXECUTIVE SESSION

**Motion:** Mr. Saunders motioned to enter Executive Session Pursuant to G.L. Chapter 30A Section 21 (a)(3) - To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Police Union) AND NOT to return to open session. Ms. Mello seconded. Roll Call Vote. Mr. Saunders, Ms. Mello, Mr. Murphy, Mr. Romano and Mr. Silvia in favor. The motion passed unanimously (5-0-0).

Mr. Murphy added, *We all we got, we all we need, Go Patriots!*

**Meeting adjourned to Executive Session at 9:35pm**

## ATTACHMENTS

- A. Historical Commission: Old Stone Schoolhouse National Registry of Historical Places
- B. Atlas Tack Working Group Presentation
- C. Building Commissioner letter re: Atlas Tack demo order independent inspections
- D. Affordable Homes Presentation: Michelle Costen
- E. Email: Update on Timothy Hiller Constructive Approval Investigation: Bob Espindola
- F. Petition request re Timothy-Hiller Subdivision Investigation
- G. FY27 Recommended Budget Presentation
- H. Agreement with School Committee and the Town of Fairhaven on the construction of bathrooms at the Fairhaven High School Athletic Fields
- I. Town Administrator Report
- J. Correspondence: Emails: Michelle Costen: Towns with Housing Trust through CPA; Authority of Town Meeting & Select Board & Housing Trust Fund-Public Comment; Municipal housing trust fund-important info; FWD: From the Center of State Policy Analysis; A correction in Ref to meeting held on 1/12/26 on CPA App deadlines; Fwd., Correction needed-; Take a look-; From the White House-Protecting Home Buyers; and; Commonwealth of Massachusetts: Rogers Grammar School: National Registry of Historic Places

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

Accepted on March 2, 2026

## **Fairhaven's Old Stone School House**

### *History*

When Massachusetts required towns to form school districts and build schools, Fairhaven's District 11 was the first to comply. In 1828, the district hired Bartholomew Taber to build a one-room school on the north side of North Street, east of Main Street, now 40 North Street, at a cost of \$520.01. Other districts chose frame buildings, but District 11 opted for stone. As a result, it is the only one of the original district schools still standing. The building is 36 x 20.5 feet and was meant to accommodate children from three years old to sixteen. Manjiro Nakahama attended the school during his stay in Fairhaven. When the Rogers School was built in 1885, older children were transferred there. The Stone School House closed in 1896. It was used as the Church of the Good Shepherd from 1905 to 1922.

### *Restoration*

Although the fabric of the building remained sound, it did fall into disrepair. In the 1970s the Fairhaven Historical Society undertook its restoration, and the Historical Commission continued to maintain the property. Since then, the Commission has undertaken structural repairs with grants from the Community Preservation Committee in 2018 and 2021. In 2023 the Commission, largely through the efforts of Commission member Mike Kelly, cleaned the building, added artifacts, and installed an ADA-compliant sidewalk so that it could be opened regularly to visitors.

### *Educational Value*

In addition to tourists and town residents of all ages, elementary and middle school classes visit the Stone Schoolhouse to learn about the lives of children in the nineteenth century. Volunteers from the Historical Commission discuss with them the realities of attending a school without central heat, electricity, or plumbing. (The outhouse is no longer standing.) They learn about the economic realities of young people who attended school less frequently because they were needed to work on family farms, and who rarely stayed in school past the required age (ten or twelve).

Photographs of some of the school's classes, with the students identified on the back, allow many residents to find an ancestor among the students.

### *Citizen involvement*

In addition to the Historical Society and the Historical Commission, the value of the Stone Schoolhouse has been recognized by the North Fairhaven Improvement Association, whose volunteers opened it to the public from the 1990s until 2017. While the physical restoration and maintenance of the building has been supported by town funds, opening the building and welcoming visitors has been a purely volunteer effort. The most frequent comment from local residents who visit has been, "Wow! I had no idea this was here! I have never been inside!" Less grand than the town's other historic buildings, the Stone Schoolhouse allows children (and adults) to imagine themselves in a space that is comfortable and almost, oddly, familiar.

# KnowHow #3

INFORMATION AND ASSISTANCE FROM THE MASSACHUSETTS HISTORICAL COMMISSION

## *What You Need to Know about Listing on the National Register*

The National Register is the nation's official list of buildings, districts, sites, structures, and objects important in American history, culture, architecture, or archaeology. The National Register program is administered through the Massachusetts Historical Commission on behalf of the National Park Service.

Nominations are based on comprehensive local inventories of cultural resources. Inventories are generally compiled on a communitywide basis by local historical commissions and record basic information about the historic, architectural, and archaeological significance of individual properties and districts in a community. The completed inventory allows preservation decisions to be made within a consistent context, and identifies properties that are eligible for listing in the National Register.

### **1. How do I get my property listed in the National Register?**

Contact your local historical commission or the MHC to determine whether an inventory form has been prepared for your property or if any additional information is required; ask your local historical commission to forward their recommendation to the MHC regarding your property's eligibility for the National Register. The MHC staff will then evaluate your property to determine whether it meets the criteria for listing in the National Register either individually or as part of a National Register District.

#### **Criteria for Listing**

The criteria for listing in the National Register are:

- a) association with events that have made a significant contribution to the broad patterns of our history;
- b) association with the lives of persons significant in our past;
- c) embodiment of distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) likelihood of yielding information significant in history or prehistory.

Properties must meet at least one of the above criteria to be eligible for listing in the National Register.

The MHC staff evaluation team meets regularly to evaluate properties for the National Register. The object of the evaluation is to determine whether the property meets the criteria for listing. Decisions are based on MHC's knowledge of the resource and its integrity, and an understanding of the significance of the resource within its context. The inventory serves as the basis for all evaluation decisions. When the evaluation team does not have sufficient information to render a decision, additional information may be requested. When National Register districts are being evaluated, MHC staff may make a site visit prior to completing the evaluation.

If your property is eligible, the MHC will send you a nomination form and an instruction manual. You may wish to work with the local historical commission in completing the nomination or seek the assistance of a professional preservation consultant.

MHC staff will review your nomination submission for completeness and may request additional information. When complete, the nomination will be edited and processed by MHC staff, who will present it to the State Review Board of the Massachusetts Historical Commission at one of its quarterly National Register meetings.

The State Review Board will review the nomination and vote whether or not to nominate the property to the National Register of Historic Places. After being voted eligible, the nomination will then be forwarded to the National Park Service in Washington, D.C., for listing in the National Register of Historic Places.

### **2. What are the benefits of being listed in the National Register?**

**Recognition:** The National Register recognizes the significance of a property to the community, state, and/or nation.

**Tax Incentives:** National Register listing allows the owners of income-producing properties certain federal tax incentives for substantial rehabilitation according to standards set by the Department of Interior.

**Protection:** National Register properties are afforded limited protection from adverse effects of federally assisted projects; and, through automatic inclusion in the State Register of Historic Places, limited protection from state actions.

(over)

## KnowHow #3

**Grants:** Inclusion in the State Register of Historic Places, which comes automatically with National Register listing, provides eligibility for matching state grants for restoration of properties owned by private nonprofit organizations and municipalities, when such grants are available.

### 3. Will National Register listing restrict the use of my property?

Listing in the National Register in no way interferes with a property owner's right to alter, manage, or sell the property when using private funds, unless some other regional and/or local ordinance or policy is in effect. If you use state or federal funds to alter your property, or need state or federal permits, the alteration will be reviewed by the MHC staff. Local funding and permitting do not trigger MHC review.

### 4. What is a National Register District?

Properties may be nominated to the National Register either individually or, if they are located within areas containing other significant properties, as districts. A National Register District may include any number of properties. The benefits and protections afforded by listing are the same.

### 5. Can my property be listed in the National Register if my community's inventory is not comprehensive?

Yes, in some cases. There are three exceptions to MHC's policy not to consider properties for the National Register in communities without comprehensive inventory.

If you can demonstrate that:

- 1) you, as the owner of income-producing property, are planning to do certified rehabilitation work and need National Register status in order to use the federal investment tax credits;
- 2) your property is in imminent danger of destruction; or
- 3) your property is of demonstrated state or national significance,

you may then submit a letter to MHC requesting a National Register evaluation for your property, stating why you want to have the property listed. However, you should note that without comprehensive inventory information, the eligibility of properties is difficult to establish. You will probably need to conduct supplemental inventory work to provide a context for evaluating the significance of your property.

### 6. If my house is listed in the National Register, are grant monies available for rehabilitation work?

Unfortunately, at present, the MHC does not administer federal or state rehabilitation funds for private homeowners. State grant monies, when available, are awarded only to properties owned by municipalities and non-profit organizations. Federal tax credits are available for substantial rehabilitation of income-producing and commercial properties.

### 7. Can I object to having my property listed in the National Register?

Yes. Once you receive notice that your property is being considered for listing in the National Register by the State Review Board, you may submit a notarized letter of objection to MHC. If your property is within a proposed National Register district, you will be invited to a public meeting in your community, prior to the State Review Board meeting, at which MHC staff will be available to answer questions about the listing. If your property is within a proposed National Register district, a majority of property owners (more than 50%) must submit notarized objections in order to prevent listing. If a majority of property owners do not object, the nomination may move forward and the properties for which there are objections will remain in the nominated district. If a majority of owners do object, the National Park Service may still formally determine the property(ies) eligible for listing, although actual listing will *not* occur.

### 8. Where do I go for assistance in preparing a National Register application?

Your local historical commission, local historical society, and library can provide useful resource material. Professional preservation consultants can assist you or your local historical commission with completion of the National Register nomination form. Also, when funds are available, matching Survey and Planning grants are awarded annually through MHC to fund professional National Register work. For more information, contact the MHC.

Know How #3 has been financed in part with Federal funds from the National Park Service, U. S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior.

This program receives Federal funds from the National Park Service. The U. S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, gender, or handicap in its Federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to:

Office for Equal Opportunity, U. S. Department of the Interior  
1849 C Street NW, Room 1324, Washington, D. C. 20240

**William Francis Galvin**  
Secretary of the Commonwealth  
Chairman, Massachusetts Historical Commission  
Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, MA 02125  
Phone: (617) 727-8470 Fax: (617) 727-5128  
Website: [www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)

# ATLAS TACK SUPERFUND SITE

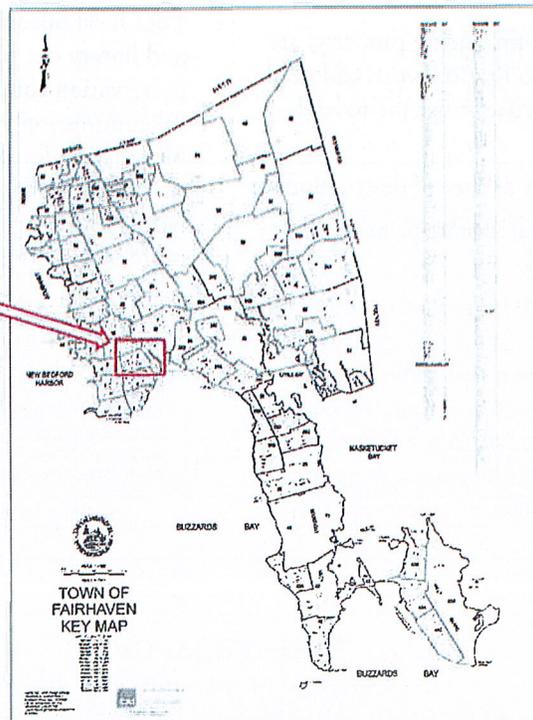
A Status Update Report from the Atlas Tack Working Group  
02/02/2026

1

## LOCATION AND CONTEXT

The Atlas Tack Superfund Site lies in the heart of Fairhaven village. It is surrounded by...

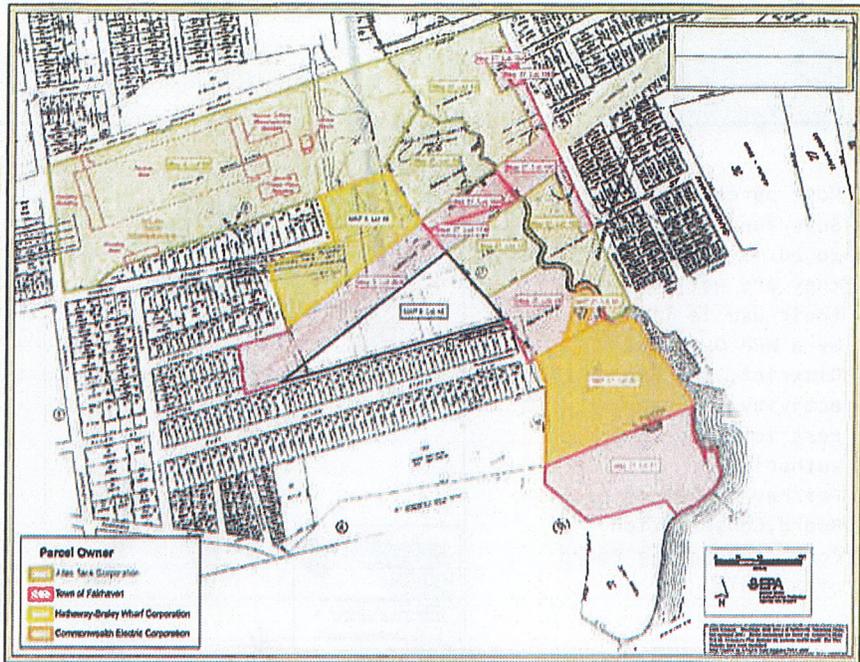
- Boys' Creek and an ecologically sensitive salt marsh located to the east
- Public Rail Trail/Bike Path to the north
- Rogers Grammar School and playground to the west
- Single-family homes to the north, south, east and west
- Our Lady's Haven - Long term care facility



2

## ATLAS TACK SUPERFUND SITE

- ❑ Defined by the EPA
- ❑ Covers more than 41 acres
- ❑ Comprises 16 parcels
- ❑ Encompasses Boys' Creek and a tidal basin/salt marsh to the east, and Atlas Tack and Hathaway-Braleley Wharf Co. properties to the west.

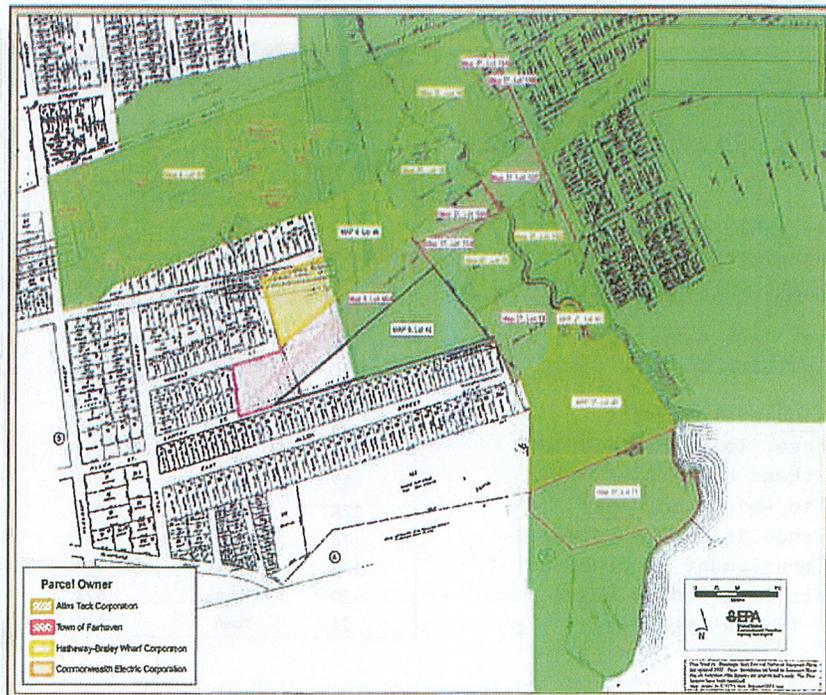


3

## LOCATION AND CONTEXT - ZONING

Shown in green, a Wetland Resource Protection (WRP) District overlays almost the entire Superfund site.

Fairhaven established this overlay district to protect sensitive environmental features. WRP District regulations apply to allowable use, development and activity as approved by EPA, Planning Board, Conservation Comm. and Zoning Board of Appeals



4

## LOCATION AND CONTEXT - ZONING

Most parcels in the Superfund site are zoned "1-RA" However, they are wetlands and their use is limited by a WRP Overlay District, the EPA's activity and use restrictions, and authority of Fairhaven's Planning Board, Conservation Comm. and Zoning Board of Appeals.



5

## LOCATION AND CONTEXT - OWNERS AND TAXES

- This table presents financial details on parcels within the site.
- Atlas Tack owes almost \$1 million in back taxes.
- By judicial consent decree, less than \$100,000 of these back taxes will go to Fairhaven. The balance is earmarked for reimbursement of clean-up costs incurred by state and federal agencies.

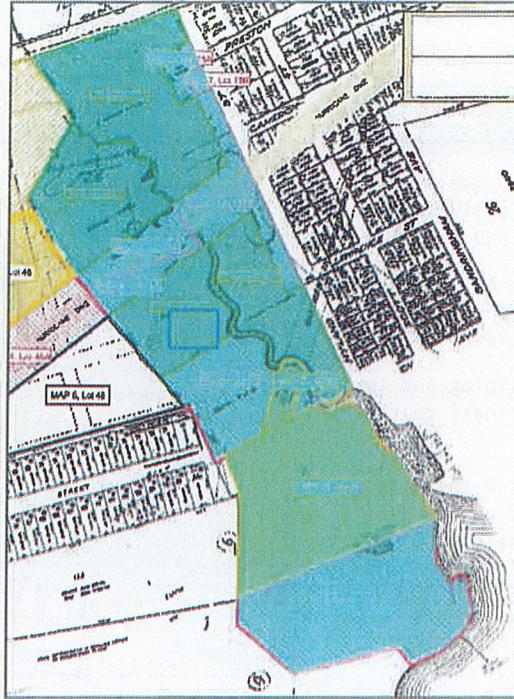
As of October 2025

LOT	OWNER	ACREAGE	ASSESSED VALUE	ANNUAL TAX OBLIGATION	BACK TAXES
<b>Assessors Map 8</b>					
94	Atlas Tack	16.53	\$159,400	\$1,656	\$866,016
<b>Assessors Map 6</b>					
46	Hathaway-Bralely Wharf Co.	6.14	\$17,400	\$167	\$18,866
46A	Town	3.08	\$29,300	\$0	\$0
<b>Assessors Map 27</b>					
15	Atlas Tack	3.11	\$37,500	\$178	\$20,379
15A	Town	0.26	\$28,300	\$0	\$0
15B	Town	0.08	\$10,400	\$0	\$0
15C	Town	1.53	\$15,100	\$0	\$0
15D	Atlas Tack	1.75	\$3,500	\$17	\$7,045
16	Atlas Tack	2.39	\$4,800	\$23	\$7,738
16A	Town	0.54	\$75,400	\$0	\$0
17	Atlas Tack	1.59	\$3,200	\$15	\$8,014
17A	Town	0.41	\$29,300	\$0	\$0
18	Town	1.49	\$3,000	\$0	\$0
18A	Town	0.34	\$28,900	\$0	\$0
20	Town	5.28	\$10,600	\$0	\$0
21	Town	0.05	\$10,300	\$0	\$0

6

## ATLAS TACK SUPERFUND SITE

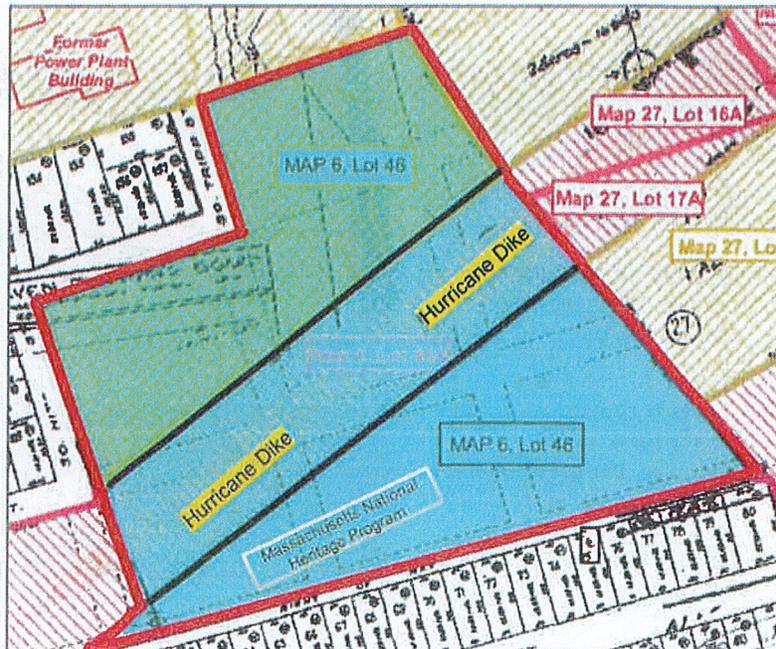
- Parcels in the eastern half of the Superfund site have been remediated.
- All of this area covers Boy's Creek and an ecologically sensitive salt marsh.
- No further investigation needed for the current use of the property.
- Non-developable, but hopeful for potential passive use.



7

## ATLAS TACK SUPERFUND SITE — LOT 46

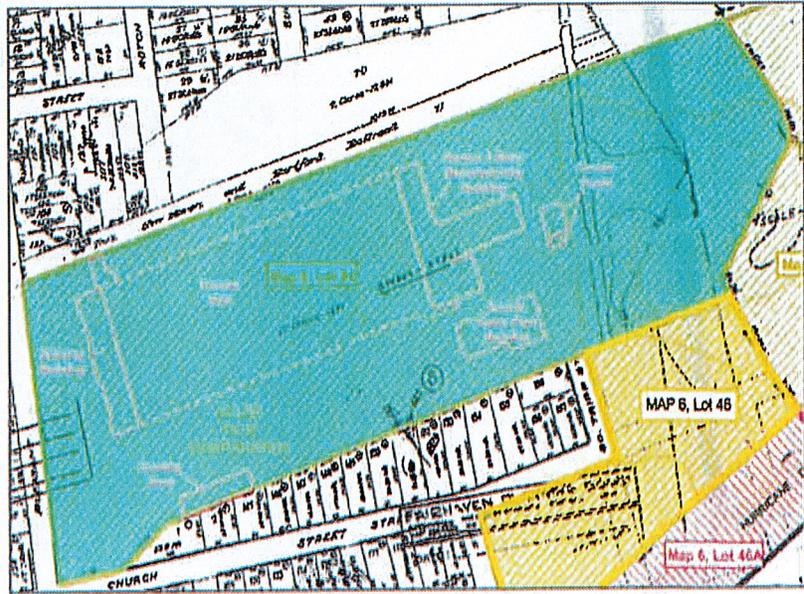
- 6.14 acres owned by Hathaway-Braley Wharf Co. Inc.
- Bisected by the hurricane dike, which is owned by the town
- Land has been remediated and entire lot is currently under a conservation easement
- Has rare species and habitat mapped by the Massachusetts National Heritage Program and is undevelopable.



8

## ATLAS TACK SUPERFUND SITE — LOT 94

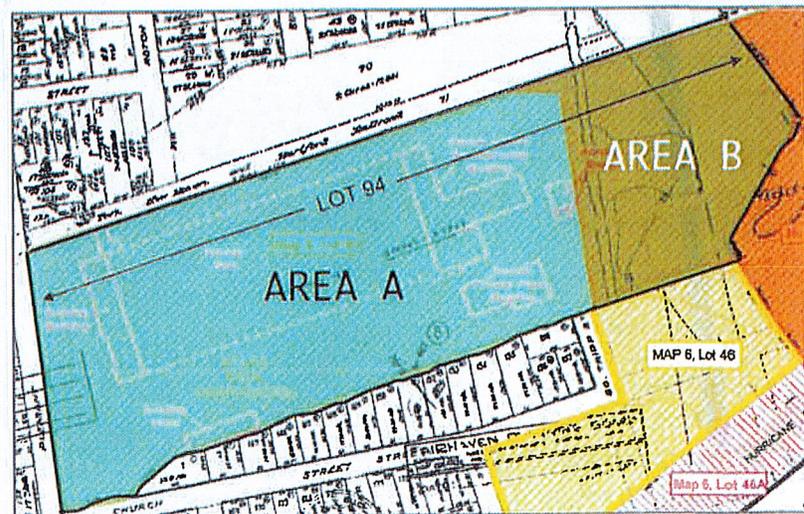
- ❑ 16.53 acres owned by Atlas Tack is divided into Area A and Area B
- ❑ Zoned Industrial (with WRP Overlay and EPA land use restrictions)
- ❑ A vacant building and lot (brownfield) next to the bike path
- ❑ EPA remediated the site over several years at various locations.
- ❑ MassDEP continues to observe, and conduct groundwater monitoring.



9

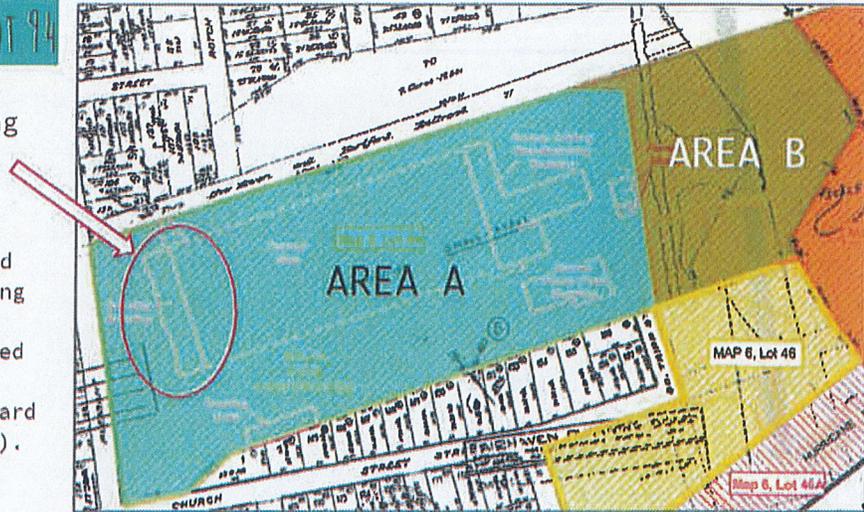
## ATLAS TACK SUPERFUND SITE — LOT 94

- ❑ Area A is 10.33 acres and possibly available for redevelopment.
- ❑ Area B is 6.2 acres and is wetlands-non developable
- ❑ Areas A and B are restricted by Fairhaven's WRP Overlay District and MassDEP/EPA "Notice of Activity and Use Limitation."



## ATLAS TACK SUPERFUND SITE - LOT 94

- Abandoned building is a **threat to public safety**
- Building was condemned by Fairhaven's building commissioner in June 2025. This is supported by a report from an Independent Survey Board in Jan. 2026 (per MGL).



11

## SUMMARY

- Time is of the essence. The efforts of the Atlas Tack Working Group along with the Town Administrator, Building Commissioner, Select Board and Town Council have the unique ability to aggressively pursue Atlas Tack to finally remove the remnants of a potentially contaminated building with our town's demolition order. Additionally in the short term to aggressively pursue with legal council against Atlas Tack to provide adequate perimeter fencing for the safety of our residents.
- The Environmental Protection Agency (EPA) conducted a contamination assessment on December 10, 2025 on the Atlas Tack building. A report is expected to be available in February 2026

12

## SUMMARY

- ❑ The Atlas Tack Working Group team will continue to meet with EPA and the Mass Department of Environmental Protection (MassDEP) who are committed to a long-term solution and the ultimate removal of the EPA Superfund site designation.
- ❑ The Atlas Tack Working Group will continue gathering and assessing information relevant to the town's public safety, potential uses and creating, for the Town of Fairhaven, our final report.



## Town of Fairhaven Commonwealth of Massachusetts

Building Department  
Town Hall  
40 Centre Street  
Fairhaven, MA 02719  
Phone 508 979 4019

To: The Atlas Tack Group  
81 Pleasant Street  
Fairhaven Massachusetts, 02719

From: Richard Forand, Director of Inspectional Services/ Building Commissioner      Date: January 9th, 2026

RE: Atlas tack demo order independent inspections.

On November 24, 2025, the undersigned survey board conducted an inspection of the former office building on the above-referenced property at request of Richard Forand, Building Commissioner for Fairhaven independent evaluation of the structural stability and safety of the building.

The Fire Department has previously declared the structure unsafe and urged the Building Department to take appropriate action. Pursuant to an order issued by the Fire Department, firefighters are instructed not to enter the building unless there is a confirmed life-safety issue; all fire operations are to be performed from the exterior in a defensive manner.

During the inspection, direct access to the building was not possible due to a fenced-off area Approximately 10 feet from the structure. We were able to conduct an almost complete 360-degree walk-around, although there were some restrictions on the northwest side.

During the inspection, the following observations were made:

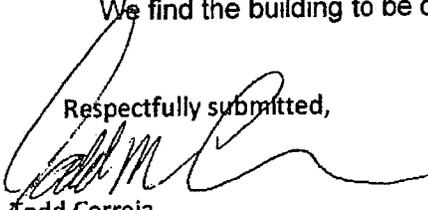
- The main building is approximately twenty-five (25) feet by two hundred and twenty (220) feet. A smaller building attached to the main building is located on South Street which is approximately twenty two feet by forty feet. This smaller building face is at the back of sidewalk on South Street. The main building was observed to be a brick structure with a wooden roof.
- The building exhibits substantial roof damage, with more than 50% of the roof structure missing. It is estimated that the 2nd floor flooring and support beams are also compromised, which further undermines the stability of the exterior walls.
- Partial deterioration of brickwork is evident at higher elevations along the roofline.
- On the Charlie (East) wall, near the Delta (South) wall, there appears to be bowing and inward movement at the second story wall, indicating significant instability and potential risk of partial collapse. It was clearly noted the entire roof structure has collapsed inward leaving the second floor joists and support beams in a compromised state.
- Exterior brick walls show extensive loss of mortar, especially in the rear of the building where trees, 25 - 30 feet tall, have rooted themselves against the base of the building causing obvious damage to the base and footings of the building.
- The first floor is boarded up, while windows on the second floor remain open, allowing a clear view of the roofline destruction.
- On the north side, where the former garage bays are located along the bicycle path, the Bravo (North) wall is being temporarily supported by a makeshift stabilizer nailed to the main beam and

concrete. Evidence of previous fires was noted, including charring on the timber members of the garage, particularly on the Charlie wall. This wall remains unstable and is in close proximity to the bike path, presenting a danger to the public should a collapse occur. Corrective actions should be implemented to safe guard citizens on the bike path.

- Also noted, on the north side where there are loading bays, the exterior walls are being held up with temporary supports. This area is a priority as it is approximately 6 feet from a bicycle path and street definitely posing imminent danger to the public.
- The inspectors also observed recent graffiti and attempted fires as well as numerous patch repairs in the fencing.
- The fencing surrounding the building is inadequate. Collapse distance should be measured at least equal to 105% of the wall height; currently, the fence line is only about 30% of the wall height, estimated to be. Approximately 30 feet tall. In the event of an outward collapse, the existing fence would not sufficiently protect individuals in or around the vicinity, presenting a serious life safety hazard.
- There is a fence surrounding the property however none along the proximity to the back of the building.

We find the building to be dangerous and to be unused, uninhabited, and open to the weather.

Respectfully submitted,



Todd Correia  
Fairhaven Fire Chief

*Michael Carter*

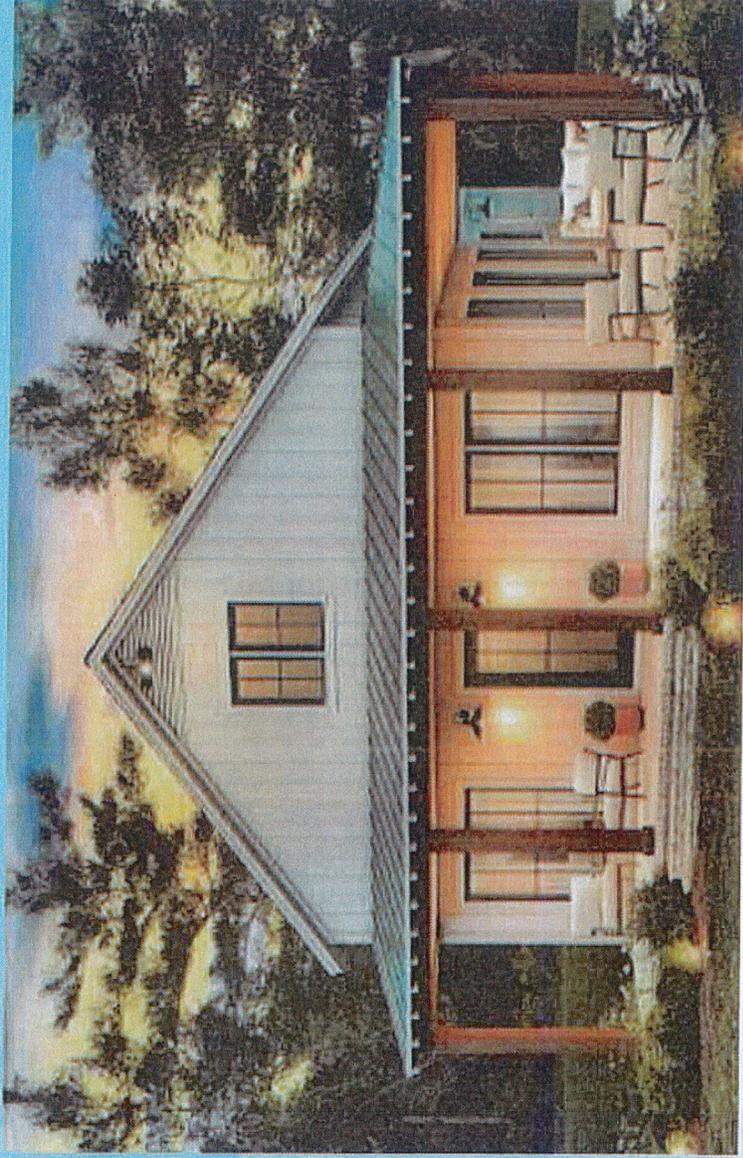
Michael J. Carter PE.  
President, GCG Associates, Inc.



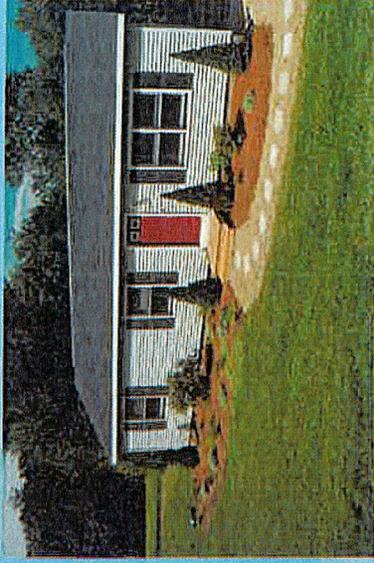
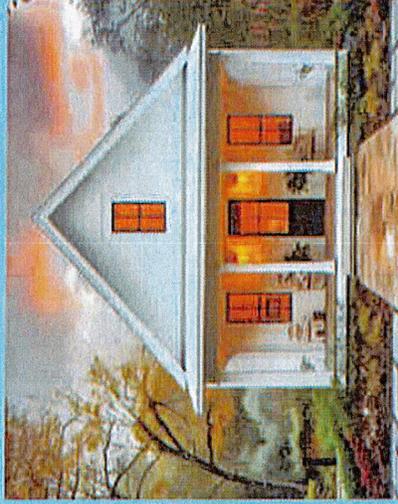
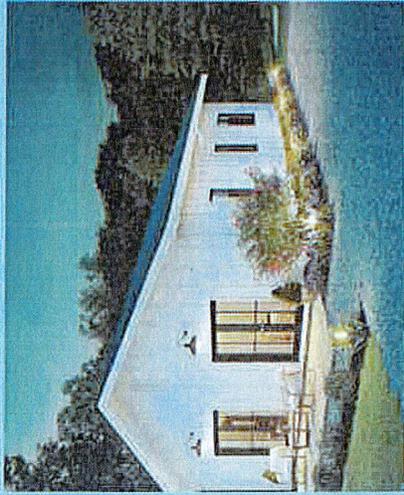
George Pavao  
President, CEI Builders, Inc.

# Affordable Homes

Fairhaven's *Affordable Homes Committee* Working  
to Bring back the Equitable American Dream Starter Home



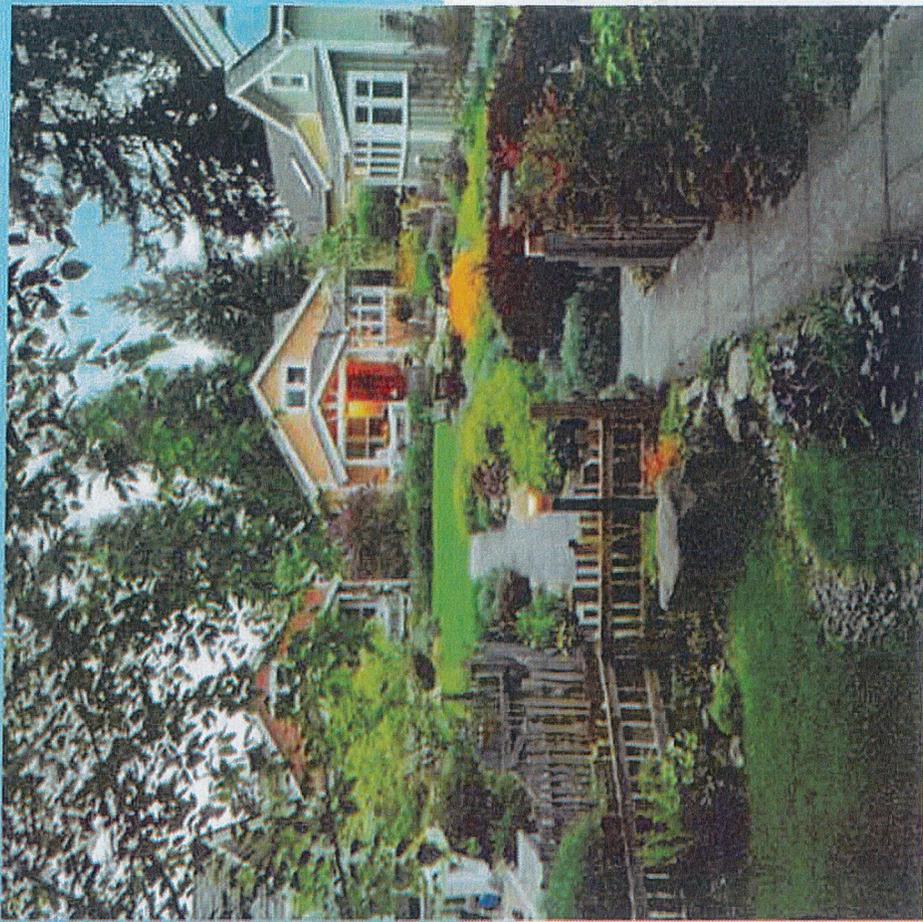
# The ADU Concept Moves To the Next Level



- Building quality small cottages & ranch homes under 1000 “sq ft.” With curb appeal as requisite.
- Affordable homes not built as an accessory dwelling unit, but as a Single Residence, built for Fairhaven Residents who offer Vital Services to the community, First time Homebuyers, and Seniors.
- Instituting the same bylaws to these Affordable Homes, as that of the ADU, in order to protect our housing stock from being used as mere profit real estate in the future, yet still accumulating equity over 5, 10, 15, and 20 year intervals. The longer people stay in their Affordable Home the better growth of equity. **These homes are intentionally meant to stay in balance within the ranges of the Actual Median Income.**
- Provisions for these homes is that they are maintained, as the same provisions for the First Time Homebuyer programs, And also as currently requisite through various home loans through banks and credit unions. Maintaining Small Affordable Homes and keeping its curb appeal is needed as requisite, to help keep its growth in equity. Currently all financial institutions who hold a mortgage, require maintenance commitment.

## **Adorable & Affordable Communities**

**Fairhaven Cares about our Families,  
and is working to inspire our next  
generation, to help them succeed  
in home ownership opportunities,  
where they can grow families &  
their own equity too.**



# Home is a Basic Need

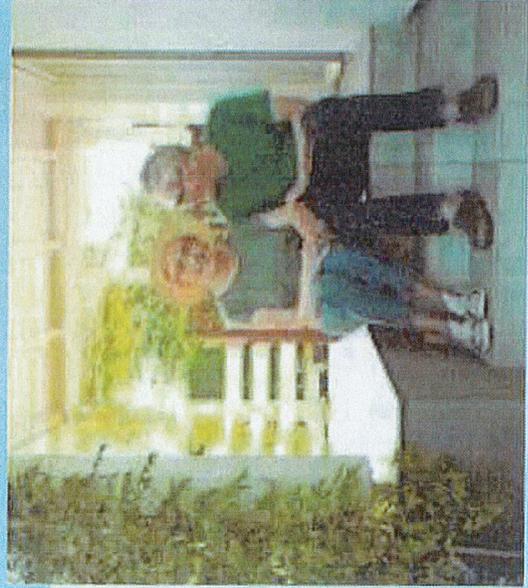
A Place of Shelter, To Grow a Family, To Grow Equity & Stability

Building Affordable Homes You can be Proud Of



**We Need Affordable Small Homes for Seniors On a Fixed Budget**

**And who have to Downsize.**



★ **OPTIMAL Lots Needed for**

**Affordable Cottage Home Communities**  
we can be proud of.

**Building the Median priced Homes, to Match the Median Income for our Residents who offer Vital Services to the Community is a must. They Deserve to have the American Dream of owning their own Home and growing their own equity**

**And...**

*Could there be residents of Fairhaven that own land, they would sell for a fair price for our Affordable Home Building Initiative ?*



# ↓ We Need Builders who Want to build Affordable Homes and Be a part of Fairhaven's Affordable Homes initiative ↑

There are FINANCIAL INCENTIVES provided through a 5.16 BILLION DOLLAR HOUSING BILL that was passed in August 2024, for Builders to meet the Balanced Profit Principle for Affordable Home Building.

Where are the affordable homes?

How Deep has the town of Fairhaven Explored these funds for single family Affordable Homes and cottages? And how seriously?

We're talking about building small quality affordable homes, with curb appeal, as seen in this presentation for under \$450,000,000.

Affordable homes to meet the Median Income would need to range between \$250 to \$400,000. To fit the median income ranges of \$75,000 - \$120,000.

Can we do this? Of course we can. 5.16 Billion is a lot of money. Ultimately, the state's general tax revenue support the repayment of the housing bond bill-



## Getting Our ACT Together

### FUNDING....

Let us not forget the options we can look into to, to help us Build Adorable Affordable Homes in Fairhaven, Once Again.



## Community Preservation Act

-CPA funds can be used to Create Housing for the median income.

-USDA has Affordable Homes funding programs also.

FYI-I understand the State of Massachusetts just recently is looking into buying state land to build homes?

-Let's Research all our options and work together in getting **Adorable Affordable Homes** built for our First time Homebuyers, Vital Workers who serve our community and for our Seniors...



**khickey@fairhaven-ma.gov**

---

**From:** Bob Espindola <bobespindola02719@gmail.com>  
**Sent:** Monday, January 12, 2026 3:04 PM  
**To:** khickey@fairhaven-ma.gov  
**Cc:** Amy Hart; Ann Espindola; Carol Staiti; Chris; Dianne Clark; Donna McKenna; Jeanne Green; Jeff King; Jennifer Carter; Jessica King; Joan Gallagher; Joe'; Karen Isherwood; Kellie McCarthy; Kraig Perry; Louis Braga; Mikey Freire; Rebecca; Sue Powers; Victoria Carter; Wayne Gifford; danpelletier30@gmail.com; dwelly09@gmail.com; eharne@gmail.com; gail branco; kataudette@comcast.net; kjharne@gmail.com; mmm195358; samanthag85@hotmail.com; selectboard@fairhaven-ma.gov; spiritshine01@yahoo.com; thecomedybarbarian@hotmail.com; whyme855  
**Subject:** Re: Update on Timothy-Hiller Constructive Approval Investigation

Mr. Hickey,

There is one more name that we meant to include in the names of people we feel should be interviewed in the investigation.

1. **Dianne Tomassetti** (for the same reason as Jessica Fidalgo - Chair of the Planning Board during the months when the issue could have been placed on the agenda but was not. We believe she should be interviewed to understand what, if any communication she had with Ms. Melanson, Mr. Carr and Mr. Webb about the project and if she was ever alerted about plans being received so that she could place notice on their regular meeting agendas under "Plans Received"

On Mon, Jan 12, 2026 at 2:46 PM Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)> wrote:  
Mr. Hickey,

Per our conversation, and for the purpose of helping facilitate the ongoing investigation, please find the attached document, as submitted during the 9-23-2025 Planning Board meeting to Mr. Webb in person and handed out to members of the Board. Deliberation never took place that night due to a lack of quorum when four (4) members walked out of the meeting after citing they had expected (and some had requested) Legal Counsel to be present but legal counsel was not present.

The questions were again submitted at the 10-14-2025 Planning Board meeting where Board members were prohibited from participating but Planning / Land Use Director Bruce Webb was tasked with answering (or mostly not answering) the questions.

We received your update that an agreement is in place with an investigator and that four (4) people will be interviewed at the outset.

We would like to submit the following list of people who we believe should all have at least a brief interview as each one has had some role in the Constructive Approval and/or the proceedings since that required negotiation and legal counsel support in order to arrive at an agreement between the Planning Board and Windmill Acres, LLC about how to solve problems associated with invalid building permits, issued for the wrong lots and issued without surety required by Town Regulations and bylaws.

We list each person we believe should be interviewed along with what we understand (from public records) to be their connection to the Constructive Approval and subsequent Building Permit issuance and agreement arrived between the Planning Board and Fairhaven Wind, LLC. Each person may, of course, have been involved beyond what is listed here.

1. **Cathy Melanson** (Public Records show that this former Planning Board member was involved in meetings before and AFTER her term on the Planning Board ended and before and after the plans were submitted).
2. **Patrick Carr** (Public Records show that this Planning Board member was involved in meetings with Town Staff and the developer prior to and after the plans were submitted).
3. **Bruce Webb** (Public Records show that this Director of Planning and Land Use was involved in meetings with Ms. Melanson, Mr. Carr and the developer before and after the plans were submitted and that he questioned the role of Town Counsel in the process)
4. **George Samia** (Interim Town Administrator involved in meetings prior to plans being submitted)
5. **Richard Forand** (Building Commissioner).
6. **Keith Silvia** (Select Board - For no apparent reason, and with no direct responsibility, was involved in meetings prior to plans being submitted and we understand was present to assist the developer on the day the plans were submitted at Town Hall.
7. **Lissa Horan** (Town Clerk) involved in the receipt of plans that started the clock ticking
8. **Anne Carreiro** (Town Accountant) - involved in meetings with some combination of George Samia, Select Board member Keith Silvia, Patrick Carr, Cathy Melanson and possibly the developer) prior to plans being submitted.
9. **Staff in the Assessor's office** (involved in the issue of multiple, different abutters list as well as the changing of street names / lots). They told us that the direction they had from the Building Commissioner was for a list of abutters generated from 300' from the center of the property, not from the boundary lines (resulting in a much smaller list of abutters to be notified). In the end, no abutters were ever notified, but this, in and of itself, raised suspicions among the neighbors and caused a great deal of confusion when abutters were looking for the same list of abutters to use in filing notice for an appeal.
10. **Sharon Simmons** - member of the Board of Assessors and the Planning Board. The Assessor's office letterhead was used in the document to change the street names / lots in September that was not captured correctly on the original set of plans. In our opinion, she should be asked when she was first made aware of the error on the plans and if she had any role in assisting the developer with making changes to the street name / lot assignments for the issue of building permits..
11. **Heather White**, Town Counsel. Both the Building Commissioner and Mr. Carr have referred, publicly, to guidance given by Town Counsel but that guidance is unknown to the public. In our view, unless she told the Planning Board not to make anything about the plans public until the project was constructively approved, then Mr. Carr had the obligation to make Ms. Fidalgo, the Planning Board Chair, aware that it should be noted on the agenda under the standing item, that new plans were received on this project.
12. **Jessica Fidalgo** (Chair of the Planning Board during the months when the issue could have been placed on the agenda but was not. We believe she should be interviewed to understand what, if any communication she had with Ms. Melanson, Mr. Carr and Mr. Webb about the project and if she was ever alerted about plans being received so that she could place notice on their regular meeting agendas under "Plans Received"
13. **Vincent Furtado**, Superintendent of Public Works (involved in meetings with the developer regarding a berm to be built on site. Mr. Furtado may have been providing general guidance or asking general questions but the developer appeared to do work on site prior to the Building Permits being issued.
14. **Richard Forand**. (Building Commissioner). Mr. Forand and Mr. Webb were questioned (in writing) prior to building permits being issued, if surety was in place per Town bylaws. See Zoning Board of Appeals

Also attached are copies of emails (and screen shot excerpt below) that were sent to Mr. Forand and Mr. Webb, following up on verbal exchanges we had at Town Hall all BEFORE the building permits were issued, asking the Town to

take the time to answer these legal questions liability concerns (surety) prior to issuing the building permits, yet they were issued in record time. In the recent Zoning Board of Appeals meeting from January 7th, 2026, when you scroll to the 2 hour and 28 minute mark in the video and listen to him say he "knew there was a problem" and he had an answer yet from Town Counsel. In the attached email you will see that Mr. Webb says he had spoken with Mr. Forand and Mr. Forand told him that, while he staturatorily has up to 30 days to issue a permit, he typically does so in about 10 days. Despite that, he issued the permits in record time and prior to resolving known issues (well in advance of the 30 days he could have taken). The expedited building permit issuance seems very suspicious to the abutters.

Again, at the 2 hour and 42 minute mark and for about 2 minutes, Michael Thomas points out that Surety should have been in place before issuing permits and points out that Commissioner should have waited for Town Counsel advice. The Commissioner then admits that he "ran that by Town Counsel" but he goes on to say that he did not wait for a response before issuing building permits.

You can use the scroll bar at the bottom of the video to fast forward to these minute marks in the meeting.

<https://vimeo.com/showcase/12040422?video=1152377551>

Fairhaven Planner <Planner@fairhaven-ma.gov>  
To: Bob Espindola <bobespindola02719@gmail.com>  
Cc: George Samis <gsamis@fairhaven-ma.gov>

Wed, Sep 24, 2025 at 10:45 AM

Hi Mr. Espindola,

I spoke with the building commissioner and confirmed that Mr. Rodrigues does not have building permits at the moment, but he did apply for them this morning. The building commissioner informs me that while he has a statutory 30 day period to issue the permits, he typically does so in 10 days. He also told me he will let me know if/when they are issued. Let me know if you have any questions.

Cheers,  
Bruce

Hugh Bruce Webb, M.B. (he/him/his)  
Land Use & Planning Director  
Town of Fairhaven, MA  
(800) 878-4029 (ext. 8128)

(Quoted text hidden)

If you could please confirm that you received this message we would appreciate that.

On Fri, Jan 9, 2026 at 1:38 PM Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)> wrote:  
Thank you for this update.

Would it be possible to see a copy of the agreement they signed?

Thank you,

Bob Espindola

[14 John St.](#)

[Fairhaven, MA 02719](#)

(774) 263-1046

On behalf of the abutters and neighbors of

the Timothy-Hiller subdivision project

On Fri, Jan 9, 2026 at 1:05 PM <[khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)> wrote:

Mr. Espindola,

A legal firm has been hired. Information has been provided by the firm and they have reviewed the information provided. I have been asked to set up interviews by council with four individuals, links to Planning Board meetings, and Planning Board minutes.

Hope that answers your questions.

Keith

Keith R. Hickey, Town Administrator

Town of Fairhaven, MA 02719

[khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)

508 979-4107



**From:** Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)>

**Sent:** Friday, January 9, 2026 11:36 AM

**To:** [khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)

**Cc:** Amy Hart <[ahart@fairhaven-ma.gov](mailto:ahart@fairhaven-ma.gov)>; Ann Espindola <[annespindola@gmail.com](mailto:annespindola@gmail.com)>; Carol Staiti <[cstaiti12@gmail.com](mailto:cstaiti12@gmail.com)>; Chris <[frolo572@comcast.net](mailto:frolo572@comcast.net)>; Dianne Clark <[dianneclark72@icloud.com](mailto:dianneclark72@icloud.com)>; Donna McKenna <[Donna@stonegaterate.com](mailto:Donna@stonegaterate.com)>; Jeanne Green <[jeanne306@yahoo.com](mailto:jeanne306@yahoo.com)>; Jeff King <[jeffking83@comcast.net](mailto:jeffking83@comcast.net)>; Jennifer Carter <[bug\\_bear@verizon.net](mailto:bug_bear@verizon.net)>; Jessica King <[jessaking9212@gmail.com](mailto:jessaking9212@gmail.com)>; Joan Gallagher <[jngallagher2@gmail.com](mailto:jngallagher2@gmail.com)>; Joe' <[rosaj681957@aol.com](mailto:rosaj681957@aol.com)>; Karen Isherwood <[isherwoodkf@gmail.com](mailto:isherwoodkf@gmail.com)>; Kellie McCarthy <[272moomay@gmail.com](mailto:272moomay@gmail.com)>; Kraig Perry <[ksperry2016@gmail.com](mailto:ksperry2016@gmail.com)>; Louis Braga <[lmbraga9@comcast.net](mailto:lmbraga9@comcast.net)>; Mikey Freire <[Michaelfreire70@gmail.com](mailto:Michaelfreire70@gmail.com)>; Rebecca <[rebecca.medeiros@aol.com](mailto:rebecca.medeiros@aol.com)>; Sue Powers <[sueppowers@gmail.com](mailto:sueppowers@gmail.com)>; Victoria Carter <[Victoriacarter64145@gmail.com](mailto:Victoriacarter64145@gmail.com)>; Wayne Gifford <[wgiffy5@gmail.com](mailto:wgiffy5@gmail.com)>; [danpelletier30@gmail.com](mailto:danpelletier30@gmail.com); [dwelly09@gmail.com](mailto:dwelly09@gmail.com); [eharne@gmail.com](mailto:eharne@gmail.com); gail branco <[gails7@yahoo.com](mailto:gails7@yahoo.com)>; [kataudette@comcast.net](mailto:kataudette@comcast.net); [kjharne@gmail.com](mailto:kjharne@gmail.com); mmm195358 <[Mmm195358@gmail.com](mailto:Mmm195358@gmail.com)>; [samanthag85@hotmail.com](mailto:samanthag85@hotmail.com); [selectboard@fairhaven-ma.gov](mailto:selectboard@fairhaven-ma.gov); [spiritshine01@yahoo.com](mailto:spiritshine01@yahoo.com); [thecomedybarbarian@hotmail.com](mailto:thecomedybarbarian@hotmail.com); whyme855 <[whyme855@comcast.net](mailto:whyme855@comcast.net)>

**Subject:** Re: Update on Timothy-Hiller Constructive Approval Investigation

Mr. Hickey,

Can you please provide an update on the investigation when you have a moment?

Thank you,

Bob Espindola

[14 John St.](mailto:14JohnSt@fairhaven-ma.gov)

[Fairhaven, MA 02719](mailto:14JohnSt@fairhaven-ma.gov)

(774) 263-1046

On behalf of the abutters and neighbors of

the Timothy-Hiller subdivision project

On Tue, Dec 30, 2025 at 4:57 PM Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)> wrote:

Mr. Hickey,

Thank you for this update.

We look forward to learning more once you've contracted with a party to conduct the investigation.

Bob Espindola

[14 John St.](#)

[Fairhaven, MA 02719](#)

(774) 263-1046

On behalf of the abutters and neighbors of  
the Timothy-Hiller subdivision project

On Tue, Dec 30, 2025 at 4:16 PM <[khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)> wrote:

Mr. Espindola,

I have enjoyed the holiday season. Hope you have as well. I thought I had an attorney to perform the investigation but was made aware that the firm the attorney worked for had provided an opinion to the Planning Board in the past. To eliminate any possible perception of a conflict, I informed the attorney that I did not want any perceived conflict and was going to use another attorney. I have contacted two other attorneys to discuss the project with them. One of the two had a developer as a client that has presented to the Fairhaven Planning Board. I am waiting to hear back from the second.

I wish the investigation was well underway but finding someone without a conflict has been a challenge. I am confident that I will be able to contract with the appropriate party shortly.

Have a safe and happy new year.

Keith

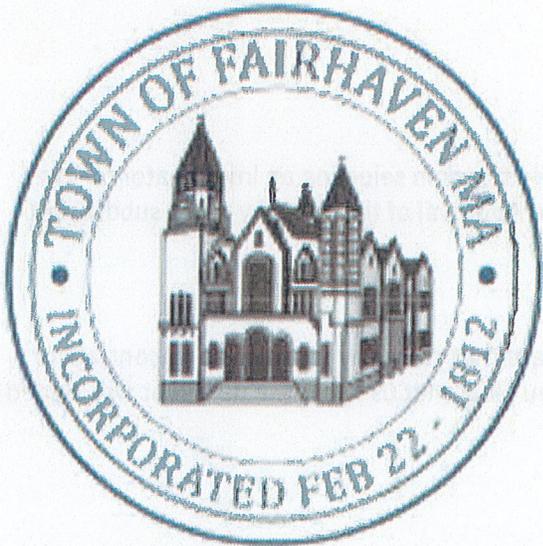
Keith

Keith R. Hickey, Town Administrator

Town of Fairhaven, MA 02719

[khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)

508 979-4107



**From:** Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)>

**Sent:** Tuesday, December 30, 2025 11:03 AM

**To:** Keith Hickey <[khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)>; Amy Hart <[ahart@fairhaven-ma.gov](mailto:ahart@fairhaven-ma.gov)>

**Cc:** [spiritshine01@yahoo.com](mailto:spiritshine01@yahoo.com); Chris <[frolo572@comcast.net](mailto:frolo572@comcast.net)>; Dianne Clark <[dianneclark72@icloud.com](mailto:dianneclark72@icloud.com)>; Jessica King <[jessaking9212@gmail.com](mailto:jessaking9212@gmail.com)>; [dwelly09@gmail.com](mailto:dwelly09@gmail.com); gail branco <[gnails7@yahoo.com](mailto:gnails7@yahoo.com)>;

[danpelletier30@gmail.com](mailto:danpelletier30@gmail.com); [samanthag85@hotmail.com](mailto:samanthag85@hotmail.com); [eharne@gmail.com](mailto:eharne@gmail.com); [kataudette@comcast.net](mailto:kataudette@comcast.net); [thecomedybarbarian@hotmail.com](mailto:thecomedybarbarian@hotmail.com); Sue Powers <[sueppowers@gmail.com](mailto:sueppowers@gmail.com)>; Mikey Freire <[Michaelfreire70@gmail.com](mailto:Michaelfreire70@gmail.com)>; Ann Espindola <[annespindola@gmail.com](mailto:annespindola@gmail.com)>; whyme855 <[whyme855@comcast.net](mailto:whyme855@comcast.net)>; Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)>; Kellie McCarthy <[272moomay@gmail.com](mailto:272moomay@gmail.com)>; Kraig Perry <[ksperry2016@gmail.com](mailto:ksperry2016@gmail.com)>; Victoria Carter <[Victoriacarter64145@gmail.com](mailto:Victoriacarter64145@gmail.com)>; Rebecca <[rebecca.medeiros@aol.com](mailto:rebecca.medeiros@aol.com)>; Joan Gallagher <[jngallagher2@gmail.com](mailto:jngallagher2@gmail.com)>; Louis Braga <[lmbraga9@comcast.net](mailto:lmbraga9@comcast.net)>; Donna McKenna <[Donna@stonegaterate.com](mailto:Donna@stonegaterate.com)>; mmm195358 <[Mmm195358@gmail.com](mailto:Mmm195358@gmail.com)>; Wayne Gifford <[wgiffy5@gmail.com](mailto:wgiffy5@gmail.com)>; Jeff King <[jeffking83@comcast.net](mailto:jeffking83@comcast.net)>; [kjharne@gmail.com](mailto:kjharne@gmail.com); Jeanne Green <[jeanne306@yahoo.com](mailto:jeanne306@yahoo.com)>; Joe' <[rosaj681957@aol.com](mailto:rosaj681957@aol.com)>; Carol Staiti <[cstaiti12@gmail.com](mailto:cstaiti12@gmail.com)>; Jennifer Carter <[bug\\_bear@verizon.net](mailto:bug_bear@verizon.net)>; Karen Isherwood <[isherwoodkf@gmail.com](mailto:isherwoodkf@gmail.com)>

**Subject:** Update on Timothy-Hiller Constructive Approval Investigation

Mr. Hickey,

Good morning.

I hope you have enjoyed your holiday season so far.

During the last Select Board meeting, we learned that there was a setback in selecting an investigator for the investigation to find out all the factors that led to the Constructive Approval of the Timothy-Hiller subdivision.

Would you be able to provide an update for us to let us know where that currently stands? Has a contract or agreement been signed with an investigator or firm? If so, can you please let us know the date that was signed and what the timeline is expected to be?

Would we be able to obtain a copy of the contract signed to understand the scope of work outlined in the contract?

Thank you,

Bob Espindola

[14 John St.](#)

[Fairhaven, MA 02719](#)

(774) 263-1046

On behalf of the abutters and neighbors of  
the Timothy-Hiller subdivision project

**From:** Bob Espindola <bobespindola02719@gmail.com>  
**Sent:** Thursday, January 22, 2026 2:51 PM  
**To:** Amy Hart  
**Cc:** Charles K Murphy Sr; Keith Hickey; spiritshine01@yahoo.com; Chris; Dianne Clark; Jessica King; dwelly09@gmail.com; gail branco; danpelletier30@gmail.com; samanthag85@hotmail.com; eharne@gmail.com; kataudette@comcast.net; thecomedybarbarian@hotmail.com; Sue Powers; Mikey Freire; Ann Espindola; whyme855; Bob Espindola; Kellie McCarthy; Kraig Perry; Victoria Carter; Rebecca; Joan Gallagher; Louis Braga; Donna McKenna; mmm195358; Wayne Gifford; Jeff King; kjharne@gmail.com; Jeanne Green; Joe'; Carol Staiti; Jennifer Carter  
**Subject:** Re: Agenda Request - Timothy Hiller Investigation

Ms. Hart,

Thank you for this courtesy of letting us know that Monday's Select Board meeting will be postponed in anticipation of the snow storm.

I am available but, more importantly, I am sure that a sufficient number of neighbors who have raised concerns will be able to attend on February 2nd instead of Monday, January 26th.

I have copied them all here so they will know.

Bob Espindola  
14 John St.  
Fairhaven, MA 02719  
On behalf of abutters and neighbors of  
the Timothy-Hiller Subdivision project.

On Thu, Jan 22, 2026 at 2:38 PM Amy Hart <[ahart@fairhaven-ma.gov](mailto:ahart@fairhaven-ma.gov)> wrote:  
Good afternoon Bob,

Out of an abundance of caution due to potential inclement weather on Monday, January 26th, the Select Board is rescheduling their meeting to Monday, February 2nd, you have an agenda item that we were placing on the 26th and would like to confirm that you can attend on Monday 2/2?

Warmest regards,



**Amy Hart**  
Executive Assistant to the Town Administrator  
(508) 979-4023, Ext. 8101

On Tue, Jan 20, 2026 at 6:48 PM Charles K Murphy Sr <[cmurphy@fairhaven-ma.gov](mailto:cmurphy@fairhaven-ma.gov)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)>  
**Date:** January 20, 2026 at 1:21:43 PM EST  
**To:** Charles K Murphy Sr <[cmurphy@fairhaven-ma.gov](mailto:cmurphy@fairhaven-ma.gov)>, Keith Hickey <[khickey@fairhaven-ma.gov](mailto:khickey@fairhaven-ma.gov)>, Amy Hart <[ahart@fairhaven-ma.gov](mailto:ahart@fairhaven-ma.gov)>  
**Cc:** [spiritshine01@yahoo.com](mailto:spiritshine01@yahoo.com), Chris <[frolo572@comcast.net](mailto:frolo572@comcast.net)>, Dianne Clark <[dianneclark72@icloud.com](mailto:dianneclark72@icloud.com)>, Jessica King <[jessaking9212@gmail.com](mailto:jessaking9212@gmail.com)>, [dwelly09@gmail.com](mailto:dwelly09@gmail.com), gail branco <[gnails7@yahoo.com](mailto:gnails7@yahoo.com)>, [danpelletier30@gmail.com](mailto:danpelletier30@gmail.com), [samanthag85@hotmail.com](mailto:samanthag85@hotmail.com), [eharne@gmail.com](mailto:eharne@gmail.com), [kataudette@comcast.net](mailto:kataudette@comcast.net), [thecomedybarbarian@hotmail.com](mailto:thecomedybarbarian@hotmail.com), Sue Powers <[sueppowers@gmail.com](mailto:sueppowers@gmail.com)>, Mikey Freire <[Michaelfreire70@gmail.com](mailto:Michaelfreire70@gmail.com)>, Ann Espindola <[annespindola@gmail.com](mailto:annespindola@gmail.com)>, whyme855 <[whyme855@comcast.net](mailto:whyme855@comcast.net)>, Bob Espindola <[bobespindola02719@gmail.com](mailto:bobespindola02719@gmail.com)>, Kellie McCarthy <[272moomay@gmail.com](mailto:272moomay@gmail.com)>, Kraig Perry <[ksperry2016@gmail.com](mailto:ksperry2016@gmail.com)>, Victoria Carter <[Victoriacarter64145@gmail.com](mailto:Victoriacarter64145@gmail.com)>, Rebecca <[rebecca.medeiros@aol.com](mailto:rebecca.medeiros@aol.com)>, Joan Gallagher <[jngallagher2@gmail.com](mailto:jngallagher2@gmail.com)>, Louis Braga <[lmbraga9@comcast.net](mailto:lmbraga9@comcast.net)>, Donna McKenna <[Donna@stonegaterate.com](mailto:Donna@stonegaterate.com)>, mmm195358 <[Mmm195358@gmail.com](mailto:Mmm195358@gmail.com)>, Wayne Gifford <[wgiffy5@gmail.com](mailto:wgiffy5@gmail.com)>, Jeff King <[jeffking83@comcast.net](mailto:jeffking83@comcast.net)>, [kiharne@gmail.com](mailto:kiharne@gmail.com), Jeanne Green <[jeanne306@yahoo.com](mailto:jeanne306@yahoo.com)>, Joe' <[rosaj681957@aol.com](mailto:rosaj681957@aol.com)>, Carol Staiti <[cstaiti12@gmail.com](mailto:cstaiti12@gmail.com)>, Jennifer Carter <[bug\\_bear@verizon.net](mailto:bug_bear@verizon.net)>  
**Subject:** Agenda Request - Timothy Hiller Investigation

Good afternoon Mr. Murphy,

We would like to ask if you would consider placing an item on the Select Board meeting for next Monday, January 26th to "Review the Timothy-Hiller Investigation process and scope of services"

The intent would be to inform the public about the steps being taken, who is being interviewed and for the Select Board to determine if the current plan is sufficient.

The reason we ask for this openness and transparency is because it is our understanding that the investigation is ongoing and, at least at the outset, was only going to include interviewing four (4) people.

We believe that in order to fully understand what took place and to ensure nothing important is missed, the list should be considerably longer.

We have suggested a list of people that we believe should be included in prior emails attached here in pdf form.

If there is anything additional we should provide at this time please let us know.

Thank you for your consideration and if you will not be placing this on the Select Board agenda, we would ask if you could kindly explain the reason why not.

Bob Espindola

14 John St.  
Fairhaven, MA 02719

(774) 263-1046

on behalf of the abutters and neighbors of  
The Timothy-Hiller subdivision.

**khickey@fairhaven-ma.gov**

---

**From:** Paul Gallant <pauylgallant@gmail.com>  
**Sent:** Friday, January 16, 2026 3:01 PM  
**To:** selectboard@fairhaven-ma.gov; cmurphy@fairhaven-ma.gov; khickey@fairhaven-ma.gov  
**Subject:** Request to be placed on agenda for upcoming meeting  
**Attachments:** Petition to extend the external investigation through October 19, 2025.pdf; Untitled attachment 00112.htm

Good afternoon Chairperson Murphy,

I'm writing to request being placed on the agenda at the January 26, 2026 Select Board meeting.

I, along with a group of other concerned residents, would like to petition the town to extend the Timothy-Hiller External Investigation beyond the Constructive Approval. We're asking that the investigation include the time period from the Constructive Approval through the abrupt resignation of the Planning Board Chairperson on October 19, 2025. As of now, we have 45 signatures. I've included the petition and the list of names. Several other residents intend to sign prior to your next meeting.

We're specifically concerned about the events that occurred at the September 23, 2025 Planning Board Meeting, the October 14, 2025 Planning Board meeting, the related social media activity by elected officials, and the unsubstantiated accusations that circulated throughout the local newspaper and on social media throughout this timeline. These false accusations targeted the Chairperson which resulted in her resignation.

Thank you for your consideration.  
Please see the attached petition and let me know if you have any questions.

Best,  
Paul Gallant

## **Petition to Extend the External Investigation through October 19, 2025**

Dear Members of the Fairhaven Select Board and Town Administrator Hickey,

As you well know, our elected and appointed officials dedicate their time, energy, and oftentimes other resources into the town on a voluntary basis. Running for and accepting public office means investing one's own resources during the election process and exposing oneself to public scrutiny and criticism, both as a candidate and as a public official. This alone likely deters many people from stepping up to volunteer. However, there are special individuals that are passionate and enthusiastic enough about this town that choose to make these sacrifices and take the risk of entering the public spotlight for the good of the community.

A number of our public officials are self-employed. They are the innovative, motivated, dedicated individuals within our community that have the flexibility to schedule their work responsibilities around their volunteer commitments. As self-employed people, their reputation is paramount to their ability to support themselves and their families.

When these individuals become political targets by other public officials, it puts their livelihood at stake. At no time should a public official that has dedicated copious amounts of time, energy, money, and their own personal vulnerability for the betterment of the town be subjected to unsubstantiated accusations and harassment from fellow public officials.

We believe that Diane Tomassetti was the target of such harassment from September 23, 2025 through October 19, 2025. During that time, there was at least one, if not numerous public officials, that engaged in public criticism and manipulation of facts that led the public to believe Ms. Tomassetti to be untrustworthy and corrupt. Subsequently, damaging remarks and unfounded accusations were printed and publicized in the local newspaper, were shared on Social Media, and were directed at her during a televised public meeting.

As you've indicated in your public statement that was dated July 28, 2025:

*"The tone of public discourse is shaped by the behavior of those who serve, and it is our responsibility to demonstrate integrity and professionalism. This standard applies not only during official meetings but also at public events and in all forms of communication, including social media."*

The defamation of character and the public humiliation that Ms. Tomassetti faced was spearheaded by fellow public officials and resulted in her abrupt resignation on Sunday, October 19, 2025. We are petitioning you to extend the timeline of the external investigation that was approved on 11/24/25 through the date of her official resignation.

Upholding the integrity of our public officials is of the utmost importance. It is these individuals who dedicate themselves on multiple fronts to the betterment of our town, making key decisions that affect the community as a whole. If Ms. Tomassetti was the victim of internal harassment, it should be recognized and those responsible should be held accountable for their actions. If

nothing is done to investigate this matter, not only would that be a terrible injustice for Ms. Tomassetti, but also a grave message to others considering volunteering for public office. We hope that you recognize that the future of Fairhaven relies heavily on attracting motivated, innovative, enthusiastic, committed individuals to serve the town. We believe in order to do that, it is imperative that those considering volunteerism are confident that they will be protected by yourselves, the leaders of Fairhaven, from any unjustified harassment and public humiliation from other public officials.

Furthermore, and equally important, is the distinction that Ms. Tomassetti was an *elected* public official. If internal harassment by fellow public officials was in fact the catalyst for her resignation, the constituents of Fairhaven deserve to know who was responsible.

Name	Sign	Address
1. Beth Ann [unclear]	[unclear]	104 NEW BOSTON RD
2. Chris Chase	[unclear]	1104 New Boston Rd
3. Westin Chase	Westin Chase	169 New Boston Rd
4. Hillary Coucci	Hillary Coucci	10 Oliver St.
5. Guido Coucci	Guido Coucci	10 Oliver St.
6. Lacey Freitas	Lacey Freitas	101 LONG RD.
7. [unclear]	[unclear]	1 Marguerite Dr
8. [unclear]	[unclear]	1 Marzono Dr
9. [unclear]	[unclear]	3 Shawmut St
10. [unclear]	[unclear]	49 Alder St Fairhaven
11. [unclear]	[unclear]	6 Costa Ave
12. [unclear]	[unclear]	6 COSTA AVE
13. [unclear]	[unclear]	8 Turner Ave
14. [unclear]	[unclear]	8 Turner Ave
15. [unclear]	[unclear]	3 SHAWMUT STREET
16. JOHN METTA	[unclear]	19 Hitch Street
17. Paul Geller	[unclear]	19 Hitch St.
18. Kayla Gallant	[unclear]	141 PRINCE ST
19. [unclear]	[unclear]	

- 20. *[Signature]*
- 21. DAVE BERBER
- 22. ~~Donna~~ Erin Carr
- 23. Gerald Bettercourt
- 24. Paul Bettercourt
- 25. Jammy Herholzer
- 26. Andrew Tripone
- 27. Robert C. Herholzer
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.
- 34.
- 35.
- 36.
- 37.
- 38.
- 39.
- 40.
- 41.
- 42.
- 43.
- 44.
- 45.

141 Pleasant ST  
 177 Main St.  
 177 Main St.  
 101 Raymond St  
 101 Raymond St  
 89 Howland Rd  
 35 Highland Ave  
 48 Center St

nothing is done to investigate this matter, not only would that be a terrible injustice for Ms. Tomasseti, but also a grave message to others considering volunteering for public office. We hope that you recognize that the future of Fairhaven relies heavily on attracting motivated, innovative, enthusiastic, committed individuals to serve the town. We believe in order to do that, it is imperative that those considering volunteerism are confident that they will be protected by yourselves, the leaders of Fairhaven, from any unjustified harassment and public humiliation from other public officials.

Furthermore, and equally important, is the distinction that Ms. Tomasseti was an *elected* public official. If internal harassment by fellow public officials was in fact the catalyst for her resignation, the constituents of Fairhaven deserve to know who was responsible.

1. ~~Cathy Melanson~~ 110 Adams St \*
2. ~~Sarah DeSto~~ 142 Bridge St
3. ~~Melanni Marie~~ 142 Bridge St.
4. Kathleen Jacobsen 40 Summer St
5. ~~Jeanne~~ 30 Francis Street
6. ~~Sharon Lee~~ 55 Linden Ave
7. ~~Vin Can~~ 55 Linden Ave
8. ~~Kenneth Deon~~ 110 Adams St. 1
9. ~~Henry~~ 30 Francis St.
10. ~~John~~ 9 Hutton Ave
11. ~~Kate~~ 16 Capeview Dr
12. ~~Carlyne~~ 55 Linden Ave
13. ~~Paul~~ 140 Bridge St
14. James Murray 140 Bridge St
15. Colleen Aila 112 Adams St
16. Sharon M. Duffin 31 Jesse Street
17. ~~Wanda~~ 31 Jesse Street
18. ~~Patricia~~ 31 Jesse Street
- 19.

or received in the capacity of a board, committee or commission member are public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one's own home computer and personal email accounts may not exempt such communications depending on the context. In addition, the ease by which emails are sent and forwarded may facilitate the improper discussion of public policy issues. The discussion of public policy issues among a quorum of board or committee members via email is a violation of the Open Meeting Law. All electronic mail sent and received at a Town-issued email address should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and board and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail as it relates to board/committee business.

It is important for boards and committees to be responsive to emails that are sent to them in their official capacity. It is advised that the chairperson or clerk be assigned this responsibility. Boards and committees need to be careful not to allow replies to citizens become discussions among the members of the board/committee, as this is in violation of the Open Meeting Law.

### **Social Media**

Board and Committee members using social media platforms (including, but not limited to: Facebook, Twitter, Instagram, YouTube, etc.) should remember that their online persona reflects their character. Social media is not exempt from Open Meeting Law or Records Retention law. (For boards and committees using social media pages to share their news, please see the Town's separate Social Media policy. See **Appendix F**. The Town's Media & Communications Specialist will assist you in creating and maintaining your Social Media pages. For the purposes of individual board/committee members using social media, please note:

- All board/committee members ("Officials") are expected and required to conduct themselves online in a manner consistent with the Town's policies and standards of conduct.
- Officials must not reveal any confidential or privileged information about the Town, its constituents, or its contractors.
- Officials must not harass others in contravention of the Town's computer use policy, harassment policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this policy even if the Town's name or name(s) of any individual is not specifically referenced.
- Officials should be honest and accurate when posting information or news. Officials should not use social media to post rumors or conjecture about the Town, its employees, constituents, officials, suppliers, vendors, contractors, or any other entities or individuals.
- Officials may only express their personal opinions and should never represent themselves on social media as a spokesperson for the Town, unless specifically designated to do so.
- Officials must also recognize that posting content regarding Town-related matters may result in a violation of the Open Meeting Law. (For example, if three members of a five member committee exchange comments on a social media post regarding a Town issue, this could be deemed "deliberation" and would be a violation of Open Meeting Law).

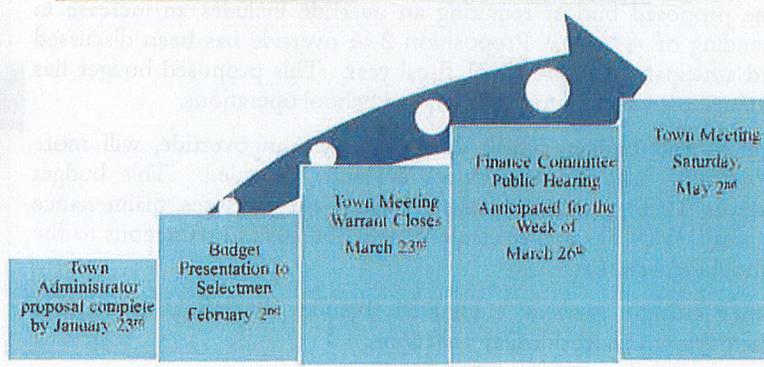
**FISCAL YEAR 2027  
BUDGET PRESENTATION**



TO THE  
SELECT BOARD and FINANCE COMMITTEE

Presented by:  
**Keith R. Hickey**  
Town Administrator

**Budget Process Timeline**



Town Administrator proposal complete by January 23 <sup>rd</sup>	Budget Presentation to Selectmen February 2 <sup>nd</sup>	Town Meeting Warrant Closes March 23 <sup>rd</sup>	Finance Committee Public Hearing Anticipated for the Week of March 26 <sup>th</sup>	Town Meeting Saturday, May 2 <sup>nd</sup>
--	---	--	---	--

2

## Town Administrator's Recommended Budget

- What's included in the budget book?
  - Transmittal letter highlighting proposed operational and staffing changes included in the two budgets provided. The first budget requires a Proposition 2 ½ override. The second budget option would fund services without an override.
  - Balanced General Fund, Water, Sewer and Cable budgets with detailed supporting information.
  - Revenue information including estimated Cherry Sheet revenues, local receipts and other available funds.
  - A glossary of municipal budget terms.
  - Town Administrator's PowerPoint Budget presentation.

3

## Overview of Town Administrator's Proposed Budget

- The proposed budget requiring an override includes an increase in spending of 4.43%. A Proposition 2 ½ override has been discussed and anticipated for the FY27 fiscal year. This proposed budget has minimal impacts to current Town and School operations.
- The second budget, which does not need an override, will more significantly impact the services currently provided. This budget reduces staffing, overtime costs for emergency services, maintenance to roads, sidewalks and trees along with \$380,802 in reductions to the School Department.
- Other current services eliminated include Household Hazardous Waste Day and curbside leaf collection.

4

## Assumptions Used to Develop FY27 Budget Requiring a Proposition 2 1/2 Override

- State revenues are based on Governor's FY27 Cherry Sheet.
- Proposed budget includes all contractual wage adjustments for union employees and wage adjustments for nonunion.
- The Health Insurance budget is based on the average FY27 monthly expenditure and includes an 8% increase.
- The retirement appropriation is based on the actual costs determined by report from the Public Employee Retirement Actuarial Commission (PERAC).

5

## Annual General Fund Budget Summary

	FY27 Proposed Town Administrator Budget	FY27 Proposed Budget Without a Proposition 2 1/2 Override
<b>Revenues</b>		
Real and Personal Property Taxes	\$ 37,056,511	\$ 37,056,511
Debt Exclusion	\$ 693,239	\$ 693,239
State Aid Receipts (net of charges)	13,031,484	13,031,484
Local Receipts	9,277,630	9,277,630
Indirect Charges	1,470,472	1,470,472
Other Available Funds	1,756,390	1,756,390
<b>TOTAL REVENUE</b>	<b>\$ 63,285,726</b>	<b>\$ 63,285,726</b>
Total Town Appropriations	\$ 34,504,828	\$ 33,793,970
Total School Appropriations	29,695,647	29,191,756
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 64,200,475</b>	<b>\$ 62,985,726</b>
Abatements & Exemptions	300,000	300,000
	<b>\$ 64,500,475</b>	<b>\$ 63,285,726</b>
Override Necessary for Level Services	<b>\$ 1,214,749</b>	

## Impacts to Current Services Provided Based on Town Administrator Budget

- Eliminated funding for the administrative “floater” position that was created to provide departmental administrative support during times when administrative staff is out of the office.
- Overtime in Police, Fire and Public Works has been reduced to amounts closer to FY26.
- The Tree Department requested additional funding to more aggressively maintain town owned trees. Most of that funding, totaling \$116,000 has been eliminated.
- The Veteran Services budget has been reduced by \$92,000. There will be no impact to veteran support as the remaining FY27 budgeted amount remains more than what has historically been expended by the Veterans Department.

7

## Impacts to Current Services Provided Based on Town Administrator Budget cont.

- The recommended Fiscal Year 2027 budget includes a reduction of \$380,802, or 1.42%, from the School Department’s initial FY27 budget request. The resulting recommended School Department appropriation totals \$26,531,685, which represents an increase of approximately \$1.256 million over the FY26 budget.
- The anticipated impact of a Proposition 2 ½ Override to a single-family home with a value of \$450,000 is estimated at \$189 annually.

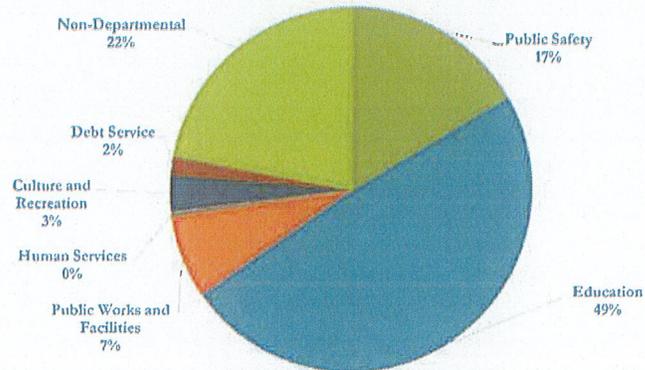
8

### Fairhaven School Department Comparison of Annual District Statistics

	Fiscal Year				
	<u>24/25</u>	<u>23/24</u>	<u>22/23</u>	<u>21/22</u>	<u>20/21</u>
Total Students (K-12)	1,727	1,759	1,826	1,846	1,918
FT Teachers (FTE)	144	137	147	147	130
Administrators (FTE)		12	11.8	10.8	
Student/Teacher Ratio	12.0/1	12.8/1	12.4/1	12.6/1	14.8/1
Actual Net School Spending	\$25,649,369	\$ 24,346,238	\$ 23,409,914	\$ 23,535,014	\$ 22,025,294
Required Net School Spending	\$ 24,687,013	\$ 23,768,493	\$ 22,300,571	\$ 20,975,457	\$ 20,980,114
Amount Over Net School Spending	\$962,356	\$ 577,745	\$ 1,109,343	\$ 2,559,557	\$ 1,045,180
Total Expenditure Per Pupil	unavailable	unavailable	\$ 16,788	\$ 16,315	\$ 15,287
Annual Acushnet Tuition Received	\$ 2,227,237	\$ 2,403,277	\$ 2,637,909	\$ 2,512,442	\$ 2,708,021
Number of Acushnet Students	176	199	217	218	246 9

Source: DESE website <https://profiles.doe.mass.edu/profiles>

### Proposed Town Administrator Budget



## Anticipated Warrant Articles

Article Number	Article Subject	Funding Requested
1	Annual Report	N/A
2	Prior Year Bills	unknown
3	FY26 General Fund Budget	\$60,261,282
4	Possible FY26 General Fund Proposition 2 1/2 Override	unknown
5	Elementary School Roof Replacement-Debt Exclusion	unknown
6	FY 26 Water Dept Enterprise Budget	\$2,122,303
7	FY26 Wastewater Dept Enterprise Budget	\$3,572,699
8	FY26 Renewable Energy Enterprise Budget	\$500,000
9	FY26 Wage & Personnel	\$50,250
10	FY26 Capital Improvement Funding	\$1,311,748
11	FY26 Equipment Purchase/Project Funding	unknown
12	FY26 Employment Liability Reserve Fund	\$50,000
13	FY26 OPEB Reserve Fund	\$100,000
14	FY26 Stabilization Fund	\$100,000
15	FY26 Capital Stabilization Fund	\$100,000
16	FY26 Municipal Building Insurance Fund	\$10,000
17	FY26 Sampson Fund Appropriations	unknown
18	FY26 Community Preservation Committee Budget	unknown

AGREEMENT

THIS AGREEMENT (this "Agreement") is made this <sup>28<sup>th</sup> day of January, 2026</sup> ~~—<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) months from the date of this Agreement to obtain plans for the restrooms.

Then, the School Committee shall have another six (6) months 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~~  
Hickey, Town Administrator



**Town of Fairhaven  
Report of the Town Administrator  
February 2, 2026**

---

**Financial Updates**

- The Capital Planning Committee met on January 27<sup>th</sup> and have recommended the FY27 capital recommendations.

**Project Updates**

- The Seaport Economic Council has awarded a grant in the amount of \$1 million dollars to Fairhaven for improvements to Union Wharf. Work on that project is anticipated later in 2026.

**Personnel Update**

- Meetings with Town and School Department employees are ongoing to discuss a new, voluntary prescription company that can offer prescription refills at a reduced cost to the Town's health insurance policy.

**Miscellaneous Updates**

- I attended the Great Kindness Challenge and participated in a Community Tunnel for Kindness Week at the East Fairhaven School. I will also be attending the Fairhaven High School Civics Fair on February 12<sup>th</sup>.