



FAIRHAVEN SELECT BOARD

Meeting Minutes

March 23, 2026

FAIRHAVEN TOWN CLERK
RCUD 2026 MAR 31 PM 12:47

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

Mr. Murphy opened the Select Board meeting at 6:30pm

PUBLIC COMMENT

Bob Espindola of John Street addressed the Board and read from correspondence he sent to the Board on March 19, 2026 regarding Proposition 2 ½, future public safety complex, capital planning and the Town's Financial Policy adopted in 2024 (*Attachment A*).

Jennifer Botelho of Brae Road addressed the Board about the Animal Shelter and the Animal Control Officer, their necessity due to public health and safety.

APPOINTMENTS / COMMUNITY ITEMS

Consider Appointment: Treasurer/Collector: Carla Mourao

Mr. Hickey introduced Carla Mourao as the recommended candidate for Treasurer/Collector. The position was re-advertised and Ms. Moura was recommended by former Interim Town Administrator George Samia. References and CORI checks were completed as well. Mr. Hickey apologized that he was unable to have the entire interview committee participate.

Ms. Moura introduced herself to the Board and confirmed her ability to start on April 6, 2026 if the Board agrees.

Motion: Mr. Saunders motioned to appoint Carla Mourao as Treasurer/Collector effective April 6, 2026. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Eagle Scout Recognition: Patrick Timothy Fleming

Timothy Fleming addressed the Board and asked for the recognition to be issued to Patrick Timothy Fleming. The Honor Ceremony will be held on April 9, 2026.

Motion: Mr. Saunders motioned to issue a certificate to Patrick Timothy Fleming recognizing his rank of Eagle Scout. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Appointment Request: Economic Development Committee: Emily Gauger

Ms. Gauger addressed the Board about her application to be appointed to the Economic Development Committee.

Motion: Mr. Saunders motioned to appoint Emily Gauger to the Economic Development Committee for a term through May, 2027. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Special One-Day All Alcohol License: Hanami Tea House, Sunday, March 29, 2026 5:00-9:00pm

Mr. Murphy read the application.

Motion: Mr. Saunders motioned to approve a Special One-Day All Alcohol License for William Foley, Hanami Tea House for Sunday, March 29, 2026 from 5:00-9:00pm contingent upon the fee paid prior to the event. Ms. Mello seconded. The motion passed unanimously (5-0-0).

ACTION / DISCUSSION

Consider Request from Marine Resources Committee: Union Wharf North Side Annual Rental Fee

Harbormaster Tim Cox addressed the Board and answered questions about the request, amenities and improvements made. Mr. Saunders added that the Marine Resources Committee discussion included a review in total to ensure prevailing rates are comparable to New Bedford.

Motion: Mr. Saunders motioned to set the annual rental fee for the North Side of Union Wharf to \$2,305.05,

effective April 1, 2026. Ms. Mello seconded. The motion passed unanimously (5-0-0).

2025 Annual Report Cover Photo Selection

The Board reviewed the packet and submissions and brief discussion ensued about considering the top liked photos for the cover and back cover of the 2025 Annual Report.

Motion: Mr. Saunders motioned to select photo number 10 to be on the front cover and photo number 7 to be on the back cover of the 2025 Annual Town Report. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Consider Participation in Opioid Litigation Settlement with Six Remnant Defendants (RDSA)

Mr. Hickey reviewed the details about participating. Opioid counsel strongly recommends participating in the settlement, and Attorney White recommend following special counsel's recommendation given their expertise in this area and their primary representation of the Town in this litigation.

Motion: Mr. Saunders motioned to authorize the Town Administrator to execute the Combined Subdivision Participation and Release Form on behalf of the Town of Fairhaven. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Review and Discuss FY27 Budget

Mr. Hickey referred to the memo summarizing proposed updates to department budgets to meet the Net School Spending projection (*Attachment B*). Discussion ensued with the Board regarding joint meetings with the Finance Committee, educating residents, concerns about the Animal Shelter, concerns about leaf pick-up, hazardous waste day and the beach. Mr. Hickey advised the Board about impacts on the Town Election in June if Town Meeting was postponed. The recommendation is to keep Town Meeting on May 2, 2026 as planned.

Discussion continued with the Board and the Board agreed to meet on Monday, March 30, 2026 and also consider a joint meeting with the Finance Committee and School Committee for Tuesday, March 31, 2026. Work is being done with the Assessor to add information on the Town's website about impacts of an override and a calculator. The Board asked Mr. Hickey to remove "level fund" from the budget spreadsheet to help everyone better understand.

Mr. Hickey advised the Board that although there have been preliminary conversations about the Animal Shelter and potential options like a non-profit taking over, no decisions or agreements have been made with other towns or agencies. Mr. Romano asked for a clarification on tourism based on the different ways it is referred to and Mr. Hickey and Ms. Carreiro confirmed it encompasses the work and events organized by Alyssa Botelho as Discover Fairhaven.

The Board encouraged continued review of regionalization efforts wherever possible and highlighted the need for input from the electorate and continued joint meetings. Mr. Silvia asked if the storm costs will have any effect on the Town's bond rating. Mr. Hickey and Ms. Carreiro reviewed; she has contacted the Town's auditors and they advised how to treat it as a special revenue fund while the Town waits for state and federal reimbursement. Brief discussion ensued about bond ratings, the cost to borrow and the need for increased assistance from the state.

Review and Consider Voting Recommendations for the Annual and Special Town Meeting

Articles

Mr. Hickey asked the Board to consider reviewing non-budget articles and voting recommendations. The consensus was to table it to the next meeting.

Close and Sign the Annual and Special Town Meeting Warrant

This item was tabled.

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (*Attachment C*) and added,

- Mr. Hickey met with a group of volunteers looking to start a non-profit for the Animal Shelter.
- The Storm costs were broken down for reimbursement to the state and federal government

- Discussion about replacement of the radio tower at the Police/Fire Station is taking place with the regional dispatch office with the potential for the costs to be covered through them and potential for the Town Hall generator to be part of that due to it being part of that infrastructure.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders reported:

- Marine Resources met, the rent increase was discussed and the Committee also discussed dredging on the causeway on West Island. They are also reviewing how to manage tie-ups to the boat ramp float and managing the lot. They are reviewing how to align aquaculture leases and reconfigure sites to the north.
- Livable Streets met and appointed a new chair
- SRTA meets next week

Ms. Mello reported:

- The Library met last week.
- She asked for an update from the Public Safety Complex Committee for a future agenda item.

Mr. Murphy reported:

- Lagoa met, nothing to report

Mr. Romano reported:

- No meetings to report on.
- He asked about revisiting the letters sent to the state and Massachusetts Municipal Association about local aid. Mr. Saunders said the goal was to see if the state could increase local aid, the example of the rainy-day fund is one example of a source the state could tap into

Mr. Silvia reported:

- Commission on Disability did not have a quorum to meet

Ms. Mello exited the Banquet Room from 8:10-8:14pm

Motion: Mr. Saunders motioned to take item G out of order. Mr. Romano seconded. The motion passed (4-0-1) Ms. Mello absent.

CORRESPONDENCE

Bob Espindola emailed the Board and the agenda had already posted, his email has been left on the Board's blotter (*Attachment A*). Email: Cultural Council: Mass Cultural Council, the Creative Individual Grant awarded to three Fairhaven residents and emails: Michelle Costen: A lovely home built on a Housing Trust in Falmouth; Falmouth Housing Trust; Fwd.: SRPEDD-Housing Grants & Law Breaking; 16 Powers-MAHT petitions on the warrant (*Attachment D*).

Motion: Mr. Saunders motioned to enter the Select Board correspondence as listed into the record. Mr. Romano seconded. The motion passed (4-0-1) Ms. Mello absent.

MINUTES

Motion: Mr. Saunders motioned to accept the open session minutes of March 2 and 9, 2026 as presented. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to accept the executive session minutes of March 2 and 9, 2026 as presented. Ms. Mello seconded. The motion passed unanimously (5-0-0).

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting will be on **Monday, April 13, 2026** at 6:30pm.

The Board scheduled a meeting on **Monday, March 30, 2026** at 6:30pm

Mr. Murphy asked for a moment of silence to honor the brave men and women serving in our military. We recognize their courage, their sacrifice, and their commitment to protecting our nation. May we keep them and their families in our thoughts, with deep gratitude for all they do.

Meeting adjourned at 8:15pm

ATTACHMENTS

- A.** Bob Espindola correspondence: *Fairhaven Public Safety Complex / Capital Plan in context with Proposition 2-1/2*
- B.** Memo: Keith Hickey: FY2027 Budget
- C.** Town Administrator Report
- D.** Correspondence: Bob Espindola correspondence: *Fairhaven Public Safety Complex / Capital Plan in context with Proposition 2-1/2*, Email: Cultural Council: Mass Cultural Council, the Creative Individual Grant awarded to three Fairhaven residents and emails: Michelle Costen: A lovely home built on a Housing Trust in Falmouth; Falmouth Housing Trust; Fwd.: SRPEDD-Housing Grants & Law Breaking; 16 Powers-MAHT petitions on the warrant

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

Accepted on March 30, 2026



45 CENTER STREET | PO BOX 30 | FAIRHAVEN, MA 02719 *Attachment A*

508-992-5342 | KDECICCO-CAREY@SAILS INC.ORG

WWW.MILLICENTLIBRARY.ORG

January 29, 2026

Select Board

Town of Fairhaven

Fairhaven, Massachusetts

Millicent Library Budget
Fiscal Year ending June 30, 2027

The Town of Fairhaven's appropriation obligation is as follows:

FY24 Mass. Department of Revenue Cherry Sheet Town Population	16,005
Estimated FY26 Operating Expenditure Per Capita	\$58.20
Town Population X Operating Expenditure =	
Appropriation Amount	\$931,491
Other income - fines, fees	\$5,459
Appropriation Amount - Other Income/Fines/Fees = Town Appropriation for FY2025	\$926,032

Sincerely,

Robert A. Kenworthy, Treasurer

Kyle DeCicco-Carey, Director



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A Brief History of the Millicent Library and the Town of Fairhaven Affiliation

Millicent Library is formally Millicent Library Corporation, a nonprofit 501(c)(3), established by Henry Huttleston Rogers (HHR) in 1892 to manage and operate the library. The corporation is a separate entity, operating with a Board of Trustees, and a director and staff providing free library services to residents of Fairhaven and the surrounding area as part of the SAILS library network. The director and staff are employees of the Millicent Library Corporation, not the Town of Fairhaven.

The Millicent Library building was given to the Town of Fairhaven by HHR, in memory of his daughter, Millicent who had passed away at the age of 17. The Millicent Library Corporation is responsible for library operations, and normal maintenance of said building. The Library is a town-owned building and for that reason the Town has been responsible for Capital Improvement projects, although Library management has assisted in requesting grants for those projects in the past.

In 1888, HHR established the private Fairhaven Water Company which supplied water for Fairhaven. He later gave the Fairhaven Water Company to the Millicent Library as a funding source for ongoing operations. For 70-years Millicent Library operated with dividends from the water company until the town sought to acquire the company including wells, pumps, and street piping. In 1966, a committee of Millicent Library trustees and Fairhaven leaders worked together to form a mutual agreement that would compensate for the purchase of the water company by the Town of Fairhaven.

Chapter 830 of the Acts of 1967 (amended from Chapter 715 from the Acts of 1966) formed a Massachusetts law that the town would agree to pay an amount by formula recalculated every year to consummate purchase of the water company. The agreed formula multiplied the town population times the average town/city per capita spending across MA, less other income. The per capita funding is to be calculated from the previous year, and is the amount spent for library operations. The agreement was formalized in 1968 after town meeting approval when town managers and library trustees signed the agreement, which included wording to accept the Chapter 830 law, attached to the agreement.

Payments to support Millicent Library operations are obligations of the Town of Fairhaven, according to the contract and Massachusetts legislation. These payments are not excessive when compared to other libraries across Massachusetts for several reasons. The per capita formula is



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based on library operating costs; however, our town's beautiful old building has many additional expenses beyond typical operations.

Millicent Library has not qualified for the Massachusetts Libraries State Aid for 11 out of the last 15-years, because the amount we receive is below the required threshold for our town size. A waiver for the Aid has been obtained during these past years. However, the library is not guaranteed a waiver.

Millicent Library trustees, director, and staff have a long history that exceeds 130 years, working to provide quality library services for our town residents. The board has managed the budget closely and has always operated the library within the confines of the town appropriation and the state aid amounts we receive. We carefully follow MBLC requirements and engage annual audits to confirm financial procedures and records. The Library has always maintained an excellent working rapport with the Town of Fairhaven and has goals that will continue to provide valuable services for our residents.

WHEREAS, the Town of Fairhaven, ^{adjourned} at its/annual town meeting held March 16, 1968, under Article 6 (b) of the town meeting warrant duly voted to accept Chapter 715 of the Acts of 1966, as amended by Chapter 830 of the Acts of 1967, a certified copy whereof is attached hereto and marked "A" and;

WHEREAS, The Millicent Library, a corporation duly organized under the laws of the Commonwealth of Massachusetts, is the owner of all of the outstanding and issued capital stock of the Fairhaven Water Company.

NOW, THEREFORE, the said Town of Fairhaven, acting by and through its Board of Selectmen and The Millicent Library acting by and through its Board of Trustees, in consideration of One Dollar and other good and valuable consideration, including commitments made or to be made to each other as set forth in "A" attached hereto, hereby agree as follows:

I. The Town of Fairhaven, acting under authority of Article 6 (b) of the town meeting warrant of March 16, 1968, and in accordance with the provisions of Chapter 715 of the Acts of 1966 as amended by Chapter 830 of the Acts of 1967, promises, covenants and agrees that it will:

(a) Assume, by annual appropriation, the support and maintenance of The Millicent Library insofar as any annual appropriation is required which, when added to the annual income of said Library from other sources, would provide sufficient annual support per capita based upon the population of said Town to equal the annual per capita amount expended for free public library service for the entire Commonwealth of Massachusetts as determined by the Department of Education for the preceding year.

II. The Millicent Library promises, covenants and agrees that:

- (a) It is the owner of all of the outstanding capital stock of the Fairhaven Water Company, a corporation organized under the laws of the Commonwealth of Massachusetts by virtue of the Acts of 1888, Chapter 196, and that said stock is free and clear of all liens and encumbrances.
- (b) In consideration of the promises made by the Town of Fairhaven as provided in I above, The Millicent Library will transfer, set over and assign all of its interest in said stock to the Town of Fairhaven.
- (c) It will deliver or cause to be delivered to said Town of Fairhaven, at the time of transfer, all copies of the Certificate of Incorporation of the Fairhaven Water Company, with all by-laws, corporate records, financial books, records and other data of said Company.
- (d) It will deliver to the Town of Fairhaven a copy of the balance sheet of the Fairhaven Water Company as of September 30, 1968, prepared by Rodrigues, Guckin & Tobojka, and as of that date, The Millicent Library does not have any knowledge of any liabilities of any nature other than as shown thereon, whether accrued, absolute, contingent or otherwise, including without limitation tax liabilities due or to become due; and in addition, does not have knowledge of any other liabilities as of the closing date other than current liabilities incurred in the ordinary course of business.
- (e) It will take all steps required so that from and after the time of the transfer set forth above, its Board of Trustees shall be an even number of which one-fourth shall be public members consisting of the Chairman

of the Board of Selectmen and other residents of the Town appointed by said Board of Selectmen. Said public trustees shall have all of the powers granted any other members of said Board of Trustees and The Millicent Library shall do all things necessary to carry out the provisions of this section. A certificate of an amendment to the By-Laws of said Library authorizing said change is attached hereto and marked "B".

III. The parties agree that the closing date for this agreement shall be September 30, 1968, unless otherwise agreed by the parties.

TOWN OF FAIRHAVEN

by Earl A. Holcom

Victor M. Laurent

Board of Selectmen

THE MILLICENT LIBRARY

by Earl J. Dies
Vice-President

George A. Bunnell
Treasurer

August 26, 1968.

I, Rita E. Steele, Secretary of the Board of Trustees of The Millicent Library, hereby certify that the above agreement was approved by the Board of Trustees of The Millicent Library on August 20, 1968 and that Earl J. Dies, the duly elected Vice-President of the corporation, and George A. Bunnell, its duly elected Treasurer, were duly authorized to execute the foregoing agreement in the name and on behalf of The Millicent Library.

Rita E. Steele
Secretary

Main to raise and appropriate a sum of money for the support of the Millicent Library for the year 1968, and to determine in what manner the sum shall be raised.

Acquisition of Fairhaven Water Company

Article 6

(a) to hear the report prepared in accordance with Article 7 of the 1957 Town Meeting in connection with the desirability of the Town accepting the provisions of Chapter 715 of the Acts of 1966 as amended.

(b) To see if the Town will vote to accept Chapter 715 of the Acts of 1966 as amended by Chapter 830 of the Acts of 1967 and which now with amendments reads as follows; or take any other action in relation thereto.

Section 1. Notwithstanding any contrary provision of law, the town of Fairhaven, the owner of the land and building thereon, on and in which is located the Millicent Library, may, by contract with the Millicent Library, a corporation duly organized under the laws of the commonwealth and charged by deed of trust with the management of said library, assume, by annual appropriation, the support and maintenance of said library, insofar as any such annual appropriation is required which, when added to the annual income from other sources, would provide sufficient annual support per capita based on the population of said town to equal the annual per capita amount expended for free public library service for the entire commonwealth as determined by the department of education for the preceding year. In consideration of the foregoing undertaking of said town, the Millicent Library, the owner of all of the outstanding and issued capital stock of the Fairhaven Water Company, hereinafter referred to as the company, shall transfer all of such stock to said town. A statement setting forth all of the liabilities and obligations of said company, prepared by a certified public accountant and signed under oath by a duly authorized officer thereof, shall be furnished to said town, which shall also have the right to inspect the books and records of said company in order to verify the total amount owed by it.

Section 2. Notwithstanding any contrary provision of law, the number of members of the board of trustees of Millicent Library shall after such transfer be an even number, of which one fourth shall be public members consisting of the chairman of the board of selectmen and other residents of the town appointed by said board of selectmen. Said public trustees shall have all of the powers granted any other members of said board of trustees and said Millicent Library shall do all things necessary to carry out the provisions of this section.

Section 3. Upon the transfer of all of said capital stock to the Town of Fairhaven as authorized above, the board of selectmen of said town is hereby authorized to dissolve said company, and upon dissolution of said company, the town of Fairhaven shall assume and pay all of the liabilities and obligations of said company, and the employees of the Fairhaven Water Company shall thereafter be transferred to the service of the sewer and water department of said town and shall not be subject to the provisions of chapter thirty-one of the General Laws.

Section 4. This act shall take effect upon its acceptance by the town of Fairhaven any time within five years of the effective date thereof.

Article 7

To see if the Town will, pursuant to Chapter 715 of the Acts of 1966 as amended by Chapter 830 of the Acts of 1967

(a) To appropriate an additional sum of money, if required, to supplement the budget appropriation for the support and maintenance of the Millicent Library and determine whether the money shall be provided for by taxation or by appropriation from available funds in the Treasury.

(b) To appropriate an additional sum of money, if required, to supplement the budget appropriation for the Sewer and Water Department budget to cover the increased expenses of said Department by the purchase of the Fairhaven Water Company system by the Town of Fairhaven and determine whether the money shall be provided for by taxation or by appropriation from available funds in the Treasury.

(c) To appropriate a sum of money to pay the liabilities and obligations of the Fairhaven Water Company which will be out-

standing at the time of the transfer of all of the capital stock of said Company to the Town of Fairhaven and such other liabilities incurred by said Company up to the time of its dissolution and determine whether the money shall be provided for by taxation, by appropriation from available funds in the Treasury or borrowing under the provisions of any General or Special Laws.

(d) To appropriate a sum of money to pay the professional expenses including engineering, legal and accounting fees and any other expenses incurred by the Town or to be incurred by the Town in the acquisition of the capital stock of the Fairhaven Water Company and the dissolution of said Company and determine whether the money shall be provided for by taxation or by appropriation from available funds in the Treasury.

(e) To authorize the Board of Selectmen to petition the legislature, if required, for any authority deemed necessary or advisable to authorize the Town to borrow for the purposes set forth in this Article.

Borrow Money in Anticipation of Revenue

Article 8

To see if the town will vote to authorize the treasurer, with the approval of the Selectmen, to borrow money in anticipation of the revenue for the financial years beginning January 1, 1968 and January 1, 1969, in accordance with provisions of General Law, Chapter 44, Section 4, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of General Law, Chapter 44, Section 17, or take any other action relative thereto.

Workmen's Compensation Insurance

Article 9

To see if the town will vote to raise and appropriate a sum of money for Workmen's Compensation and Employer's Liability Insurance or take any other action relative thereto.

(Note: The underlined words indicate corrections and additions made by the 1967 Act.)

I, Joseph A. Saladino, Town Clerk of the Town of Fairhaven, certify the foregoing to be a true copy of Chapter 715 of the Acts of 1966, as amended by Chapter 830 of the Acts of 1967, and accepted by the Town of Fairhaven at its annual town meeting held March 16, 1968. adjourned

Joseph A. Saladino Town Clerk

August 28, 1968.

"B"

I, Rita E. Steele, Secretary of The Millicent Library, certify that at a special meeting of the Board of Trustees of said Library duly called and held August 20, 1968, at which fourteen members were present, and the remaining two members submitted their written approval and consent, on motion duly made and seconded it was unanimously

VOTED: That the By-Laws of The Millicent Library be amended by striking out Section 8 of Article I thereof and substituting therefor the following section:

Section 8. From and after the effective date of an agreement between The Millicent Library and the Town of Fairhaven, under the provisions of Chapter 715 of the Acts of 1966 as amended by Chapter 830 of the Acts of 1967, and so long as said agreement remains in full force and effect, in addition to the members of the Board of Trustees provided for in the preceding sections there shall be five public members consisting of the chairman for the time being of the Board of Selectmen and four other residents of the town appointed by the Selectmen (two to be appointed initially for two years and two for one year, and thereafter two to be appointed annually for two years, vacancies occurring in their number to be filled by the Selectmen), the public trustees, so called, to have all the powers granted any other members of the board; so that thereafter the number of members of the Board of Trustees shall be an even number of which one-fourth shall be such public members.

I further certify that notice of intention to propose the adoption of this amendment was given at the next preceding meeting of the Board of Trustees, held July 2, 1968, and was included in the call for the meeting of August 20, 1968.


Secretary

August 28, 1968.

PERRY, HICKS AND CROTTY

ATTORNEYS AT LAW

888 PURCHASE STREET

P. O. BOX H-3102

NEW BEDFORD, MASSACHUSETTS 02741

RECEIVED

APR 30 10 54 AM '90
TELEPHONE

BUFA 996:829:1HEK
FAX:AVEN

(508) 927-2637

LEONARD E. PERRY

EDWARD D. HICKS

DANIEL C. PERRY

THOMAS P. CROTTY

April 26, 1990

MARG H. DESHAIES

MATTHEW J. THOMAS

Fairhaven Board of Selectmen
Town Hall
Fairhaven, MA 02719

Re: 1990 Warrant Articles

Gentlemen:

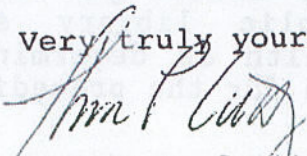
You have asked for my opinion as to the obligations of the town in appropriating funds for the Millicent Library.

Those appropriations are subject to c.715 of the Acts of 1966. That law provides that each year the town must appropriate enough money so that when added to revenues received by the library from any other sources the library's total budget based on the then population of the town will be equal to the annual per capita amount expended for free public libraries in the Commonwealth. That annual per capita amount is based on the Department of Education figures for the preceding years. This appropriation is mandated and cannot be varied by town meeting discretion.

In fact the figures of the Department of Education are not current. The computations are apparently two years old by the time they are released. As a result the town has consistently appropriated amounts which are one year out of date. The actual state wide average expenditure for 1989 may be less than in prior years (due to general municipal cutbacks). Since the town will be using the 1988 figure, the town's appropriation for Fiscal 1991 may be more than it should be, but this will again be corrected in the following year.

The only real way for the town to gain control of the library budget is by amendment of c.715 of the Acts of 1966. This would have to be accomplished by home rule petition for special legislation.

Very truly yours,



Thomas P. Crotty

lsf

cc: Library 4/30/90

THE MILLICENT LIBRARY
Agreement with the Town of Fairhaven

The Town of Fairhaven, acting under the authority of Article 6 (b) of the Town Meeting warrant of March 16, 1968, and in accordance with the provisions of Chapter 715 of the Acts of 1966 as amended by the Chapter 830 of the Acts of 1967, promises, covenants and agrees that it will

Assume, by annual appropriation, the support and maintenance of the Millicent Library insofar as any annual appropriation is required which, when added to the annual income of said library from other sources, would provide sufficient annual support per capita based upon the population of said town to equal the annual per capita amount expended for free public library service for the entire Commonwealth of Massachusetts as determined by the Department of Education for the preceding year.

Article 6 (b) of the Town Meeting Warrant of March 16, 1968

Chapter 715 of the Acts of 1966 as amended by Chapter 830 of the Acts of 1967 and which now with amendments reads as follows:

Section 1. Notwithstanding any contrary provision of law, the Town of Fairhaven, the owner of the land and building thereon, on and in which is located the Millicent Library, may, by contract with The Millicent Library, a corporation duly organized under the laws of the Commonwealth and charged by deed of trust with the management of said library, assume, by annual appropriation, the support and maintenance of said library, insofar as any such annual appropriation is required which, when added to the annual income from other sources, would provide sufficient annual support per capita based on the population of said town to equal the annual per capita amount expended for free public library service for the entire Commonwealth as determined by the Department of Education for the preceding year.

Decertification Risk

From Mass Board of Library Commissioners Website on 3/15/23

See: <https://mblc.state.ma.us/programs-and-support/state-aid-and-aris/faqs.php>

1. The noncertified municipality and its library will not receive any State Aid to Public Libraries monies (M.G.L. c.78, s.19A).
2. Libraries in certified municipalities are not required to lend library materials to the library in the noncertified municipality (605 CMR 4.01 (6a)).
3. Libraries in certified municipalities are not required to extend reciprocal library services, beyond in-library use of their materials, to residents of the noncertified municipality (605 CMR 4.01 (6b)).
4. The library will not receive support through the Small Libraries in Networks Program. (*Our SAILS network*)
5. The municipality is not eligible to apply for funds under the Public Library Construction Program (605 CMR 6.05 (1)(c)), and any existing grant will be invalidated because the library must maintain eligibility throughout the construction process in order to receive grant funds (605 CMR 6.09(7)(b)).
6. The library will not be eligible to apply for grants under the Library Services and Technology Act (LSTA) program.

Qualifications:

See: <https://mblc.state.ma.us/programs-and-support/state-aid-and-aris/regs-standards.php>

To be certified each fiscal year, a municipality and its library must meet its Municipal Appropriation Requirement and the Minimum Standards of Free Public Library Service.

Municipal Appropriation Requirement (MAR)

Massachusetts General Law (M.G.L., c.78, s.19A) states that a municipality must appropriate a figure of at least the average of the last 3 years' municipal appropriations to the library for operations, increased by 2.5%, in order to be certified for State Aid to Public Libraries.

This calculated figure is known as the Municipal Appropriation Requirement (MAR).

A municipality must meet the MAR or apply for and receive a waiver of the MAR in order to be eligible to be certified for State Aid to Public Libraries by the MBLC. Capital appropriations cannot be used to meet the MAR.

How to Calculate the MAR

The MAR is calculated using the prior 3 years' municipal appropriations for operating expenses or the MAR figure, whichever is higher. The average of the 3 years' figures is increased by 2.5% to determine the MAR figure for the current fiscal year.

$$[(FYaa + FYbb + FYcc) / 3] \times 1.025 = MAR \text{ for } FYdd$$

(Additional requirements are included, such as hours, staffing, threshold for material purchases, etc)