



FAIRHAVEN SELECT BOARD

Meeting Minutes *September 14, 2026*

FAIRHAVEN TOWN CLERK
RCUD 2026 OCT 1 PM4:15

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

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

PUBLIC HEARING – 6:00PM Eversource Petition Job# 27795573

Mr. Romano opened the Public Hearing at 6:01pm and read the notice.

Julie Longa of Eversource addressed the Board via Zoom and reviewed details. The Board asked if any trees would be removed during this process. Ms. Longa advised the Board that the petition is for a new pole and no trees are to be removed.

Public Comment:

John Hevey of 24 Green Street addressed the Board and asked to clarify whether the poles in the yards at 24 Green Street and 26 Green Street would be removed or stay. Ms. Longa confirmed service for 26 Green Street will be relocated from the yard pole to the new pole and if he would like to request moving lines for 24, Ms. Longa could have someone reach out to him.

Mr. Romano closed the Public Hearing at 6:05pm

Motion: Mr. Saunders motioned to approve the petition for Job and Work Order# 27795573 from NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY VERIZON NEW ENGLAND, INC. to install 1 (one) new FO (fully owned) pole to be labeled 108/9.5 in the Right of Way of Green Street to provide upgraded electrical service to 26 Green Street. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

PUBLIC COMMENT

Ray Bermug of Springfield, Missouri, stated that he and his wife own a condominium at 138 Main Street that is rented part of the year. He expressed concerns regarding excessive vehicle exhaust noise at the intersection of Main Street and Huttleston Avenue, which he stated disrupts conversations and sleep for both the owners and their renters. Mr. Bermug raised concerns regarding unreasonable noise, disturbance of the peace, quiet-hour violations, and compliance with local and state regulations. He referenced 310 CMR 7.10 and 310 CMR 7.52, including maximum decibel levels and provisions allowing for local enforcement, and expressed concerns regarding modified vehicle exhaust systems following inspection. The police suggested speaking to the Board about a sign stating violation of noise ordinances will be cited, license suspended or fined.

Joan Welch of 138 Main Street addressed the Board to add to what was just said and that there are drag races on the bridge back and forth as well as motorcycle rallies.

APPOINTMENTS / COMMUNITY ITEMS

Appointment Request: Board of Assessors: Rui Pereira

Mr. Pereira addressed the Board about his qualifications, his experience and background. The Board asked questions about the challenges he sees as an Assessor, what his approach would be if his opinion contradicted with state law and if there were any potential impacts to his position in Bourne.

Motion: Mr. Saunders motioned to appoint Rui Pereira to the Board of Assessors for a three-year term. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Event Request: Southeastern Massachusetts Educational Collaborative Walk-A-Thon, October 24, 2026

Kim Wilmot of Southeastern Massachusetts Educational Collaborative (SMEC) addressed the Board about the event and details of their 8th annual walk-a-thon. Mr. Hickey added that the Police Department asked the organizers to get approval from the Board for the event to ensure consistency with similar events that come before the Board.

Motion: Mr. Saunders motioned approve the event request for the Southeastern Massachusetts Educational Collaborative's Walk-A-Thon on October 24, 2026 with any conditions or requirements from Police, Fire and Public Works. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Request from the Fairhaven Police Department to Consider Traffic/Parking Control Requests: No Parking Sign: Ash Street at the Intersection of Adams Street; No Left Turn: Bridge Street exit of 240 Bridge Street; Handicap (HP) Parking Only Sign: 41 Hedge Street

Lt. Kevin Swain and Officer Scott Coelho addressed the Board about each of the requests and answered clarifying questions from the Board about each location, each request, current parking use, current signage, the overall process and whether abutters are notified. They advised the Board that not all abutters are notified on each request when they review or make a recommendation; they can consider notifying abutters in the future.

Motion: Mr. Saunders motioned to approve the following traffic/parking control requests from the Fairhaven Police Department for a No Parking Sign on Ash Street at the Intersection of Adams Street; a No Left Turn on Bridge Street at exit of 240 Bridge Street; and a Handicap (HP) Parking Only Sign on 41 Hedge Street. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Consider Creation of a Fairhaven Tourism Committee

Jennifer Cardoza addressed the Board regarding the proposed creation of a Fairhaven Tourism Committee (*Attachment A*). The Towns of Middleborough and Wareham have similar committees for similar events. She has not connected with the Economic Development Committee (EDC) at this time and said this committee's focus would be on events versus business growth and the ribbon cuttings that EDC does.

Discussion with the Board ensued regarding further research on roles and responsibilities, balancing Town resources, whether there are other current committees that have an interest in undertaking promoting the Town and engaging in discussion with the EDC. Cristina Lopes of Bernese Street addressed the Board via Zoom in support of a tourism committee being a group to help other groups come together due to the loss of Discover Fairhaven. Ms. Kuechler, liaison to EDC, was in support of further research and discussion. The Board asked Ms. Cardoza to research the other towns and bring the request back to the Board at a later date.

Motion: Mr. Saunders motioned to table item C4. Ms. Kuechler seconded, motion passed unanimously (5-0-0).

Use of Auditorium Request: Millicent Library, October 22, 2026 for an Author Talk event

The Board reviewed the request and the additional details provided after the Board received their packet (*Attachment B*). Custodian and A/V fees would apply.

Motion: Mr. Saunders motioned to approve the use of the Town Hall Auditorium by the Millicent Library on October 22, 2026 contingent upon payment of the custodian and audio-visual fees and in accordance with the Town's policy as outlined in the application. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Review Open Volunteer Opportunities

Mr. Romano read the list from the Board's packet (*Attachment C*). Recent resignations were from the Cultural Council: Catherine Teves and Donna Criscione. The website will be updated to reflect updates after tonight's meeting. Mr. Romano added that the reappointment meeting has been rescheduled to Wednesday, October 14, 2026 with a deadline for applications on Thursday, October 8, 2026 at noon, all spots are open and the boards will be taken in alphabetical order by board name, there are no set times.

EXECUTIVE SESSION

Motion: Mr. Saunders motioned to enter executive session pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (AFSCME-Highway; and Atlas Tack) AND to return to open session. Ms. Kuechler seconded. Roll Call Vote: Mr. Saunders, Ms. Kuechler, Mr. Trapilo, Ms. Mello and Mr. Romano in favor. The motion passed unanimously (5-0-0).

The Select Board adjourned to Executive Session from 6:51PM to 7:42PM

Mr. Romano called Open Session to order at 7:42PM

ACTION / DISCUSSION

Consider Amendment to the Collective Bargaining Agreement for American Federation of State, County & Municipal Employees: Highway (AFSCME)

Public Works Superintendent Vinnie Furtado addressed the Board regarding the requested reclassification under the AFSCME contract for Highway. Criteria would be set and certifications required to promote to a Grade 9. The Board clarified that all Town vehicles are first serviced by Public Works, Mr. Furtado said this provides a savings to the Town for parts and labor charges when service is through an outside garage.

Motion: Mr. Saunders motioned to approve establishing a Senior Mechanic position to be placed Grade 9 of the existing wage scale. Further, to create a Senior Working Foreman position to be placed in Grade 10 of the existing wage scale. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to take Action Item E3 out of order. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Discussion on a Holding a Regional Meeting to Discuss Solutions to Wastewater Issues Impacting Fairhaven and Other South Coast Communities

Mr. Hickey and Mr. Trapilo met with Jamie Ponte from the City of New Bedford regarding processes and costs associated with CSO in New Bedford Harbor and the City's process and cost for wastewater treatment and disposal. South Coast communities are facing increased costs for disposal. Fairhaven is looking to start a conversation with other South Coast communities and Mr. Hickey asked the Board to authorize him to work with a Select Board representative and Public Works representative to explore solutions and engage the state.

Mr. Furtado provided a brief background on the process for wastewater treatment and potential changes in 2029 with the disposal location/facility. Exploring regional efforts could be an opportunity to join with other communities as a "larger customer." Mr. Trapilo told the Board that after attending the meeting with Mr. Ponte in New Bedford, he recommends no longer pursuing a letter about CSO in New Bedford Harbor and look to the regional efforts on wastewater treatment disposal from Wareham to Westport. The Board's consensus was to collaborate with other cities and towns and have Mr. Trapilo contact local legislators to organize a meeting.

Motion: Mr. Saunders motioned to approve Select Board member Trapilo to contact Senator Montigny and Representative Sylvia seeking their assistance to set a meeting of South Coast elected and appointed officials to discuss working together to address the cost to dispose of wastewater. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Discussion on Draft Local Aid Letter

The Board did not receive an updated letter from Mr. Trapilo for discussion. Mr. Trapilo referred to the Board tabling this to the fall and will provide an updated draft for the next meeting. Looking at advocacy and resources from the Massachusetts Municipal Association (MMA) was recommended and Mr. Hickey will share his discussion with the MMA with Mr. Trapilo.

Motion: Mr. Saunders motioned to table Action Item E2. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Consider Proposal to transition Correspondence from the Select Board agenda to the Town's website

The Board reviewed the proposal and memo (*Attachment D*). Correspondence to the Board remains a public record and online makes it accessible in a central location.

Motion: Mr. Saunders motioned to approve to transition Board correspondence from the Select Board agenda to the Town website, providing a central location for access to the public. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Erin Carr of Marina Drive in Mattapoisett addressed the Board via Zoom and asked for the Board to consider keeping correspondence in the Board's packet as well as online.

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (*Attachment E*). He confirmed the Budget Working Group selected Ken Blanchard as Chair, Dan Lopes as Vice Chair and Kevin Gallagher as Clerk. The appeal for Rogers School was held, next step is to wait for a decision.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders had no reports, Marine Resource's meeting was cancelled

Ms. Kuechler:

- EDC meets this week
- She asked for a status of a joint meeting with the Finance Committee and the School Committee. Mr. Hickey confirmed he has contacted the Superintendent and coordinating is in progress. Ms. Kuechler said the School Committee Chair told her they are early in their budget stages and open to meeting.

Ms. Mello:

- Attended the Commission on Disability meeting
- Historical Commission met, a consultant is being paid from Community Preservation Funds to do an inventory of Town properties to present at a future meeting
- Will be attending the West Island meeting this week
- SRTA meets September 24, 2026

Mr. Trapilo:

- Thanked Mr. Hickey for the meeting with Mr. Ponte in New Bedford
- SRPEDD will have a gala dinner next week to announce the commissioners, Mark Sylvia will be a guest speaker
- Mr. Trapilo thanked the Board for supporting the Budget Working Group; he is impressed with the quality people who stepped forward to present new ideas for long-term health and vitality to the Town and thanked Mr. Hickey for his presentation and sharing the Dedham Budget Working Groups information.

Mr. Romano:

- Sustainability has a costume swap box at Town Hall and other Town buildings
- The Library Trustees meet tomorrow
- Belonging Committee meets in October
- He suggested the Board consider disbanding the Dog Park Study Committee, they have not met due to no quorum. Also, there are no funds for a project and Public Works has been tasked with an overall study on parks. Suggestion made to add to a future agenda.
- Office hours was another success, most of the discussion was on traffic on Route 6 and the turn off Mill Road and the turn off near East Fairhaven Schools. Those concerns will be forwarded to the proper areas. There were questions about how the Board makes appointments and questions about the appointment process.
- Mr. Romano reminded Board members to send department requests to Mr. Hickey to facilitate the connection or to him to assist with coordinating, this will help avoid confusion on where requests are coming from.

Ms. Mello asked for a future agenda item on AI and about whether the Town has policies on AI. She will forward the questions to Mr. Hickey and Mr. Romano.

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session minutes of August 24, 2026. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to accept the Executive Session minutes of August 24, 2026. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

CORRESPONDENCE

Email: More Towns pause, terminate Flock agreements; Office of the Attorney General: OML 2026-112

Motion: Mr. Saunders motioned to accept the accept the correspondence listed on the agenda. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting will be on **Monday, September 28, 2026** at 6:00pm

EXECUTIVE SESSION

Motion: Mr. Saunders motioned to enter executive session pursuant G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (ABCC RE: Fourth and Long Inc. d/b/a Rasputin's Tavern) AND not to return to open session. Ms. Kuechler seconded. Roll Call Vote: Mr. Saunders, Ms. Kuechler, Mr. Trapilo, Ms. Mello and Mr. Romano in favor, motion passed unanimously (5-0-0).

The Select Board adjourned to Executive Session at 8:33pm, not to return to Open Session

ATTACHMENTS

- A. Fairhaven Tourism Committee Presentation
- B. Millicent Library flyer for October 22, 2026
- C. Open Volunteer Opportunities from the Town's website
- D. Memo Regarding Select Board Correspondence
- E. Town Administrator Report
- F. Correspondence: as listed on the agenda for September 14, 2026

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

Accepted on September 28, 2026

A Citizen Proposal for a Fairhaven Tourism Committee

An idea based on Middleborough's Tourism Committee and its Discover Middleborough program

The idea: Create a volunteer Town committee focused on promoting Fairhaven, supporting community events, highlighting local businesses and attractions, and helping continue some of the tourism work that was previously done through Discover Fairhaven.

Why I am bringing this forward

Fairhaven has a lot to offer - our history, waterfront, Fort Phoenix, beautiful architecture, local businesses, restaurants, markets, festivals and community events. Until July 1, 2026, Discover Fairhaven helped bring those things together and promote them to residents and visitors. The Town has confirmed that the Office of Tourism, Community & Economic Development was eliminated effective July 1, 2026.

I think it is worth discussing whether a volunteer committee could help keep some of that work going. I am not proposing that we recreate the former department or add another paid position. This would be a group of residents willing to volunteer their time and ideas to help promote Fairhaven.

Why Middleborough?

Middleborough has an official Tourism Committee and uses **Discover Middleborough** as its public-facing tourism program. The committee promotes the town and local attractions and is involved with community events. Middleborough is still posting Tourism Committee meetings in 2026, so this is an active model that we can look at when deciding what could work here.

Fairhaven does not have to copy Middleborough exactly. I simply think it gives us a good example of how residents can be involved in promoting their town through an official volunteer committee.

What could a Fairhaven committee do?

- Help promote Fairhaven's history, waterfront, parks, attractions and local businesses.
- Keep residents and visitors aware of events happening around town.
- Work with existing groups on community events rather than competing with them.
- Help bring attention to local shops, restaurants and organizations.
- Look for ideas that encourage people to visit Fairhaven and spend time here.
- Work with the Historical Commission, Cultural Council, Economic Development Committee and other community groups when it makes sense.
- Bring new event and tourism ideas to the Select Board for consideration.

What I am suggesting for discussion

I would suggest starting with a small committee - possibly seven members - made up of residents with different interests and experience. That could include people interested in local history, events, business, tourism, marketing, recreation or community organizations.

The exact name, number of members, appointment process and committee charge do not need to be decided in this proposal. Those are things I would like the Board to discuss and determine with the Town Administrator and Town Counsel, if necessary.

One possible name is **Fairhaven Tourism Committee**. If the Town is able and interested in continuing the Discover Fairhaven name, that could also remain the public-facing identity. I think keeping the actual committee name simple makes the most sense.

How this would be different from Economic Development

Fairhaven already has an Economic Development Committee, and I do not want this proposal to duplicate their work. Economic development is focused more on business growth and development. This committee would be focused on tourism, events, town promotion and helping people discover what Fairhaven already has.

What I am asking the Select Board to do

I am asking the Select Board to consider the idea and discuss whether a Fairhaven Tourism Committee would be beneficial. If the Board is interested, I would ask that the Town Administrator and Town Counsel review the proper way to establish it and help develop a final committee charge.

This is meant to be a starting point for discussion. I am open to changes in the name, size, structure and responsibilities if the Board believes there is a better way to accomplish the same goal.

Submitted by: _____

Date: _____

Sources used for this proposal

Town of Fairhaven - Discover Fairhaven page and 2025 Annual Report; Town of Middleborough - Tourism Committee Agenda Center; Discover Middleborough - official site of the Middleborough Tourism Committee.

Author Talk at Town Hall - Information for Selectboard Meeting

1 message

Allie Thiel <athiel@sailsinc.org>
To: Amy Hart <ahart@fairhaven-ma.gov>

Mon, Sep 14, 2026 at 9:04 AM

Hi Amy,

Here is more information and a poster for the Author Talk with Anthony Amore (below) the Library is interested in holding in the Town Hall Auditorium. We anticipate larger than normal crowds than our space can hold, due to the popularity of the topic!

The event would start at 6:30, and conclude at 8:00. We would like to reserve the space from 6-8:30 to provide time to set up/break down.

We requested assistance with the AV from Fairhaven TV. All that would be needed is a mic for the speaker, which could be set up in advance of the talk (we would not require assistance for the actual event).

Thank you so much!

Allie

--

Author Talk with Anthony Amore: *The Rembrandt Heist*

Join Millicent Library for an evening with acclaimed art theft investigator and author **Anthony Amore**, Director of Security at the Isabella Stewart Gardner Museum.

Amore will discuss his latest book, *The Rembrandt Heist*, a gripping investigation into the theft of one of the world's most famous paintings and the shadowy world of art crime. Named one of *Smithsonian's* Ten Best History Books of 2025, the book draws on Amore's decades of experience investigating major art thefts and protecting priceless works of art.

For more than 20 years, Amore has led security efforts at the Isabella Stewart Gardner Museum, where he continues to work toward the recovery of the thirteen artworks stolen from the museum in 1990. He is also the author of five books, a practicing private detective, and teaches a graduate-level course in Art Crime at Harvard University's Museum Studies program.

Following the talk, there will be an opportunity for questions, and book signing.

Presented by Millicent Library
Town Hall Auditorium
Free admission — donations welcome.

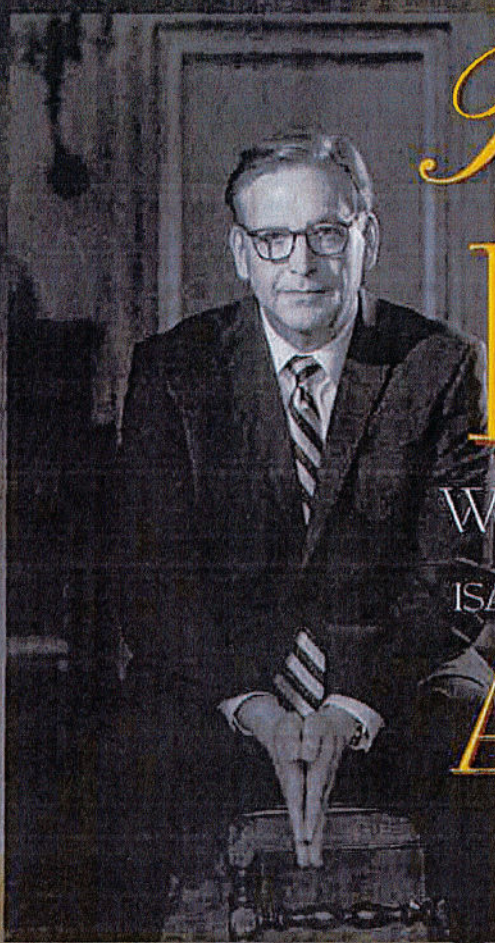
Allie C. Thiel, MLIS

Assistant Director

Millicent Library

45 Center Street
PO Box 30
Fairhaven, MA 02719

millicentlibrary.org



the Rembrant HEIST

WITH ACCLAIMED AUTHOR
AND DIRECTOR OF SECURITY AT THE
ISABELLA STEWART GARDNER MUSEUM

ANTHONY AMORE

PRESENTED BY THE MILLICENT LIBRARY

Thursday
Oct. 22 at 6:30pm

Town Hall Auditorium, 40 Center St., Fairhaven MA
register at: millicentlibrary.org/events-calendar
FREE ADMISSION. DONATIONS WELCOME.

Attachment C

Board or Committee	Vacancy available	Deadline to apply
Accepting applications for all positions	Any with expired terms	Noon on Thursday, October 1, 2026
Special Bylaw Review Committee	One Member, term through completion of the project	open until filled
Belonging Committee	One Member	open until filled
Board of Assessors	One Member	to complete term through 2028
Cable Advisory Committee	Two Members	open until filled
Cultural Council	Two Members, 3-year term	open until filled
Historical Commission	Associate Members, not to exceed number of Full Members	open until filled
Lagoa Friendship Pact Committee	One Member	open until filled
Livable Streets Committee	Unlimited	open until filled

As of 9/10/2026



Attachment D

Town of Fairhaven, Massachusetts
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

To: Select Board, Keith Hickey

From: Amy Hart

Date: September 4, 2026

Re: Proposal to transition Correspondence from the Select Board agenda to the Town's website

Purpose

In support of **Goal #5 - Improve Public Communication and Transparency** of the recently adopted Town Administrator's Goals, which focuses on improving communication, transparency, and accessibility of Town information, I recommend establishing a dedicated **Select Board Correspondence** section on the Select Board's webpage.

Currently, correspondence received by the Board is listed as an agenda item, included in the posted public packet and then attached to the accepted minutes. While this provides notice that correspondence has been received, it is not necessarily the most effective way to provide residents with ongoing access to that information in a central location.

Proposed Approach

Rather than listing routine correspondence individually on each meeting agenda, correspondence would be maintained in a centralized, clearly identified section of the Select Board webpage. It would be organized by date and include the subject and sender, allowing residents to easily locate correspondence received by the Board without having to search through multiple meeting agendas.

This approach would enhance transparency by making correspondence easier for the public to find, review, and reference over time. Correspondence that requires Board discussion, direction, or action would continue to be considered for an agenda item as appropriate.

Why This Benefits the Select Board and the Public

This change would:

- Increase transparency through a consistent administrative process
- Improve accessibility
- Reduce agenda clutter and improve meeting efficiency
- Support Goal #5 – Improve Public Communication and Transparency

Most importantly, this proposal is not intended to limit public access to correspondence or diminish its importance. Rather, it is an opportunity to modernize how information is presented to the public and make the Board's communications more useful and accessible.

Recommendation:

I recommend that the Select Board support transitioning routine correspondence from an agenda item to a dedicated **Select Board Correspondence** section of the Town's website. Potentially actionable correspondence would continue to be reviewed with the Town Administrator and Chair for inclusion as an agenda item. This would pertain to correspondence sent to the collective Board either through their distribution email or sent individually to each Board member.

in massachusetts is it a legal requirement to have a select board accept correspondence that is received X

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AI Overview

No, there is no overarching Massachusetts state law that forces a Select Board to officially "accept," read aloud, or include public correspondence in their meeting packets.  Mass.gov +2

Under the [Massachusetts Open Meeting Law](#), the public does not have an automatic right to participate or dictate what goes on a board's agenda. The management of correspondence is largely left to local discretion.  Town of Bourne, MA (.gov) +3

The rules for handling public correspondence include the following key aspects:

- **The Public Records Exception:** Even though a Select Board is not legally required to "accept" or address your letter during a public meeting, **any written or digital correspondence sent to them automatically becomes a public record** under the Massachusetts Public Records Law. They must retain it according to state records retention schedules, and anyone can request to see it.  Tyngsborough, MA (.gov) +2
- **Local Town Policies:** Many towns create their own individual correspondence policies. For example, a town's local policy may state that they will only print and acknowledge letters if they include a physical address, are not anonymous, or are submitted by a specific deadline.  shrewsbury-ma.gov +2
- **Chairperson's Discretion:** The Chair of the Select Board generally holds the power to decide what is placed on the official meeting agenda and what is omitted from the public packet.  Concord, MA (.gov) +1



Town of Fairhaven Report of the Town Administrator September 14, 2026

Financial Updates

- I attended the initial Budget Working Group meeting on September 8th. The members agreed to meet every other week on Tuesday evenings. The next meeting will be on September 22nd. Anne Carreiro and I will plan on attending each meeting.

Project Updates

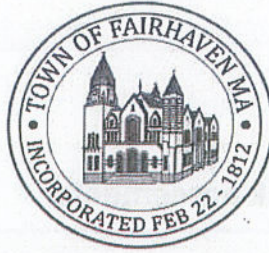
- There are no project updates for this report.

Personnel Update

- Conservation Agent Kelly Camara tendered her resignation. Her last day of employment was September 10th. I am currently considering available options to fill the role.

Miscellaneous Updates

- The Building Commissioner, Health Agent, Public Works Director and I will be hosting a meeting of West Island residents on Tuesday evening, September 15th to discuss their concerns regarding current and possible future development and their possible impact on the environment on and around the island.
- The latest appeal hearing for the sale of the Rogers School was held on September 10th. Attorney White indicated the judges on the panel were well informed and is hopeful the decision will be in favor of the Town. The Appeals Court typically issues decisions within 130 days.
- I will be attending a Business Breakfast and Panel Discussion organized by State Representative Mark Sylvia and the Economic Development Committee on Thursday, September 17th. The Vice President of Business Development for Mass. Development and the Regional Director of the South Coast, Cape and Islands for the Massachusetts Office of Business Development will be guest speakers.



Attachment F

September 14, 2026

CORRESPONDENCE

- 1. Email: More Towns pause, terminate Flock agreements**
- 2. Office of the Attorney General: OML 2026-112**

More Towns pause, terminate Flock agreements

1 message

michelle costen <michcosten@gmail.com>
To: selectboard@fairhaven-ma.gov

Tue, Aug 25, 2026 at 12:49 PM

To the Select Members,

I am sharing some highlights reported on WCVB today regarding Flock Safety camera systems.

Several more Massachusetts towns have recently terminated or paused their relationships with Flock due to the following concerns:

- Data practices, security, and community feedback
- Vandalism and theft of the devices
- Unlawful contracts that did not meet statutory procurement requirements under Massachusetts law

Elaine Lazarus, Town Manager of Hopkinton, stated that municipal contracts must comply with procurement law to protect residents and taxpayers, leading to the termination of their agreement once deficiencies were found.

Contract issues with Flock company

While public safety is vital, there are growing concerns about the potential overreach of a mass surveillance grid. The integration of Flock camera systems with drones and AI raises critical questions about data security and the risk of unauthorized access outside of law enforcement. Additionally, emerging technologies—such as bird-like drones capable of perching in trees, recent drone incidents internationally, and new data-carrying skin flocking methods—highlight the serious broader risks of advanced surveillance tech. Which could actually be used as weapons in the future, towards an entire population. Just yesterday A Russian drone crashes into a high-rise building.

We must carefully consider whether the technologies we develop for protection could ultimately pose a threat to not just our privacy, but our safety if placed in the wrong hands. Which has already happened.

I actually viewed a bird drone that was surveillance a house and could get very close to the Windows seeing inside the house and even listening in on conversations? Think about this?

Regards,

Michelle Costen



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

August 25, 2026

OML 2026 – 112

Jane Medeiros Friedman, Esq.
Mead, Talerman & Costa, LLC
30 Green Street
Newburyport, MA 01950

RE: Open Meeting Law Complaint

Dear Attorney Friedman:

This office received a complaint from Patrick Higgins on October 21, 2025, alleging that the Fairhaven Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on October 3, 2025, and you responded, on behalf of the Board, by letter dated October 20, 2025. The complaint alleges that the Board held an improper emergency meeting and convened in executive session for an improper purpose on September 30, 2025.

We appreciate the patience of the parties while we reviewed this matter. Following our review, we find that the Board violated the Open Meeting Law by convening in executive session on September 30, 2025, but did not violate the law in the other way alleged. In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, and the complaint filed with our office requesting further review. We also reviewed the notice and open and executive session minutes of the Board meeting held on September 30, 2025, the notice and minutes of the Board meeting held on October 14, 2025, and a video recording of the open session portion of the September 30, 2025, meeting.¹

FACTS

We find the facts as follows. On the morning of September 29, 2025, which was his first day on the job, Town Administrator Keith Hickey discovered that, on July 24, 2025, former Interim Town Administrator George Samia had executed a written agreement with Interim

¹ A video recording of the Board meeting held on September 30, 2025, is available at <https://vimeo.com/showcase/11515032?video=1122043744>.

Treasurer Kerri King and AFSCME Council 93.² The agreement appointed Ms. King as Interim Treasurer from July 1 to September 30, 2025, and compensated her with an additional \$475.00 per week. The agreement ended on September 30, 2025, unless an extension was signed by all parties. Ms. King had been absent from work due to a personal issue, could not be contacted, and had not provided the Town with a return-to-work date. Mr. Samia had not informed Mr. Hickey that Ms. King's term of employment was scheduled to end and that the Town of Fairhaven would be without a treasurer if it failed to either extend the agreement, appoint another interim treasurer, or appoint a permanent treasurer.

After discovering the agreement, Mr. Hickey notified the Board. On September 29, 2025, at 12:58 P.M., the Board posted notice of an emergency meeting to be held on September 30, 2025, at 11:00 A.M. The notice listed two topics – "Authorize Town Administrator as Signatory for the Town" and an executive session pursuant to Purpose 2 to "conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel: (AFSCME)." Later that day, at 3:54 P.M., the Board amended the notice by clarifying the first topic as "Authorize Town Administrator as Temporary Treasurer for the Town."

The September 30, 2025, meeting was held as planned. During the meeting, Mr. Hickey explained the existing agreement between Ms. King, the Town and AFSCME and that the agreement expired that day. He recommended that the Board appoint him as the Temporary Treasurer until all parties to the original agreement were available to discuss extending the terms of that agreement. Board Member Andrew Saunders made a motion, which was seconded by Member Andrew Romano, to appoint "Town Administrator Keith Hickey to the position of Temporary Treasurer, to serve until a successor temporary or permanent Treasurer is appointed by the Select Board." The Board unanimously voted to appoint Mr. Hickey as Temporary Treasurer.

Board Chair Charles Murphy then announced that the Board would convene in executive session pursuant to Purpose 2 to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel: AFSCME and would not return to open session. The Board unanimously voted by roll call vote to convene in executive session.

During the executive session, which lasted for approximately five minutes, Mr. Hickey asked the Board to authorize him to meet with representatives from AFSCME to negotiate the extension of the agreement that expired that day to mid-November. Mr. Hickey explained that there are two interim positions, Treasurer and Assistant Treasurer/Collector, and that a proposal would be brought to the Board once negotiations were complete. Mr. Saunders made a motion, which was seconded by Mr. Romano, to authorize Labor Counsel and Mr. Hickey to negotiate with AFSCME an extension of the existing agreement until November 15, 2025. The Board approved the motion by a unanimous roll call vote.

On October 9, 2025, at 3:14 P.M., the Board posted notice of a meeting to be held on October 14, 2025, at 6:30 P.M. The notice listed 10 main topic headings and under each topic

² The Northern New England council of the American Federation of State, County and Municipal Employees.

heading more specific topics were listed. One main topic was listed as “Action/Discussion” and included 16 specific item descriptions that further advised the public of the topics to be discussed, two of which were “Reauthorize Keith Hickey as Temporary Treasurer for the Town” and “Reauthorize Keith Hickey and Labor Counsel to negotiate Memorandum of Understanding extension with AFSCME for Interim Treasurer and Interim Assistant Treasurer/Collector.”

The October 14, 2025, meeting was held as planned. During the meeting, the Board reappointed Mr. Hickey to the position of Temporary Treasurer, to serve until a successor temporary or permanent treasurer was appointed by the Board. The Board also, in open session, reauthorized Mr. Hickey and Labor Counsel to negotiate with AFSCME an extension of the agreement with both the Interim Treasurer and Interim Assistant Treasurer/Collector.

DISCUSSION

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). The Law requires that, except in an emergency, “a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.” G.L. c. 30A, § 20(b). The notice must be printed in a legible, easily understandable format and must contain the date, time and place of the meeting, as well as a listing of topics that the chair reasonably anticipates will be discussed. *Id.* The list of topics shall have “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). In case of an emergency, the public body should post notice of the meeting as soon as reasonably possible. *Id.* An “emergency” is defined as “a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.” G.L. c. 30A, § 18. The burden of justifying the need for an emergency meeting lies with the public body. See OML 2012-7; OML 2010-6.³

The complaint alleges that the Board held an improper emergency meeting on September 30, 2025. Emergency meetings are reserved for circumstances that are unanticipated and require an immediate response. See OML 2016-70; OML 2011-45. We find no evidence, nor have we been presented with any evidence, that the Board anticipated the expiration of the Interim Treasurer position at any time prior to September 29, 2025, and thus find that the topic was unexpected. Moreover, the Board believed that immediate action was required to ensure that payroll for town employees would process on October 1, 2025. See G.L. c. 41, § 35 (treasurer “shall receive and take charge of all money belonging to the town, and pay over and account for the same according to the order of the town or of its authorized officers. No other person shall pay any bill of any department . . .”). Although the Town Administrator manages and supervises all town departments under the jurisdiction of the Board, including the treasurer, the Board, upon the absence of a town treasurer, “appoints a temporary treasurer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed.” G.L. c. 41, § 40; see also Fairhaven Special Acts, c. A502-6, § 2(e). Therefore, we find that the Board provided a valid justification for its September 30, 2025, emergency meeting.

³ Open Meeting Law determinations may be found at the Attorney General’s website, <https://www.mass.gov/the-open-meeting-law>.

See OML 2022-40 (finding that in light of the specific timing of the grant writer's resignation and the grant application deadline, an "emergency" existed which allowed the Select Board to hold a meeting to discuss a plan for finalizing and submitting the grant application without posting notice 48 hours in advance); OML 2017-131 (finding that the unexpected cancellation of two meetings due to inclement weather required the Board of Selectmen to take immediate action and justified an emergency meeting to sign financial documents even though the Board had been aware of the issue for some time); OML 2017-128 (finding that an emergency meeting was justified when the Board of Selectmen met to issue a one-day liquor license after a wedding reception had to be relocated from a private residence to a municipal property).

While we find that the nature of the Board's discussions justified holding an emergency meeting, we find that the Board should not have convened in executive session on September 30, 2025. A public body may enter executive session for any of ten enumerated purposes, provided that it has first convened in an open session, that a majority of members of the body have voted to go into executive session, and that the vote of each member is recorded by roll call and entered into the minutes. G.L. c. 30A, §§ 21 (a), (b). One executive session purpose allows a public body to enter executive session "[t]o conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel." G.L. c. 30A, § 21(a)(2) ("Purpose 2"). When convening in executive session pursuant to Purpose 2, a public body must identify the nonunion personnel or collective bargaining unit with whom it will be negotiating, if doing so will not compromise the lawful purpose for secrecy. See OML 2017-53; OML 2016-43; OML 2013-151.

During the September 30, 2025, executive session, the Board authorized Labor Counsel and Mr. Hickey to negotiate with AFSCME to extend the agreement with the Interim Treasurer to November 15, 2025. We find that such discussions did not fit within the parameters of executive session Purpose 2, as the discussions did not pertain to strategy sessions in preparation for negotiations with nonunion personnel nor did the Board conduct collective bargaining or contract negotiations. See OML 2021-21; OML 2013-195. We commend the Board for taking remedial action, in response to the complaint, during its October 14, 2025, open session meeting by reappointing Mr. Hickey as Temporary Treasurer and reauthorizing Mr. Hickey and Labor Counsel to negotiate with AFSCME for an extension of the agreement with the Interim Treasurer.

CONCLUSION

For the reasons stated above, we find that the Board held a valid emergency meeting on September 30, 2025, but violated the Open Meeting Law by separately convening in executive session. As a result of our finding that the Board violated the Open Meeting Law by meeting in executive session for an improper purpose, we order the Board, within 30 days of the date of this letter, to publicly release the September 30, 2025, executive session minutes. The Board may not redact or withhold the minutes in any way. See G.L. c. 30A, § 22(f) ("The minutes of any executive session ... may be withheld from disclosure to the public in their entirety ... as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21"); OML 2014-42. In

addition, we order immediate and future compliance with the law's requirements, and we caution that similar future violations could be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



KerryAnne Kilcoyne
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins – By email only: patrick@openmeetinglawenforcer.com
Fairhaven Select Board – By email only: selectboard@fairhaven-ma.gov
Fairhaven Town Clerk – By email only: clerk@fairhaven-ma.gov

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.