FAIRHAVEN SELECT BOARD
Meeting Minutes
October 26, 2026

FAIRHAVEN TOWN CLERK
RCVD 2026 NOV 10 AM10:40

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 6:30pm

A moment of silence was observed for long-time Fairhaven Village Militia member Chad Bourgeois.

Patrick Carr advised the Chair that he might be taking some video.

PUBLIC COMMENT

Erin Carr of Marina Drive in Mattapoisett addressed the Board about Mr. Hickey's response to email questions regarding the independence of the Timothy Hiller subdivision investigation (***Attachment A***). Ms. Carr cited different approaches to potential conflicts of interest involving Town Counsel and reliance on assurances from Atty. Brewer that safeguards would protect the investigation's independence. She asked if either attorney advised disclosing the relationship to the Select Board and urged the Board to apply its conflict-of-interest standards consistently, consider the implications for public trust, legal expenses, and transparency, and requested that the supporting documentation be submitted for the record (***Attachment A***).

Patrick Carr of Pleasant Street queried the Board about the reason for Harrington Heep's substantial reduction in price and whether any services had been removed from the proposed scope of work. Mr. Carr requested further discussion on the reference to Atty. White's institutional knowledge, including clarification of what meaning of institutional knowledge is and how it is weighed against concerns regarding prior performance and the independence of the investigation.

Motion: Mr. Saunders motioned to table item C1 and take item C2 out of order. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Mr. Saunders provided additional context about tabling item C1 (Consider Revision to Waterway Rules and Regulations Regarding the Collection of Fees) and has asked the Harbormaster to review the means and methods of collection, contact the marinas and hold public meetings to discuss. Mr. Hickey was asked about the timeline for implementation and he said he had anticipated, once approved, to begin in early 2027.

Vote to Amortize FY26 Snow & Ice Deficit Per DLS Bulletin BUL-2026-04

Anne Carreiro addressed the Board regarding DLS Bulletin BUL-2026-04 regarding the amortization of FY26 snow and ice deficits. If the Board is in support, Ms. Carreiro will submit the form on behalf of the Town (***Attachment B***).

Motion: Mr. Saunders motioned to adopt a deficit amortization schedule in the amount of $307,588 over a three-year period as defined in section 21C of chapter 59 and in the Division of Local Services Bulleting, BUL-2026-04 and further, to authorize the Town Accountant to submit the FY26 Snow and Ice Deficit Amortization form on behalf of the Town. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

APPOINTMENTS / COMMUNITY ITEMS

Discussion on Blue Light Emergency Communication Project and Request for Support Letter: Tim Garcia

Mr. Garcia addressed the Board about his proposal (***Attachment C***). Discussion ensued, the Board asked clarifying questions about annual cost, maintenance, contracts capital expenses versus operational expenses, forecasts to include in any grant applications and what other departments like the Police have been included. Mr. Garcia referred to a website (https://projectbluelights.wordpress.com/) and will bring additional details to a future meeting. Mr. Garcia was reminded that applications for Community Preservation Act funds require a specific scope of work and funds can only be spent as indicated.

Motion: Mr. Saunders motioned to table item B1, request for letter of support, until such time Mr. Garcia brings forward more concrete financial information. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Request to Use the Academy Building: Fairhaven Historical Society
Continued discussion from the Board's October 13, 2026 meeting.
Rick Martin addressed the Board about the proposed use of the first floor and multi-purpose room of the Academy Building by a partnership of members of the Historical Society and Historical Commission. He explained that the Commission oversees the building and pays the bills. Ms. Mello added that both groups work in a complementary manner and the proposed use will prevent the building from being empty.

Motion: Mr. Saunders motioned to approve use of the Academy Building by the Historical Commission and Historical Society as outlined in Beth Luey's September 27, 2026 letter. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Appointment Requests
Mattapoisett River Valley Water District Representative: Mike Sanford
The Board reviewed the Request and clarified that this appointment is part of the role of the Water Superintendent.

Motion: Mr. Saunders motioned to appoint Mike Sanford as Mattapoisett River Valley Water District Representative for the Town of Fairhaven. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Bell Committee: Doug Brady
Mr. Hickey provided the Board with the legal opinion on Chapter 56 §14 of the Town bylaws. Ms. Kuechler suggested the Board consider a process discussion at a future meeting to outline an exception process. Mr. Brady addressed the Board about the creation and role of the Bell Committee and explained that the last step needed is to place the Oxford School bell on the Town Hall lawn. The work on the east retaining wall delayed completion of the Bell Committee's work and currently, based on appointments made at the October 14, 2026 meeting, there is only one member of the Committee.

Mr. Brady advised the Board that the Committee voted to authorize the Chair to continue working towards completion of the project on the Committee's behalf and said this was consistent with the approved project and under Robert's Rules, 12th edition, section 13-22. Discussion ensued about a case-by-case review for utilizing the carve out within the bylaw that states, "*...serve on no more than two (2) boards, committees or commissions concurrently unless otherwise authorized by a specific vote of the appointing authority.*"

Motion: Mr. Saunders motioned to appoint Doug Brady, notwithstanding section 56-14 of the bylaw, to the Bell Committee for a period not to exceed six months. Mr. Trapilo seconded. The motion passed unanimously (5-0-0).

Belonging Committee: Denise Barr
Ms. Barr was appointed in July, 2026 to a shortened term through September, 2026 and is seeking a full term.

Motion: Mr. Saunders motioned to appoint Denise Barr to the Belonging Committee for a 1-year term. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Cable Advisory Committee: John Methia
Mr. Methia addressed the Board about his application, the history of the Cable Advisory Committee and concerns about the upcoming negotiations of the franchise agreement with Comcast.

Motion: motioned to appoint John Methia to the Cable Advisory Committee for a 1-year term. seconded. The motion passed unanimously (0-0-0).

Conservation Commission: Karyn Ferreira
Ms. Ferreira was not present.

Motion: Mr. Romano motioned to table this item until November 9, 2026. Mr. Saunders seconded. The motion passed unanimously (5-0-0).

Economic Development Committee: Keith Silvia
Mr. Silvia asked for this to be tabled to November 9, 2026

Motion: Mr. Saunders motioned to table item B3f to November 9, 2026. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Historical Commission: Associate Member: Allysia Berthelette
Ms. Berthelette's application was reviewed and Mr. Romano asked the Board to consider the appointment based on it being for an Associate member.

Motion: Mr. Saunders motioned to appoint Allysia Berthelette as an Associate Member of the Historical Commission for a 1-year term. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Cultural Council Term Corrections: Denise Barr and Brian Cass
MGL Chapter 10, Section 58 contains term length stating in part: *Members of the local and regional cultural council shall be appointed for staggered terms of three years*. Ms. Barr and Mr. Cass were appointed to terms through September, 2026, this item seeks to correct their terms per the MGL referenced.

Motion: Mr. Saunders motioned to update the term for Cultural Council members Denise Barr and Brian Cass to expire in 2029. 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 D)***.

ACTION / DISCUSSION

Motion: Mr. Saunders motioned to take item C6 out of order. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Select Board Vote Special Town Meeting Article Recommendations and Sign the Warrant
Treasurer/Collector Carla Mourao addressed the Board about Article 7 and reviewed her memo (***Attachment E***). Ms. Mourao advised the Board that the article is seeking Town Meeting to re-adopt the Other Post Employment Benefits (OPEB) Trust Fund. Discussion ensued and the Board asked for clarifying questions about the article, the fund, how it is invested, what the return rate is, what the source of funds is and to see a copy of the contract with the firm that manages the fund. Ms. Mourao will forward the materials requested.

Mr. Romano read the list of articles by number and title and asked the Board to say hold on any they wanted to discuss further and reviewed what the recommendations meant. The Board asked clarifying questions about Article 2, one motion waives the timing of posting details about the collective bargaining agreement (CBA) and the second motion is to fund the contract. Additional details were clarified according to the Memorandum of Agreement (MOA) (***Attachment F***).

Motion: Mr. Saunders motioned to recommend Adoption for Article 1. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 2. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 3. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 4. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 5. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 6. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 7. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Adoption for Article 8. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to recommend Yield to Petitioner for Article 9. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to sign the Special Town Meeting Warrant for the November 17, 2026 Special Town Meeting. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Discussion on the Zoning Board of Appeals Openly Discussing the Use of the Atlas Tack Property

Mr. Trapilo reviewed recent Atlas Tack Working Group (ATWG) discussions about potential future use of the Atlas Tack property; a potential buyer has asked the EPA for a "comfort letter". The ATWG voted for the Chair of the Zoning Board of Appeals (ZBA) to start public discussions and is seeking the Select Board to allow the ZBA to openly discuss the Atlas Tack property. Mr. Romano questioned whether the Select Board would have the authority to set the ZBA agenda. ZBA Chair Patrick Carr advised the Board that he is seeking permission for ZBA to discuss it. ATWG Chair, Ken Blanchard added that the ATWG discussions have generated a buzz and they are seeking guidance.

Motion: Mr. Trapilo motioned to allow the Zoning Board of Appeals to begin discussion after confirmation with the Zoning Enforcement Officer. No second. The motion failed.

Discussion continued about the timing, process and status of current pre-existing-non-conforming use and potentially seeking an opinion from Town Counsel on the matter. Additional discussion on whether the Planning Board would be the appropriate body to discuss the use of the property due to ZBA's role with appeals on zoning determinations and not on setting zoning. The Town cannot rezone one property. Bob Espindola of John Street addressed the Board via Zoom and said his question was why the Planning Board was not considered as the board to discuss. The consensus was to seek input from the community through discussion at ATWG meetings or public hearings similar to what the Rogers Reuse Committee did.

Motion: Mr. Trapilo motioned to authorize the Zoning Board of Appeals to conduct workshops with the community to discuss potential usages with the Atlas Tack site, with counsel from Town Counsel to the ZBA. No second. The motion failed.

The Board recessed from 8:26-8:31pm

Continued Deliberation and Potential Selection of Town General and/or Labor Counsel

Mr. Hickey advised the Board of a correction his memo regarding General and Legal Counsel services (***Attachment G***). Discussion ensued regarding the summary, services covered, what is covered for labor, concerns about the drop in the new quote from Harrington Heep (HH), clarification of the three-year contract period and what the renegotiation option under HH means and clarification on paralegal billing.

Erin Carr of Marina Drive in Mattapoisett addressed the Board with questions about whether performance and accountability are being adequately considered in determining who represents the interests of Fairhaven. She referred to the investigation into the constructive approval of the Timothy Hiller subdivision in the executive summary and expressed concern that the responsibility placed on Mr. Webb and Mr. Carr did not address the role and potential responsibility of the Town's legal counsel. Ms. Carr said she is familiar with quite a few instances

that involved Town Counsel over the last several years and questioned why legal counsel, who allegedly knew of the pending plans and the approaching deadline, did not escalate the matter to the Town Administrator or Board to prevent the situation; the only person who raised concerns was an elected member who is also a volunteer. She said there are questions about the investigation's limited scope and the lack of discussion regarding legal counsel's actions, stating that this was one of several examples that warranted further consideration.

Mr. Saunders advised the Board that at this time, he would recuse himself from further discussion on this matter due to a conflict of interest.

Motion: Ms. Kuechler motioned to appoint Select Board Vice-Chair Natalie Mello to enter into negotiations with Harrington Heep as General and Labor Counsel to propose a contract at the November 9, 2026 meeting. Ms. Mello seconded. The motion passed (3-1-1) Mr. Trapilo opposed, Mr. Saunders abstained.

Discussion on Budget Working Group Liaison's Response to Correspondence from Department Heads of Police, Fire, Schools and Public Works to the Budget Working Group (BWG)

Mr. Romano summarized the request and asked for continued respect as the budget process moves forward and the Board is tasked with difficult decisions. Mr. Trapilo asked if there had been changes to the financial forecast information recently reviewed with the Board. Mr. Hickey advised the Board that no substantial changes at this time. Mr. Trapilo restated his commitment to taxpayers and to ask the difficult questions on their behalf about town government operations and fiscal responsibility and spoke to his response to the letter received from the Public Works Superintendent, School Superintendent, Police Chief and Fire Chief (***Attachment H***).

Mr. Trapilo said the twelve points referred to came from information and suggestions in the Department of Revenue Report (***Attachment I***). Discussion continued about internal pressures amongst boards and departments due to the financial straights facing the Town and Mr. Saunders commented that the funding systems of the Commonwealth with unfunded mandates and insufficient local aid have created the gap that will result in a financial reckoning and hard choices including cuts to services to balance the budget.

Discussion continued about distinguishing between the role of a liaison and the role of a chair and concerns that Mr. Trapilo is taking a more active role similar to a chair versus a liaison. Ms. Kuechler added that there are concerns that the Select Board should be engaged first before direction is provided to the BWG through their liaison; create and support an environment of trust and to be strategic on how the Board discusses and puts information forward.

Bob Espindola of John Street addressed the Board via Zoom and referred to his email regarding roles (***Attachment J***). BWG Chair Ken Blanchard addressed the Board and said there have been five BWG meetings and asked for patience.

Consider the Release of Executive Session Minutes of: 9/14/26 redacted, 8/10/26 redacted, 8/10/26 redacted, 4/13/26 redacted, 3/9/26 redacted, 3/2/26 redacted, 11/24/25 redacted, 9/22/25 redacted, 8/11/25 redacted, 7/28/25 redacted, 7/14/25 redacted, 7/10/25, 7/7/25, 6/9/25 redacted, 5/12/25 redacted, 4/14/25 redacted, 3/31/25 redacted, 3/24/25 redacted, 3/17/25 redacted, 3/10/25 redacted and 2/24/25 redacted

Ms. Mello summarized the ongoing review process and look back to previous dates.

Motion: Mr. Saunders motioned to the Executive Session minutes of 9/14/26 redacted, 8/10/26 redacted, 8/10/26 redacted, 4/13/26 redacted, 3/9/26 redacted, 3/2/26 redacted, 11/24/25 redacted, 9/22/25 redacted, 8/11/25 redacted, 7/28/25 redacted, 7/14/25 redacted, 7/10/25, 7/7/25, 6/9/25 redacted, 5/12/25 redacted, 4/14/25 redacted, 3/31/25 redacted, 3/24/25 redacted, 3/17/25 redacted, 3/10/25 redacted and 2/24/25 redacted.as listed on the agenda and redacted as indicated. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (***Attachment K***). He added that Pam Bettencourt has provided a retirement date for the end of 2026 and thanked her for her service to the Town.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders:

- Marine Resources Committee met and as mentioned earlier, will review and hold additional meetings on the collection of the waterways fee including meeting with the marinas. The Committee also discussed assessed values of the marinas and slips. There will be a review of the mitigation fee assessed by the Conservation Commission under the Wetlands Protection Act.

Ms. Kuechler:

- Economic Development met and discussed the Old-Tyme Holiday event in December

Ms. Mello:

- Attended the historical survey meeting; attended a parks workshop with SRPEDD.
- Reviewed Executive Session minutes
- Commission on Disability meets on November 12, 2026

Mr. Trapilo:

- Met with Ms. Kuechler and Ms. Hart to review information for the cover letter on local aid
- He attended a SRPEDD financial meeting and was impressed with their returns
- BWG reviewed ideas to draw developers, permit meetings and hiring aa Engineer versus a consultant.

Mr. Romano:

- Mr. Romano's office hours had no attendees
- He was asked to judge at the Recreation Center Halloween event. He thanked the staff at the Rec Center. There will be a family bingo night in November, you can get cards to play for canned good donations.
- He attended ribbon cuttings at the Indigo Spa and the Rail Trail.
- Early voting at Town Hall through October 30, 2026.

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session minutes of October 13, 14 and 15, 2026 as presented. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to accept the Executive Session minutes of October 13, 2026 as presented and release them as presented. Ms. Kuechler seconded. The motion passed unanimously (5-0-0).

NEWS AND ANNOUNCEMENTS

The next regularly scheduled Select Board meeting will be on **Monday, November 9, 2026 at 6:00pm**.

The Select Board adjourned at 10:13pm

ATTACHMENTS

A. Correspondence: Erin Carr
B. FY26 Amortization Form
C. Tim Garcia Blue Light Project
D. Volunteer Opportunities
E. Treasurer/Collector's Memo regarding Special Town Meeting Article 7
F. Dispatch Memorandum of Agreement
G. Updated Memo regarding legal proposal submissions summary
H. Statement: Rick Trapilo Budget Working Group
I. Division of Local Services-Department of Revenue (DOR) Financial Management Review Update, August, 2022
J. Email: Bob Espindola: Select Board Liaison to the Budget Working Group
K. Town Administrator Report

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

Accepted on November 9, 2026

Attachment A

EXECUTIVE SUMMARY
INVESTIGATION INTO CIRCUMSTANCES THAT LED TO THE CONSTRUCTIVE APPROVAL OF THE TIMOTHY/HILLER SUBDIVISION

By Donna M. Brewer, Harrington Heep LLP

February 18, 2026

Introduction.

By report dated February 18, 2026, Donna Brewer detailed the results of an investigation into the circumstances that led to the constructive approval in August, 2025, of the Timothy/Hiller Subdivision. This Executive Summary gives an overview of the detailed findings and conclusions.

The Original Application.

The Subdivision is the subject of long-standing contention with the Town and neighborhood and years of litigation. The developer, Mr. Robert Roderiques, first submitted definitive subdivision plans in 2019. The Planning Board, after public hearing, denied the application. Mr. Roderiques sued in Superior Court. The Superior Court upheld the Planning Board's decision. Mr. Roderiques appealed. The Appeals Court, in July 2025, affirmed the trial court's decision. Mr. Roderiques filed a petition for further appellate review before the Supreme Judicial Court. That petition was denied.

The March 2025 Application.

Town officials and the developer held discussions in early 2025 to discuss potential modification of the 2019 submission and potential remand of the matter by the court to the Planning Board for consideration. Instead of a remand, plans for a definitive subdivision were hand-delivered to the Planning Department on March 24, 2025.

Findings (based on interviews and documents).

1. David Davignon, the engineer for the applicant Robert Roderiques d/b/a Windmill Acres LLC, hand-delivered to the Planning Department on March 24, 2025, the Form C Application, Form G Subdivision Plan Checklist, Project Narrative, Abutters List, DEP Stormwater Report, Fee Schedule Worksheet, and 10 sets of Definitive Subdivision Plans to the Planning Department, attention Cathy Melanson Madam Chair.
2. Mr. Davignon also hand-delivered a set of plans to the Board of Health, received by Health Agent David Flaherty, and the Town Clerk.
3. The Town Clerk stamped the plans as received on March 24, 2025.
4. The Planning Department did not stamp the plans as received and placed the checks for the application fees in a safe rather than depositing them.

5. Land Use & Planning Director Bruce Webb was not in the office on March 24, 2025, but his assistant, Barbara Paczosa, informed him that the plans had been delivered when he was in the office next day.
6. Mr. Webb informed Ms. Melanson and Planning Board Vice-Chair Patrick Carr of receipt of the new plans shortly after he became aware of them.
7. Ms. Melanson saw the plans in the office that week.
8. On April 2, 2025, Mr. Webb sent an email to Town Counsel Heather White informing her that the Department received a new application for the Timothy/Hiller subdivision and asking if the Planning Board could have a hearing on a new application while the old application was pending before the Appeals Court.
9. Town Counsel Michael Terry responded to Mr. Webb by emaildated April 3, 2025 in which he opined that the Board would have to approve an Application for Repetitive Petition and that the new application should be considered for refusal due to past due consultant fees, although he conceded that he did not have any support in law for the second grounds for refusal.
10. Mr. Terry stated that he had a telephone conversation with Mr. Webb on April 22, 2025, as reflected in his firm's statement of services, in which he informed Mr. Webb that his advice of April 3rd was incorrect and the application should be reviewed by the Planning Board.
11. Mr. Webb denies that that telephone conversation occurred and denies that the April 3rd advice was ever changed.
12. On May 5, 2025, Mr. Terry sent an email to Mr. Webb asking him what was the status of the new application. Mr. Webb did not respond.
13. On May 8, 2025, Mr. Terry sent an email to Mr. Webb asking him if a hearing had been scheduled on the modified plan. Mr. Webb did not respond.
14. Mr. Webb thought that Mr. Terry's email of May 8th was referring to remanded plans and to the executive session, not the new application.
15. On May 12, 2025, Mr. Carr had a telephone conversation with Mr. Terry to discuss whether to hold an executive session of the Planning Board. Mr. Carr learned in that conversation that the Planning Board was required to act by statute on the application within 135 days of receipt.
16. On May 12, 2025, Mr. Carr sent Mr. Webb an email in which he brought up the 135-day deadline and stated that he should be kept in the loop so that the 135 days were not exhausted. *Mr. Webb* did not respond to the statements about the deadline.
17. Between March and August, several people asked Mr. Webb what was happening with the plans. Mr. Webb consistently stated that he was told by Town Counsel to do nothing with them.
18. Between April and August, Mr. Webb neverasked Town Counsel whether the prior advice to do nothing with the plans had changed.
19. At no time did Mr. Webb direct Ms. Paczosa to prepare a legal advertisement for publication or send notices to the abutters, statutory prerequisites for the public hearing to occur within the 135 days.
20. Anne Carreiro, Assistant Town Administrator of Finance/Town Accountant, received a telephone call from Mr. Roderiques the evening of August 26, 2025, in which he

informed her that the plans had been constructively approved due to the Planning Board's inaction.

21. Mr. Webb sent an email to Town Counsel on August 27th in which he informed Ms. White and Mr. Terry that he had found an email from Mr. Davignon dated March 24th with a digital copy of the plans and found hard copies in the planning office.
22. After August 26th, Mr. Webb told some people variously that he did not know the plans were in the office, or did not know that the Town Clerk had stamped the plans as received, or had done nothing based on Town Counsel's advice.

Conclusions.

Mr. Webb knew by March 25th that a new application for the Timothy/Hiller Subdivision was received by the Planning Department. By the end of April, he was informed by Town Counsel that the plans needed to be reviewed by the Planning Board. His statements that he was never informed that Town Counsel's advice was changed are not credible in light of Town Counsel's recollections and emails and Mr. Carr's email.

The evidence supports the conclusion that Ms. Melanson and Mr. Carr were the only Planning Board members who knew, between March and August 26th, that the new plans had been received by the Planning Board. No one informed any other member of the Planning Board of their receipt and Ms. Melanson was no longer on the Planning Board after the April 2025 Town election.

Mr. Carr can be faulted for not informing the incoming Chair that the new plans had been received and that there was a 135-day deadline to act. He did not do so because he relied on those who were responsible for the operations of the Planning Department to inform her of pending applications.

Mr. Webb was absent for a considerable amount of time between April and August 2025. The evidence supports the conclusion that, with the distraction of his family's health issues, Mr. Webb's asserted misunderstanding of Town Counsel's advice, his failure to inform the new Planning Board Chair or members other than Mr. Carr of the plans' receipt, and his negligence at any time prior to the expiration of the 135-day deadline to confirm that he should do nothing with the plans, Mr. Webb is primarily responsible for the plans being constructively approved.

The evidence does not support the conclusion that there was any nefarious intent or conspiracy intentionally to cause the plans to be constructively approved.

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Select Board
Andrew Romano, Chair
Natalie A. Mello, Vice Chair
Pamela Kuechler, Clerk
Andrew B. Saunders
Richard Trapilo

Town Administrator/
Keith R. Hickey

MEMO

DATE: October 26, 2026

TO: Erin Carr
Select Board

FROM: Keith R. Hickey, Town Administrator

RE: Response to an Email Received from Erin Carr

On Monday, October 19, 2026, the Select Board, Amy Hart, and I received an email from resident Erin Carr questioning the process used to select Harrington Heep to conduct an independent investigation into the constructive approval of the Timothy-Hiller subdivision plans. A copy of Ms. Carr's email is attached as Exhibit A.

Chronology of Events

- **November 5, 2025** - The Select Board and I received an email from resident Bob Espindola requesting the Select Board "consider an internal investigation of the failure of the Town to act on the Timothy-Hiller subdivision plans that were submitted on March 24th, 2025, which resulted in a "Constructive Approval." Please see Exhibit B.
- **November 24, 2025** - The Select Board considered an agenda item entitled Consider Conducting an Investigation for the Failure of the Town to Act on the Timothy-Hiller Subdivision Plans Resulting in 'Constructive Approval.' The Board unanimously approved the following motion:

  Motion: Mr. Saunders motioned to request the Town Administrator contract to have an external investigation conducted with different outside counsel to determine the sequence of events that occurred from on or before the date the Timothy-Hiller subdivision plans were accepted by the Town of Fairhaven to the date when the plans received constructive approval due to a Planning Board decision not being made. Ms. Mello seconded. The motion passed unanimously (5-0-0). The minutes to the November 24 2025 meeting are attached as Exhibit C.
- **November 26, 2025** - Following the Board's vote, I contacted Attorney Jay Talerman, a partner at Mead, Talerman and Costa, to discuss his firm's ability to conduct the investigation. Attorney Talerman initially agreed to undertake the assignment. I

- forwarded a package of relevant information to him on November 26, 2025, and sent a follow-up email on December 2, 2025, confirming that the materials had been provided.
- **December 2–30, 2025:** During a subsequent conversation, Attorney Talerman informed me that Attorney Adam Costa of his firm had previously represented the Planning Board during the development of Fairhaven's 40R zoning districts. We agreed that retaining Mead, Talerman and Costa could create a perception of a conflict of interest. Attorney Talerman offered to recommend alternative counsel to conduct the investigation. Attorney Talerman offered to provide other options to perform the investigation. On December 30, 2025, Attorney Talerman recommended Attorney Tom Harrington of firm Harrington Heep and Jonathan Silverstein of Blatman, Bobrowski, Haverty and Silverstein. See Exhibit D.
- **December 30, 2025:** Attorney Talerman recommended Attorney Tom Harrington of Harrington Heep and Attorney Jonathan Silverstein of Blatman, Bobrowski, Haverty and Silverstein as potential investigators. His recommendations are documented in Exhibit D.
- **December 30, 2025–January 8, 2026:** I contacted Attorney Harrington to determine whether his firm was interested in conducting the investigation. On January 8, 2026, Attorney Harrington advised me that Attorney Donna Brewer of Harrington Heep would serve as the lead investigator. The correspondence is attached as Exhibit E.
- **January 9, 2026:** I spoke with Attorney Brewer regarding the proposed investigation. During that conversation, we discussed that Attorney Chris Brown, who had previously worked with Town Counsel Attorney Heather White at Petrini and Associates, was now a partner at Harrington Heep. Attorney Brewer advised me that Attorney Brown would not participate in the investigation and that the firm would establish an electronic "Chinese Wall" to prevent Attorney Brown from accessing electronic documents related to the Timothy-Hiller subdivision investigation. I subsequently provided Attorney Brewer with information concerning the matter. The relevant correspondence and documentation are included in Exhibit F.
- **January 12, 2026:** During the Select Board meeting, my Town Administrator's Report included an update that I had signed a fee agreement with Harrington Heep to conduct the investigation.

Questions posed by Ms. Carr in her October 19, 2026 email.

1. Was the Select Board aware of this relationship before selecting Harrington Heep to perform the external investigation? **I have not located written documentation indicating that the Select Board was aware of the prior professional relationship between Attorneys White and Brown at Petrini and Associates when Harrington Heep was selected. Therefore, I will assume I did not make the Board aware.**

   I selected Harrington Heep following a recommendation from Attorney Talerman, the Town's current labor counsel, after concerns arose regarding the potential perception of a conflict involving his own firm. Before retaining Harrington Heep, I discussed Attorney Brown's prior professional relationship with Attorney White directly with Attorney Brewer. Attorney Brewer advised that Attorney Brown would not participate in the investigation and that electronic

access restrictions would be implemented to prevent him from accessing investigation-related materials.

2. If so, why wasn't it disclosed publicly? **The selection process followed the Board's November 24, 2025 vote authorizing me to retain outside counsel to conduct the investigation. The potential perception of a conflict involving Mead, Talerman and Costa was addressed by seeking recommendations for alternative counsel. Before executing the agreement with Harrington Heep, I also discussed Attorney Brown's prior professional relationship with Attorney White and the safeguards that would be implemented to maintain the independence of the investigation.**

3. If not, did Attorney White, Petrini & Associates, or Harrington Heep disclose the relationship during the selection process? **I was aware of the prior professional relationship between Attorneys White and Brown at Petrini and Associates before finalizing the engagement with Harrington Heep. Attorney Brewer advised that Attorney Brown would not participate in the investigation and that electronic access restrictions would be established to prevent him from accessing materials related to the investigation.**

   The information available to me establishes that this matter was discussed with Harrington Heep before the engagement was finalized.

4. Who was responsible for verifying that the firm met the independence requirements established by the Select Board? **The Select Board authorized me to retain outside counsel to conduct the investigation, and I was responsible for selecting and engaging the firm. In making that decision, I considered Attorney Talerman's recommendations, discussed the prior professional relationship between Attorneys White and Brown with Attorney Brewer, and received assurances that Attorney Brown would not participate in the investigation and would be restricted from accessing investigation-related electronic materials.**

   These were the steps I took to address the potential perception of a conflict and to support the independence of the investigation. The selection was made with the expectation that Harrington Heep would conduct an objective and independent review of the events surrounding the constructive approval of the Timothy-Hiller subdivision plans.

Exhibit A

khickey@fairhaven-ma.gov

From:	Erin Carr <ecarr0825@gmail.com>
Sent:	Monday, October 19, 2026 8:18 PM
To:	Andrew Romano; namello@fairhaven-ma.gov; pkuechler@fairhaven-ma.gov; rtrapilo@fairhaven-ma.gov; asaunders@fairhaven-ma.gov
Cc:	Keith Hickey; Amy Hart; selectboard@fairhaven-ma.gov
Subject:	Questions Regarding Independence of Timothy-Hiller Investigation
Attachments:	Timothy-HillerSummary - Harrington Heep - Donna Brewer.pdf

Dear Members of The Select Board,

The following questions are particularly important now as the Select Board considers which law firm will represent the Town of Fairhaven.

Transparency regarding prior professional relationships, disclosure practices, and the verification of eligibility should be an integral part of that decision-making process to ensure confidence by the town residents in their legal representatives.

At the November 24, 2025 Select Board meeting, Town Administrator Keith Hickey recommended selecting a firm without any "ties with the current legal counsel," noting that existing counsel "may have made a mistake." Select Board Member Andrew Saunders emphasized this recommendation when he requested language be added to the original motion requiring that the investigator have no connection to current town counsel. The Select Board voted unanimously in favor.

However, at the August 10, 2026 meeting, Attorney Christopher Brown, a current partner at Harrington Heep, publicly stated that he had worked with Attorney White at Petrini & Associates for approximately 12 years.

Attorney Brown joined Harrington Heep in 2022, directly from Petrini & Associates, meaning he was also employed at Petrini during the original litigation involving the developer.

I am writing to ask whether in 2025 or 2026 was the Select Board aware of the longstanding professional relationship between Attorney Heather White and Attorney Brown of Harrington Heep LLP before selecting Harrington Heep to conduct the independent investigation into the Timothy-Hiller Subdivision's constructive approval.

Given the Select Board's explicit emphasis on independence, I would appreciate clarification on the following:

1/ Was the Select Board aware of this relationship before selecting Harrington Heep to perform the external investigation?

2/. If so, why wasn't it disclosed publicly?

3/ If not, did Attorney White, Petrini & Associates, or Harrington Heep disclose the relationship during the selection process?

4/ Who was responsible for verifying that the firm met the independence requirements established by the Select Board?

The constructive approval controversy has already eroded public trust in local government and resulted in additional legal costs for the town at the taxpayers' expense.

In addition to the legal fees associated with the constructive approval, the investigation itself was estimated to cost between $6,000 and $10,000 in taxpayer funds.

Residents have every reason to expect that the Select Board's stated requirements for independence were carefully considered and upheld. While a prior professional relationship does not necessarily constitute a conflict of interest, the public was assured that this investigation would be independent.

In the interest of transparency and accountability, I request that the Select Board clarify whether these disclosures were made, both during the original investigative-firm selection process and as part of Harrington Heep LLP's current application to serve as Town Counsel.

Thank you. I look forward to your response.

Sincerely,
Erin Carr

Request for Agenda Items - Timothy-Hiller subdivision

Exhibit B

1 message

Bob Espindola <bobespindola02719@gmail.com> Wed, Nov 5, 2025 at 11:14 AM
To: Charles K Murphy Sr <cmurphy@fairhaven-ma.gov>, Keith Hickey <khickey@fairhaven-ma.gov>, Amy Hart <ahart@fairhaven-ma.gov>, Jessica Fidalgo <jessfidalgo121313@gmail.com>
Cc: spiritshine01@yahoo.com, Chris <frolo572@comcast.net>, Dianne Clark <dianneclark72@icloud.com>, Jessica King <jessaking9212@gmail.com>, "dwelly09@gmail.com" <dwelly09@gmail.com>, Gail & David Branco <gnails7@yahoo.com>, danpelletier30@gmail.com, "eharne@gmail.com" <eharne@gmail.com>, kataudette@comcast.net, "thecomedybarbarian@hotmail.com" <thecomedybarbarian@hotmail.com>, Sue Powers <sueppowers@gmail.com>, Mikey Freire <Michaelfreire70@gmail.com>, Ann Espindola <annespindola@gmail.com>, whyme855 <whyme855@comcast.net>, Bob Espindola <bobespindola02719@gmail.com>, Kellie McCarthy <272moomay@gmail.com>, Kraig Perry <ksperry2016@gmail.com>, Victoria Carter <Victoriacarter64145@gmail.com>, Rebecca <rebecca.medeiros@aol.com>, Joan Gallagher <jrgallagher2@gmail.com>, Louis Braga <lmbraga9@comcast.net>, Donna McKenna <Donna@stonegaterate.com>, mmm195358 <Mmm195358@gmail.com>, Wayne Gifford <wgiffy5@gmail.com>, Jeff King <jeffking83@comcast.net>, "erosparka@gmail.com" <erosparka@gmail.com>, "kjharne@gmail.com" <kjharne@gmail.com>, Jeanne Green <jeanne306@yahoo.com>, Joe' <rosaj681957@aol.com>, Carol Staiti <cstaiti12@gmail.com>, Jennifer Carter <bug_bear@verizon.net>, Karen Isherwood <isherwoodkf@gmail.com>

Chairman Murphy,

I write to you on behalf of many abutters and neighbors of the Timothy-Hiller Subdivision project asking for a very time sensitive item to be placed onto the Select Board agenda on Monday, November 10th, 2025.

Please find two reference files attached that explain what the group is looking for.

The first is a Draft Letter that those on copy here are asking for the Select Board to vote on at your Monday night meeting.

The second file is a copy of the Administrative Appeal that was submitted for review by the Zoning Board of Appeals but will not be heard until their December 4th meeting.

While the Town causes delays in action, there is a constant stream of heavy equipment passing by abutters properties and construction of new homes, six days a week,is ongoing. This group of affected abutters and neighbors is asking for the bare minimum, at this time, that the Select Board would review this attached letter and consider taking action as outlined herein.

We are also still awaiting confirmation that you, as the Chair, will allow for the request, as originally made on October 27th, for the Select Board to consider an internal investigation of the failure ot the Town to act on the Timothy-Hiller subdivision plans that were submitted on March 24th, 2025, which resulted in a "Constructive Approval".

We believe your Monday, November 10th meeting presents a unique opportunity to have both of these items on your agenda as the meeting will be a joint meeting of the Select Board and the Planning Board and if there are any questions or concerns about either letter, the Planning Board would be on hand to comment.

We would like to ask that you please acknowledge receipt of this email when you read it and we look forward to your response on this and if either of these items will not be on the Select Board agenda on Monday, November 10th, we would like an explanation as to why not.

I have copied Planning Board Chair, Jessica Fidalgo for efficiency.

Respectfully,

Bob Espindola
14 John St.
Fairhaven, MA 02719
(774) 263-1046

2 attachments

Draft Letter from Fairhaven Select Board to Fairhaven Planning Board Chair 11-5-2025.pdf
152K

Building Permit Appeal File - Time Stamped by Town Clerk.pdf
376K

DRAFT — Letter from the Fairhaven Select Board to the Fairhaven Planning Board

Date: Monday, November 10th, 2025
To: Ms. Jessica Fidalgo, Chairperson, Fairhaven Planning Board
CC: Town Administrator, Town Counsel, Town Clerk, Building Commissioner
From: Fairhaven Select Board
Subject: Procedural Deficiencies and Request for Corrective Action – Windmill Acres Subdivision (Robert Roderiques / Windmill Acres LLC)

Dear Ms. Fidalgo,

The Fairhaven Select Board has received information indicating that the definitive subdivision plan submitted by Windmill Acres LLC, Developer: Mr. Robert Roderiques, may have proceeded toward constructive approval without compliance with mandatory procedural requirements under Massachusetts General Laws Chapter 41, §§ 81T–81V, and the Town of Fairhaven Subdivision Regulations (Ch. 322) and Planning Board Rules (Ch. 316).

Specifically, it appears that:

1. The Planning Board did not conduct a duly advertised public hearing as required by M.G.L. c. 41, § 81T, prior to taking action on (or failing to act on) the plan.
2. Abutters within 300 feet were not provided with notice by certified mail, as required by local and state law.
3. The Board did not file a timely certificate of action with the Town Clerk under § 81U.
4. The developer has since asserted constructive approval due to the Board's inaction.
5. Homes are being built on lots where no permits have been issued, based on the only set of plans issued to the Town for this project, dated March 24th, 2025.
6. The Conservation Commission stated, during their October 27th, 2025 meeting, that the Commission would be reviewing the Timothy-Hiller Subdivision, just as they would any other subdivision.
7. The Town has not negotiated a surety in accordance with Town Bylaws for the subdivision, placing the Town at financial risk.

Pursuant to the Select Board's authority under the Town Charter and Massachusetts law to ensure compliance with all municipal procedures and to protect the legal interests of the Town and its residents, we formally request that the Planning Board:

1. Immediately review the Windmill Acres file and determine whether the statutory notice and hearing requirements were satisfied.
2. Cease recognition of any constructive approval or development activity associated with the plan until the Board's procedural compliance is verified by Town Counsel and a written report is made public.
3. Schedule and conduct a public hearing, properly noticed and advertised in accordance with M.G.L. c. 41, § 81T, and provide certified notice to all abutters as identified in the most recent tax list.
4. File a written report with the Select Board and the Town Clerk within 30 days confirming that all procedural steps have been followed or identifying the deficiencies and corrective actions taken.
5. Continue the hold on recognition of any constructive approval or development activity associated with the plan at least until the Zoning Board of Appeals have heard the Administrative Appeal filed (due to be heard on December 4th Zoning Board of Appeals meeting.

Furthermore,

The Selectmen are directing the Town Administrator, Building Commissioner, and all relevant departments to withhold the issuance of building permits, infrastructure connections, or municipal approvals related to the Windmill Acres subdivision until the Planning Board certifies compliance with M.G.L. c. 41 and Fairhaven's Subdivision Rules and Regulations.

Conclusion

The Select Board takes no position on the merits of the proposed development but is obligated to ensure that all statutory procedural rights—including public hearings and abutter notifications—are fully observed.
Failure to follow these procedures risks invalidation of any approval and exposes the Town to legal challenge and liability.

We appreciate the Planning Board's prompt attention to this matter and request a written response at your earliest convenience.

Sincerely,

Fairhaven Select Board
[Chairperson's Name]
[Member Names & Signatures]

References

- Copies of M.G.L. c. 41 §§ 81T–81U
- Fairhaven Subdivision Regulations § 322-16 (Public Hearing requirement)
- Planning Board Procedures § 316-2 (Abutter notification rule)

Exhibit C

FAIRHAVEN SELECT BOARD
Meeting Minutes
November 24, 2025

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

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

A moment of silence was observed to reflect on Thanksgiving blessings, remember those lost or who may be facing hardships and to give thanks for the community.

Mr. Murphy congratulated the Fairhaven High School Blue Devils on going to the Super Bowl for a third year in a row.

PUBLIC COMMENT

Tara Dwelly of John Street addressed the Board with a statement about the constructive approval, failure of elected officials, the importance of being involved in Town affairs and asked for an external investigation regarding the constructive approval of the Timothy/Hiller subdivision.

Kevin Grant of Fort Street addressed the Board as a resident and not as a Planning Board member. He asked for an external, third-party investigation of the Timothy/Hiller subdivision and said the cost to investigate is dwarfed by the potential cost of litigation and people deserve answers.

Jennifer Carter of Paul Street addressed the Board; she is a direct abutter and has many questions on the matter. She is very proud of her neighborhood and asked the Board to vote for an external investigation. Never in the Town's history has a constructive approval happened and it should be investigated.

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

ACTION/DISCUSSION

Consider Conducting an Investigation for the Failure of the Town to Act on the Timothy-Hiller Subdivision Plans Resulting in a "Constructive Approval"

Mr. Hickey addressed the Board regarding the constructive approval of the Timothy-Hiller Subdivision and apologized for Town staff not bringing this project forward. He has met and spoken with abutters and residents to understand the concerns. Processes have been put in place to prevent something like this from happening in the future. In meeting with the developer, their attorney and Town Counsel, the developer has agreed to additional terms and compliance with as many bylaws as possible.

Mr. Hickey said the Public Works Superintendent has also reviewed concerns about smells from the Wastewater Treatment facility and advised that the smells are due, in part, to the plant upgrade and anticipates a significant decrease by July of 2026 as the work progresses.

Discussion ensued as to how to proceed on the matter, potential outcomes and how the results would be handled, releasing a redacted report, whether action could be taken with elected officials, transparency in any investigation, concerns on future budget deficits of one and a half to four million dollars, Mr. Hickey's time will be focused on the budget and concerns on the overall cost and timeline of an investigation. The Board's consensus was for an external investigation, estimated costs are between six and ten thousand dollars. Mr. Hickey recommended Town Counsel not be involved in selecting an investigator and will report back an estimated timeline.

Motion: Mr. Saunders motioned to request the Town Administrator contract to have an external investigation conducted with different outside counsel to determine the sequence of events that occurred from the date the Timothy-Hiller subdivision plans were accepted by the Town of Fairhaven to the date when the plans received

constructive approval due to a Planning Board decision not being made. Ms. Mello seconded.

Bob Espindola of John Street asked the Board to consider not limiting the start date in their motion. Mr. Hickey suggested a revision to the motion. Mr. Saunders rescinded his motion and Ms. Mello rescinded her second.

Motion: Mr. Saunders motioned to request the Town Administrator contract to have an external investigation conducted with different outside counsel to determine the sequence of events that occurred from on or before the date the Timothy-Hiller subdivision plans were accepted by the Town of Fairhaven to the date when the plans received constructive approval due to a Planning Board decision not being made. Ms. Mello seconded. The motion passed unanimously (5-0-0).

APPOINTMENTS AND COMMUNITY ITEMS

Assessors: Tax Rate Presentation and Set Rate

Mr. Hickey reviewed the 2026 Tax Rate Presentation prepared by former Assessor Joanne Correia (***Attachment A***). The Board asked clarifying questions about the rate, calculation, proposition two-and-a-half constraints, the average increase residents would see, comparison to the 2025 rate (***Attachment B***), how the Board has voted in the past on the residential exemption and small business exemption.

Discussion ensued about the residential tax shift and that "savings" (slide 3 of ***Attachment A***) means a portion is shifted to the commercial rate. Massachusetts' towns' revenue sources like the Cherry sheets are not being given to municipalities at the same proportion and asking the state to use the rainy-day fund interest to help towns because shortfalls will result in cuts to staff, teachers and services.

Motion: Mr. Saunders motioned to adopt the shift of 1.75 resulting in a residential factor of 88.38 for 2026. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Mr. Murphy confirmed the Board would not adopt a residential exemption or small business exemption and no votes were taken on them.

ACTION/DISCUSSION

Consider Member Removal Request: Sustainability Committee: Susan Spooner

Mr. Romano explained the request to remove a member from the Sustainability Committee.

Motion: Mr. Saunders motioned to remove Susan Spooner from the Sustainability Committee. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Consider Appointing a Select Board Representative for a Hiring Panel for Principal Assessor and Planner

Mr. Hickey advised the Board that he is seeking a member or two members to participate in an interview committee for the positions of Principal Assessor and Planner. He clarified it can be one member for both or one for each depending on the Board. Brief discussion ensued about interest.

Motion: Mr. Saunders motioned to appoint Andrew Romano as Select Board Representative to the interview committee for Principal Assessor. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Motion: Mr. Saunders motioned to appoint Natalie Mello as Select Board Representative to the interview committee for Planner. Mr. Romano seconded. The motion passed unanimously (5-0-0).

Mr. Romano asked if both positions had been advertised and if Land Use Director was changing back to a Planner and Conservation Agent. Mr. Hickey will confirm the job postings and said the Conservation Coordinator is looking at budget impacts of completing training to step into the Conservation Agent role. Mr. Hickey will send the Board the salary and job description changes.

TOWN ADMINISTRATOR REPORT

Mr. Hickey reviewed his report (***Attachment C***). The department deadline for submitting Capital Improvement

Plan requests was extended to allow departments to include additional details.

Mr. Romano reminded the Board that he had asked for a follow-up on solar at a previous meeting as a alternative to the wind turbines and advised the Board he would like to attend future Kearsarge Solar meetings with the Town Administrator. Mr. Murphy said the Board did not appear to object but could not vote on this tonight.

Mr. Hickey added that he has asked the Building Commissioner to review his report on the decision and justification of the request from Fairhaven Wind with Town Counsel and confirm next steps.

Mr. Hickey read a memo from Discover Fairhaven about the upcoming Olde-Tyme Holiday on December 13, 2025 (***Attachment D***). He added that he will be in Foxboro to see the Fairhaven Football Team in the Super Bowl.

BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

Mr. Saunders had no meetings to report on

Ms. Mello had no meetings to report on.

- Shout-out to all those who participated in the recent Veterans Day events, activities, the parade and for the opportunity to speak.

Mr. Murphy reported:

- Thank you to Ms. Mello for her heartfelt words on Veterans Day and gave Mr. Hickey a proclamation from the governor for Veterans Day.
- Lagoa Friendship Pact Committee met at the same time as the Board, no report
- The Sister City Committee met to debrief about the Manjiro Festival and protocol for future events.
- He reminded everyone that there are many events for Thanksgiving like the Turkey Trot and Fairhaven vs. Dartmouth football game. There are also meals available for free and a place to go, check resources if you need a place to go for a meal.

Mr. Romano reported:

- Thank you to Chief Correia and Harbormaster Cox for the blessing of the new boat today and thanks to the County Commissioners.
- Sustainability met, anyone with a pumpkin to get rid of can take it to any of the community gardens at the schools to be composted. They are looking into an "adopt-a-drain" program to help with unclogging the sewer drains.
- SRPEDD will meet in December
- The Friends of Jack Foundation raises money for Children's Hospitals and has an annual red tutu challenge and asked the Board and TA to participate at the next meeting.

Mr. Silvia reported:

- The Commission on Disability met and volunteer Christin Ritz offered to create a native garden that is accessible.

MINUTES

Motion: Mr. Saunders motioned to accept the Open Session minutes of November 10 and 19, 2025. Ms. Mello seconded. The motion passed unanimously (5-0-0).

Ms. Mello asked for an additional correction to the September 30, 2025 minutes as she was not in attendance. The office will review the minutes and this item was tabled until the December 1, 2025 meeting.

CORRESPONDENCE

Blog Post: Frank Haggerty: Massachusetts Wind Turbines: Harbingers of Death

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 meeting will be on Monday, December 1, 2025 at 6:00pm.
- Mr. Murphy thanked residents, volunteers, and staff who work every day to strengthen the community and for their engagement, kindness, and commitment to the Town. He wished everyone a safe, peaceful, and happy Thanksgiving.

EXECUTIVE SESSION

Motion: Mr. Saunders motioned to enter Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a)(3)) - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares – Police Union; AND pursuant to Open Meeting Law (Chapter 30A Section 21 (a)(3)) - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares – American Federation of State, County and Municipal Employees (AFSCME) 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).

Meeting adjourned to Executive Session at 7:42pm

ATTACHMENTS

A. 2026 Tax Rate Presentation
B. Tax Rate Comparison Grid
C. Town Administrator Report
D. Discover Fairhaven Olde-Tyme Holiday Memo
E. Correspondence: Blog Post: Frank Haggerty: Massachusetts Wind Turbines: Harbingers of Death

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

Accepted on December 1, 2025

khickey@fairhaven-ma.gov

Exhibit D

From: khickey@fairhaven-ma.gov
Sent: Tuesday, December 30, 2025 11:28 AM
To: 'Jay Talerman'
Subject: RE: Investigator

Thanks Jay. Hope all is well.

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

From: Jay Talerman <jay@mtclawyers.com>
Sent: Tuesday, December 30, 2025 10:22 AM
To: khickey@fairhaven-ma.gov
Subject: Re: Investigator

Apologies Keith. Perhaps one of the following:

Tom Harrington at Harrington Heep - tom@harringtonheep.com
Jonathan Silverstein at Blatman, Bobrowski, Haverty and Silverstein - jms@bbhslaw.net

Jason R. Talerman

Mead, Talerman & Costa, LLC

730 Main Street · Suite 1F · Millis, Massachusetts · 02054

Phone: (978) 463-7700 ext. 201

Direct Dial: (978) 572-2190

jay@mtclawyers.com - www.mtclawyers.com

***** Please note my new phone numbers*****

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If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

Think before you print.

From: khickey@fairhaven-ma.gov <khickey@fairhaven-ma.gov>
Sent: Tuesday, December 30, 2025 8:40 AM
To: Jay Talerman <jay@mtclawyers.com>
Subject: Investigator

You don't often get email from khickey@fairhaven-ma.gov. Learn why this is important
Good morning Jay. Any progress on someone available to perform the Planning Board investigation we discussed? I really need to get this moving forward.

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

khickey@fairhaven-ma.gov

Exhibit E

From: khickey@fairhaven-ma.gov
Sent: Thursday, January 8, 2026 5:04 PM
To: 'Tom Harrington'
Cc: 'Donna Brewer'
Subject: RE: Fee Agreement; Request to perform an investigation

Thanks. I will reach out to Attorney Brewer tomorrow.

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

From: Tom Harrington <tom@harringtonheep.com>
Sent: Thursday, January 8, 2026 1:20 PM
To: khickey@fairhaven-ma.gov
Cc: Donna Brewer <dbrewer@harringtonheep.com>
Subject: Re: Fee Agreement: Request to perform an investigation

Thanks Keith.

We've received the materials and the investigation has begun. My partner, Donna Brewer will take the lead. I told Donna to contact you with any questions she has on the package of documents.

Regards,
Tom

Harrington Heep

THOMAS J. HARRINGTON
Partner at Harrington Heep

direct 617.804.2421
cell 617.921.7325
email tom@harringtonheep.com
website harrintgonheep.com
address 40 Grove Street, Suite 190 Wellesley, MA 02482

Follow Us:

From: khickey@fairhaven-ma.gov <khickey@fairhaven-ma.gov>
Date: Tuesday, January 6, 2026 at 8:53 AM
To: Tom Harrington <tom@harringtonheep.com>
Subject: RE: Fee Agreement: Request to perform an investigation

Tom,

Thank you for sending the agreement. Attached is the signed agreement. Please let me know when the investigation may begin.

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

From: Tom Harrington <tom@harringtonheep.com>
Sent: Monday, January 5, 2026 3:58 PM
To: Keith Hickey <khickey@fairhaven-ma.gov>
Subject: Fee Agreement: Request to perform an investigation

Hi Keith,

Attached is our fee agreement. Any concerns, please don't hesitate to contact me.

We haven't received the package of information yet, but I assume it will arrive tomorrow.

Regards,
Tom

Harrington Heep

THOMAS J. HARRINGTON
Partner at Harrington Heep

direct 617.804.2421
cell 617.921.7325
email tom@harringtonheep.com
website harrintgonheep.com
address 40 Grove Street, Suite 190.Wellesley, MA 02482

Follow Us:

From: Tom Harrington <tom@harringtonheep.com>
Date: Wednesday, December 31, 2025 at 9:53 AM
To: khickey@fairhaven-ma.gov <khickey@fairhaven-ma.gov>
Cc: Molly Danzig Schultz <mdanzig@harringtonheep.com>
Subject: Re: Request to perform an investigation

Hi Keith,

Nice to speak with you. My address is below, please send whatever information you'd like to share to that address. I'll email you again on Monday with a contract and our initial thoughts.

Thanks and happy new year!

Regards,
Tom

Harrington Heep

THOMAS J. HARRINGTON
Partner at Harrington Heep

direct 617.804.2421
cell 617.921.7325
email tom@harringtonheep.com
website harrintgonheep.com
address 40 Grove Street, Suite 190 Wellesley, MA 02482

Follow Us:

From: khickey@fairhaven-ma.gov <khickey@fairhaven-ma.gov>
Date: Tuesday, December 30, 2025 at 11:07 AM
To: Tom Harrington <tom@harringtonheep.com>
Subject: Request to perform an investigation

You don't often get email from khickey@fairhaven-ma.gov. Learn why this is important

Attorney Jay Talerman provided your name me when I reached out to him about the need for someone to perform an independent investigation regarding a developer who submitted an application to subdivide a parcel of property to the Planning Board that was never heard by the Planning Board.

I would be happy to expand on the situation if you are interested in completing the investigation. I am here today, until noon tomorrow and back next week. Please contact me by email or at the number below if you would like to discuss my request further.

Thank you for your consideration. I hope to speak to you soon.

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

Exhibit F

khickey@fairhaven-ma.gov

From: khickey@fairhaven-ma.gov
Sent: Friday, January 9, 2026 1:20 PM
To: 'Donna Brewer'
Subject: RE: Hiller Subdivision PRIVILEGED ATTORNEY-CLIENT COMMUNICATION
Attachments: SKM_C451i26010913550.pdf; 2025-10-14-REVISED-Planning-Board-Meeting-Agenda.pdf; Planning Meeting 11-18-25 (2).pdf

Donna,

The Planning Board discussed holding a public hearing at their October 14th meeting. They held the meeting on November 18th. Attached are the meeting minutes to each meeting. Below are links to both of the meeting video.

October 14, 2025
https://vimeo.com/showcase/11515067?video=1127669522

November 18th
https://vimeo.com/showcase/11515067?video=1137912077

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

From: Donna Brewer <dbrewer@harringtonheep.com>
Sent: Friday, January 9, 2026 12:40 PM
To: khickey@fairhaven-ma.gov
Cc: 'Heather C. White' <hwhite@petrinilaw.com>; 'Michael Terry' <mterry@petrinilaw.com>
Subject: Re: Hiller Subdivision PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Thank you.

Donna Brewer
dbrewer@harringtonheep.com
(617) 804-2423 dd

From: khickey@fairhaven-ma.gov <khickey@fairhaven-ma.gov>
Date: Friday, January 9, 2026 at 12:35 PM
To: Donna Brewer <dbrewer@harringtonheep.com>
Cc: 'Heather C. White' <hwhite@petrinilaw.com>, 'Michael Terry' <mterry@petrinilaw.com>
Subject: RE: Hiller Subdivision PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Attorney Brewer,

Happy to have your speak to Heather and Mike. I have copied them on this email. Their office number is 508-665-4310.

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

From: Donna Brewer <dbrewer@harringtonheep.com>
Sent: Friday, January 9, 2026 12:31 PM
To: khickey@fairhaven-ma.gov
Subject: Re: Hiller Subdivision PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Thanks for forwarding this, Keith. In light of Heather's email, I'd like to talk with Heather/Mike about whether they ever discussed with Bruce the notifications that should have been made before the public hearing. May I speak with them on this topic? Do you want to let them know I will be calling them?

Donna Brewer
dbrewer@harringtonheep.com
(617) 804-2423 dd

From: khickey@fairhaven-ma.gov <khickey@fairhaven-ma.gov>
Date: Friday, January 9, 2026 at 11:51 AM
To: Donna Brewer <dbrewer@harringtonheep.com>
Subject: FW: Hiller Subdivision PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

You don't often get email from khickey@fairhaven-ma.gov. Learn why this is important

Keith

Keith R. Hickey, Town Administrator
Town of Fairhaven, MA 02719
khickey@fairhaven-ma.gov
508 979-4107

From: Heather C. White <hwhite@petrinilaw.com>
Sent: Friday, January 9, 2026 11:45 AM
To: Keith Hickey <khickey@fairhaven-ma.gov>
Cc: Michael Terry <mterry@petrinilaw.com>
Subject: Hiller Subdivision PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Keith,

Attached is the draft memo Mike Terry prepared in April 2025. As we discussed, this opinion is an internal law firm document that was never distributed to the Planning Board. Mike was planning to provide it to the Board for discussion in executive session on 4/22/25, but we learned on that day that the meeting would not be going forward because there was an error in the posting of notice. Mike was then prepared to provide it to the Board at the next meeting in May 2025, but after speaking with the then-Chair, it was decided that Mike would not be meeting with the Board at that time. It is my understanding that, in the meantime, Mike verbally communicated with both the Planner and the PB Chair regarding the advice set forth in this memo. Mike and/or I are available to be interviewed as part of the investigation if it would be helpful for further information to be provided regarding those verbal communications.

Please let me know if I can be of any assistance.

Thanks,
Heather

Heather C. White
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
508-665-4310 tel
508-665-4313 fax
hwhite@petrinilaw.com

PETRINI & ASSOCIATES, P.C.
Counselors at Public Law
2004 20 202

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FAIRHAVEN TOWN CLERK
RCUD 2025 NOV 24 PM4:13

TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD
Town Hall - 40 Center Street - Fairhaven, MA 02719

Meeting Minutes
Tuesday, October 14, 2025
at 6:30PM Held both at Town Hall
& Remotely via Zoom

GENERAL BUSINESS:

a. Chair's Welcome and Media Notification:

Chair, Ms. Diane Tomassetti, opened the meeting at 6:30pm and welcomed all. Ms. Tomassetti read the open meeting law protocols and procedures.

b. Pledge of Allegiance:

The Board stood for the Pledge of Allegiance.

c. Quorum/Attendance:

Present: Diane Tomassetti, Patrick Carr, Ruy DaSilva, Miles Grant, Sean Powers, Sharon Simmons, Jessica Fidalgo, & Kevin Grant.

Mr. Bruce Webb, the Director of Land Use and Planning, and Ms. Hailey Hemingway, the Recording Secretary, were present at the Town Hall.

d. Minutes-September 23, 2025, drafts to be reviewed:

Motion to approve the minutes for the meeting on September 23, 2025 made by Ms. Fidalgo, seconded by Mr. Kevin Grant. Motion passed unanimously (8-0).

e. Correspondence:

Mr. Webb noted there was correspondence received by Mattapoisett.

EXECUTIVE SESSION:

a. Pursuant to G.L. c. 30A, s. 21(a)(3) to discuss litigation where the Chair declares that an open meeting would have a detrimental effect on the Board's litigating position and s. 21 (a)(7) to comply with or act under the authority of the Public Records Law, G.L. c. 4, s. 7(26) (Rodericques v. Fairhaven Planning Board and priviledged written legal advice regarding same and regarding constructive approval of resubmitted plan):

Motion to enter executive session made by Ms. Fidalgo, seconded by Mr. Kevin Grant. Motion passed unanimously (8-0).

Motion to return to open session made by Mr. Kevin Grant, seconded by Ms. Tomassetti. Motion passed unanimously (8-0).

OTHER BUSINESS:

a. Public Informational Q & A regarding the Timothy Street and Hiller Avenue Subdivision Project. Questions and answers to be directed to the Land Use & Planning Director, Bruce Webb:

Ms. Tomassetti noted that questions are to be directed to Mr. Webb.

Mr. Bob Espindola, from 14 John Street, submitted a document to the Board. (See Attachment A)

Mr. Webb was given questions concerning access to plans on the town website, differences on the plans, the validity of the applications, building permits issued, the procedure for stamping in plans, and the application submitted.

The public hearing closed at 9:02pm.

b. ~~Vote to move forward with legal review of Constructive Approval and potential action of Constructive Approval.~~ Vote on whether to conduct a public hearing to consider taking

action with respect to constructive approval of the Timothy Street and Hiller Avenue Subdivision Project:

Motion to move to conduct a public hearing to consider whether to modify, rescind, or take other action with respect to the constructive approval of the plan dated March 24, 2025 made by Mr. Kevin Grant, seconded by Ms. Fidalgo. Motion passed (5-3).

RECEIPT OF PLANS:

FA25-06-169-171 New Boston Road: Form A proposal to reconfigure 169-171 New Boston Road Map 34 Lot 38C by dividing the existing properties into two (2) separate properties resulting in Parcel A (43,385 sq. ft.) and Parcel B (44,785 sq. ft.) with frontage to remain the same as they exist:

Mr. Webb spoke in favor of the Board approving.

Motion to approve FA25-06-169-171 New Boston Road made by Ms. Fidalgo, seconded by Mr. Kevin Grant. Motion passed unanimously (8-0).

NEW/OTHER BUSINESS:

a. Site visit request for Timothy-Hiller Subdivision subject to property owners approval:

Motion for a site visit for Timothy-Hiller Subdivision made Ms. Fidalgo, seconded by Mr. Kevin Grant. Motion passed unanimously (8-0).

b. General Information: OML Webinar Trainings offered by the Office of the Attorney General link: mass.gov/the-open-meeting-law:

The Board discussed regarding this webinar.

c. Mattapoisett Planning Board Meetings- Shared Information:

The Board noted the information was received.

LONG RANGE PLANNING:

a. Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to the meeting:

NEXT MEETING:

The next Regular Board Meeting is scheduled for Tuesday, October 28, 2025 at 6:30pm.

ADJOURN:

There being no further business before the Board, the meeting is adjourned.

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e. urgent business not available at the time of posting.) may also be brought up for discussion in accordance with applicable law.

This agenda was posted in accordance with the provisions of MGL 30A ss 18-25 and approved by the town clerk's office on 10-9-25.

Ms. Tomassetti closed the meeting at 9:17pm.

Respectfully submitted,

Hailey Anne Hemingway

Minutes approved at Board Meeting on November 18, 2025

FAIRHAVEN TOWN CLERK
RCUD 2025 OCT 9 PM3:48

TOWN OF FAIRHAVEN, MASSACHUSETTS

PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA - REVISED

Tuesday, October 14, 2025 at 6:30 pm
Town Hall, 40 Center Street, Fairhaven, Massachusetts
East Room 2nd Floor
To access remotely Log onto:
https://us06web.zoom.us/j/93163358101?pwd=NXg5WuUxZ3lLK3drSVBBM2JPTXE0QT09
or call 1-689-278-1000 - Meeting ID: 931 6335 8101- Passcode: 740257
Available on Fairhaven TV Channel 18 and fairhaventv.com the following day

On March 28, 2025, the bill to extend Open Meeting Law regulations governing remote participation has passed MA legislation and been signed by the Governor. This bill will allow remote and hybrid meeting options for public bodies through June 30, 2027.
Pursuant to an amendment to Town Bylaw Chapter 50 § 13, all government meetings are available through web/video conference and are recorded.

1. **GENERAL BUSINESS:**
   a) Chair's Welcome and Media Notification
   b) Pledge of Allegiance
   c) Quorum/Attendance
   d) Minutes, September 23rd, 2025 drafts to be reviewed
   d) Correspondence

2. **EXECUTIVE SESSION:**

   a) Pursuant to G.L. c. 30A, s. 21(a)(3) to discuss litigation where the Chair declares that an open meeting would have a detrimental effect on the Board's litigating position and s. 21(a)(7) to comply with or act under the authority of the Public Records Law, G.L. c. 4, s. 7(26) (Roderiques v. Fairhaven Planning Board and privileged written legal advice regarding same and regarding constructive approval of resubmitted plan)

3. **OTHER BUSINESS:**
   a) Public Informational Q & A regarding the Timothy Street and Hiller Avenue Subdivision Project. Questions and answers to be directed to the Land Use & Planning Director, Bruce Webb.

   b) ~~Vote to move forward with legal review of Constructive Approval and potential action of Constructive Approval.~~ Vote on whether to conduct a public hearing to consider taking action with respect to constructive approval of the Timothy Street and Hiller Avenue Subdivision Project.

4. **RECEIPT OF PLANS:**

FA25-06 – 169-171 New Boston Road: Form A proposal to reconfigure 169-171 New Boston Road Map 34 Lot 38C by dividing the existing properties into two (2) separate properties resulting in Parcel A (43,385 sq. ft.) and Parcel B (44,785 sq. ft.) with frontage to remain the same as they exist.

5. **NEW/OTHER BUSINESS:**

a) Site visit request for Timothy-Hiller subdivision subject to property owners approval.

b) General Information: OML Webinar Trainings offered by the Office of the Attorney General link: mass.gov/the-open-meeting-law

c) Mattapoisett Planning Board Meetings - shared information

6. **LONG RANGE PLANNING:**

a) Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

7. **Next Meeting:** Next Regular Meeting, Tuesday, October 28, 2025.

ADJOURN: There being no further business before the board, the meeting is adjourned.

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e., urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

This agenda was posted in accordance with the provisions of MGL 30A §§18-25 and approved by the town clerk's office on 10-9-2025.

TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD
Town Hall - 40 Center Street - Fairhaven, MA 02719

Meeting Minutes
Tuesday, November 18, 2025
at 6:30PM Held both at Town Hall
& Remotely via Zoom

1. GENERAL BUSINESS:

a. Welcome and Media Notification:

Interim Chair, Ms. Sharon Simmons, opened the meeting at 6:32pm and welcomed all. Ms. Simmons read the open meeting law protocols and procedures.

b. Pledge of Allegiance:

The Board stood for the Pledge of Allegiance.

c. Quorum/Attendance:

Present: Sharon Simmons, Jeffrey Lucas, Sean Powers, Ruy DaSilva, Miles Grant, Kevin Grant, & Patrick Carr.

Absent: Jessica Fidalgo.

Ms. Hailey Hemingway, the Recording Secretary, was present at the Town Hall.

d. Vote on Board Position Opening:

Motion to pass over this agenda item made by Mr. Carr, seconded by Mr. Lucas. Motion passed (6-1).

e. Correspondence- Notifications from City of New Bedford Planning Board and New Bedford City Council:

Ms. Simmons noted this correspondence received.

f. Meeting Minutes drafts to be reviewed:

Motion to approve minutes made by Mr. Carr, seconded by Mr. Kevin Grant. Motion passed (6-0). Mr. Lucas abstaining.

Motion to enter Executive Session made by Mr. Carr, seconded by Mr. Kevin Grant. Motion passed unanimously (7-0).

2. **EXECUTIVE SESSION:**

a. 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, to review the minutes of Executive Sessions held on 6/14/2022, 12/13/2022, 9/9/2025, 9/23/2025, 10/14/2025, & 10/28/2025):

b. Meeting with Town Counsel pursuant to G.L. c. 30A, s. 21(a)(7) to comply with or act under the authority of the Public Records Law, G.L. c. 4, s. 7(26)(discuss privileged written legal opinion regarding Hiller Timothy Subdivision):

3. **PUBLIC HEARING:**

Ms. Simmons opened the public hearing at 7:50pm.

a. SD25-02 at 0 Duchaine Street- Potential Properties, LLC. Proposes to subdivide the property to create 2 building lots by creating the legal frontage along the street with a construction of a 20-foot-wide gravel roadway and hammerhead turn around. The property is located 0 Duchaine Street Map 34A Lot #38. – Applicant is requesting to continue to December 16, 2025:

Motion to continue SD25-02 at 0 Duchaine Street to December 16, 2025 made by Mr. Carr, seconded by Mr. Kevin Grant. Motion passed unanimously (7-0).

b. DS25-03 0 Hiller Timothy- For the Planning Board to receive information, hear public comment, and consider whether to modify, rescind, or take over action with respect to the constructive approval on an application for approval of a definitive subdivision plan dated March 24, 2025 submitted by Robert Roderiques d/b/a Windmill Acres LLC for the Hiller Avenue and Timothy Street Subdivision proposed for Map 28C / Parcel 071 and 71A:

Ms. Simmons read a statement made by the Planning Department. (See Attachment A).

Ms. Simmons noted there was a mortgage recorded at the property. Ms. Simmons noted due to the mortgage, the Planning Board can only modify plans with consent of the Developer and the Mortgage Holder.

Mr. Jonathan Silverstein, attorney for the developer, was present to speak to the Board.

Condition 1 Proposal: Remove the 10 foot pipe along Hiller Avenue, and either install a larger diameter pipe as agreed to by the Board of Public Works Highway Superintendent or create a 50 foot long drainage ditch in its place to eliminate flooding potential relative to Assessor's map 28C, Lot 78 & 79 and accommodate the 100 year per stormwater modeling, with the final implementation be reviewed and revised as necessary by the Town.

Condition 2 Proposal: To incorporate the conditions set forth in the DEP superseding order of conditions dated July 26, 2021, to address the potential ponding issue relative to the solid concrete sump proposed at the 4 Bay bottom with the final implementation to be reviewed and revised as necessary by the Town.

Mr. Silverstein noted the plans show the removal of the 10 foot pipe and the installation of the trench.

Mr. Silverstein confirmed that if the Stormwater Authority requests a modification with the sump, the applicant will agree to the modification.

Condition 3 Proposal: The developer will meet with the Board of Public Works to discuss plantings, species and alike in the public way.

Ms. White noted this item addresses the plantings in the cul-de-sac islands.

Mr. Silverstein confirmed he will discuss this with his client, but he doesn't anticipate an issue meeting with the BPW to discuss the plantings.

Condition 4 Proposal: Performance guarantee shall be provided in accordance with section 322-14.I of the subdivision regulations.

Mr. Silverstein noted there was a Form F Covenant signed and notarized that the applicant left with the Town Administrator. Mr. Silverstein noted the covenant will be brought to the Registry of Deeds Wednesday, November 19, 2025.

Condition 5 Proposal: Street names will be updated to be consistent with Assessor's records.

Mr. Silverstein requested that the modification be to acknowledge that the names of the two subdivision roads have been reversed from what is shown on recorded plans and that the modification will be on record.

Condition 6 Proposal: Owner identification for the vacant parcel at the end of Paul Street will be updated.

Mr. Silverstein noted the owner is unknown and it's unclear who has the record title to that parcel.

Mr. Carr questioned if the parcel is part of the subdivision. Mr. Silverstein confirmed the parcel is not part of the subdivision.

Condition 7 Proposal: Within 30 days, the developer will provide proof of consent of any mortgage holders to these conditions.

Mr. Silverstein noted he will seek consent.

Condition 8 Proposal: Developer shall submit revised plans to the Planning Board reflecting such changes. Once endorsed by the Planning Board, this decision and the approved plans shall be recorded in the Registry of Deeds with reference to the previously recorded constructive approval and the book and page number shall be provided for this.

Mr. Silverstein was in favor of recording the modifications but not the revised plans.

Abutters raised concerns with the amount of lots on the parcel, flooding, replanting of trees, and sinkholes forming on properties.

Motion to allow public comment under new and other business made by Mr. Kevin Grant, seconded by Mr. Powers. Motion passed (7-0).

Mr. Kevin Grant per an earlier request from an abutter, asked the applicant if they would agree to a rescind of the applications constructive approval by the Planning Board. The applicant was not in favor.

Mr. Lucas questioned if a berm is on the plan. Mr. David Davignon, engineer for Schneider, Davignon, and Leone, confirmed there is a berm that will go along the property line and there will be trees planted on the berm.

The Board and Mr. Silverstein discussed doing a site visit.

Mr. Silverstein noted GCG Associates has been overseeing the construction.

Motion to hold three separate votes, one on whether or not to rescind constructive approval, one on whether or not to take no action against constructive approval, and one on whether or not to approve the constructive approval with a request for modifications made by Mr. Kevin Grant, seconded by Mr. Carr. Motion passed unanimously (7-0).

Motion to rescind the construction approval made by Mr. Kevin Grant, seconded by Mr. Carr. Motion did not pass (1-6).

Motion to vote as to whether to take no action against constructive approval and let it stand without modification made by Mr. Kevin Grant, seconded by Mr. Carr. Motion did not pass (0-7).

Motion to vote to add modifications to the constructive approval made by Mr. Kevin Grant, seconded by Mr. Carr. Mr. Kevin Grant rescinded his motion.

Motion to recess briefly in order to figure out what these modifications may or may not be so that we can then therefore vote yes or no as to whether or not we will modify applications made by Mr. Kevin Grant, seconded by Mr. Carr. Motion passed (7-0).

Meeting reopened at 10:58pm.

Ms. Simmons entertained a Motion to modify the constructive approval of the Windmill Acres Subdivision as follows:
A. To add the following findings:

1. Since no stormwater review was conducted in connection with the application for definitive subdivision approval, the Towns Stormwater Authority met on November 10 to review the projects stormwater management system and its review is summarized in an updated letter. Entered into the record on the boards November 18, 2025 public hearing the subdivision now shown on the constructive approved plans as Nolan's Way is now to be called Collins Drive. And the subdivision now shown on the constructive approved plans as Collins Drive is now to be called Nolans Way.

B. to add the following conditions:

1. As requested by the stormwater authority, the operations and management plan manual will be updated to reflect final site conditions after completion of construction.
2. The applicant will meet with the DPW to discuss plantings in the public way.
3. A Form A covenant performance guarantee has been signed by the applicant and shall be recorded.
4. within 14 days after filing this modification decision with the Town Clerk, the applicant shall request that the mortgage holder consent to the modification. Upon receipt of the mortgage holders' consent, this modification shall be recorded in the Bristol County Registry of Deeds with reference to the previously recorded constructively approved plans and the recording information shall be provided to the Planning Board.
5. The project shall be constructed with substantial conformance with the

constructively approved plans and this modification.
Motion made by Mr. Carr, seconded by Mr. Kevin Grant. Motion passed unanimously (7-0).

4. **NEW/ OTHER BUSINESS:**

a. Planning Board to discuss and vote on investigation of Hiller Timothy constructive approval:

Ms. Heather White, Town Counsel, suggested the Planning Board has a discussion about requesting that the Town Adminstrator initiate an investigation. Ms. White later noted the request would be to the Town Administrator and the Select Board.

Mr. Silverstein noted in the motion to modify there was a reference to a Form A Covenant and the motion as written was a Form F Covenant. Mr. Silverstein confirmed it is a Form F Surety Covenant.

Ms. White suggested the record reflect the motion as written.

Motion to correct the language of the modification, which read Form A to Form F and acknowledge that correction as a board made by Mr. Kevin Grant, seconded by Mr. Carr. Mr. Kevin Grant rescinded his motion.

Mr. Lucas confirmed Form F is an inspection form and Form D is a Covenant.

Motion to amend the language of the modification from a Form A to Form D made by Mr. Kevin Grant, seconded by Mr. Lucas. Motion passed unanimously (7-0).

Motion to formally request a third-party investigation be initiated by the Town Administrator and the Select Board regarding the process of constructive approval which occurred regarding the Timothy Hiller Subdivision, including but not limited to the questions of the abutters with a goal of fact finding, full accountability, and improved policy procedure and training requirements in Town Hall made by Mr. Kevin Grant, seconded by Mr. Carr. Motion passed unanimously (7-0).

b. Updates from Committee Liaisons:

Motion to continue all other discussion items to the next meeting made by Mr. Kevin Grant, seconded by Mr. Carr. Motion passed unanimously (7-0).

5. **LONG RANGE PLANNING:**

a. Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting:

6. **NEXT MEETING:**

The next regular Board Meeting is scheduled for Tuesday, December 16, 2025 at 6:30pm.

7. **ADJOURN:** There being no further business before the Board, this meeting is adjourned.

The Meeting closed at 11:40pm.

Respectfully submitted,

Hailey Anne Hemingway

~~Attachment E~~ Exhibit G

Town of Fairhaven
Report of the Town Administrator
January 12, 2026

Financial Updates

- The Capital Planning Committee has begun reviewing the FY27-FY31 Capital Improvement Plan. Their recommendation is will be provided to me by January 20th.
- The Harbormaster was awarded a $1 million grant to fund the majority of the Union Wharf improvements. In addition, there is $230,000 from a prior state grant and $140,000 from ARPA funds that will be used for the repairs. The remaining amount of $280,000 will need to be funded locally. A source has not been identified at this moment.

Project Updates

- There are no project updates.

Personnel Update

- I have completed final interviews with the two finalists for the Assessor position. I will have a recommendation for the Select Board's consideration at the January 26th Board meeting.
- The Interview Committee for the Tax Collector/Treasurer position will be reviewing the resumes during the week of January 19th. I hope to have a recommended candidate for Select Board consideration as early as January 26th.

Miscellaneous Updates

- I have signed a Fee Agreement with the law firm Harrington Heep to perform the Planning Board investigation. Harrington Heep was referred to me by the Town's labor counsel, Mead, Talerman and Costa. I will forward their anticipated timeline once I receive it.
-

Attachment A

Attachment B

FY2026 Snow and Ice Deficit Amortization
Chapter 101, Section 36 of the Acts of 2026

Please submit this form with the tax rate recap for each year:

FAIRHAVEN
City/Town/District

Snow and Ice Deficit as of June 30, 2026 (Snow&Ice $1,049,722-$377,929 Stab Fd FY26)		$525,062
Anticipated Commonwealth Reimbursement		$217,474
Adjustments:	Additions to amortization for anticipated reimbursements not received.	
	Deductions from amortization for additional reimbursements received not anticipated.	
	FY2026 Projected Net Snow and Ice Def	$307,588

We have adopted the following amortization schedule:

FY2027	$102,529
FY2028	$102,529
FY2029	$102,530
Total	$307,588

Note: The annual amortization must be at least 1/3 of the FY2026 Projected Net Snow and Ice Deficit.
The amortization of any 6/30/2026 deficit must be cured on or prior to setting the FY2029 tax rate.

Amortization Tracking Schedule

	General Fund - Net Snow and Ice Deficit from above from 6/30/2026	Less Appropriations (Any Revenue Source)	Other Amount Raised on Recap Page 2	Remaining Amount Deferred
FY2027	$102,529	$102,529		$0
FY2028	$102,529	$102,529		$0
FY2029	$102,529	$102,529		$0

SECTION 36. Notwithstanding section 23 of chapter 59 of the General Laws, section 31D of chapter 44 of the General Laws or any other general or special law to the contrary, a city or town may amortize over fiscal years 2027 to 2029, inclusive, in equal installments or more rapidly, the amount of its fiscal year 2026 snow and ice removal deficit. The local appropriating authority as defined in section 21C of said chapter 59 shall adopt a deficit amortization schedule in accordance with the preceding sentence before setting the municipality's fiscal year 2027 tax rate. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this section.

Majority of the below signatures required:
For Cities: City Councilors, Aldermen, Mayor
For Towns: Board of Selectmen

Signature	Date	Signature	Date
Signature	Date	Signature	Date
Signature	Date	Signature	Date

Attachment C

Date: October 7, 2026

To:
Chair Andrew Romano and Members of the Fairhaven Select Board
Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719
508.979.4107
selectboard@fairhaven-ma.gov
aromano@fairhaven-ma.gov
khickey@fairhaven-ma.gov

From:
Timothy Garcia, Fairhaven Livable Streets Committee & Sustainability Committee
356 Alden Road
Fairhaven, MA 02719
508.817.2925
TimMattGarcia@gmail.com

Request for Select Board Agenda Placement and Letter of Support – Fairhaven Blue Light Emergency Communication Project

Dear Chair Romano and Members of the Fairhaven Select Board,

I respectfully request that the proposed Fairhaven Blue Light Emergency Communication Project be placed on the agenda for your next available regular meeting for presentation, discussion, and consideration of a Board-authorized letter of support.

The project proposes (10) ten emergency communication towers at three recreational properties: (6) six along the Phoenix Rail Trail, (2) two at Livesey Park in North Fairhaven, and (2) two at Cushman Park. Its purpose is to provide residents and visitors with a visible, accessible means of requesting emergency assistance without relying on a personal cellphone.

Each proposed station would include hands-free emergency calling, solar power and battery storage, camera capability, and blue locator illumination throughout the night. The objective is emergency calling capability around the clock, subject to reliable equipment, communications, and an approved receiving arrangement. Connection to Fairhaven Police dispatch or the appropriate 911 answering point would require review and approval by the responsible public-safety personnel.

The proposed locations are:

- **Phoenix Rail Trail:** Main Street; open-space location between Elizabeth Street and Alden Road; Sconticut Neck Road; Pierces Place; Weeden Road; and the open-space and bench area near the Shaw Road baseball fields.
- **Livesey Park:** North Side and South Side of the park alongside the designated walking paths.
- **Cushman Park:** East Side and West Side of the park alongside the designated walking paths.

Coordinates have been identified for all (10) ten stations. Final placement remains subject to property verification, written consent, accessibility review, technical evaluation, and applicable approvals.

The preliminary capital estimate is **$180,000**, based on **$18,000 per installed tower**, pending written quotations and confirmation of the complete installation scope. Code Blue, Aiphone, and Transportation Solutions & Lighting (TS&L) are the three vendor options currently identified.

I am pursuing the project through the Community Preservation Committee application process and considering a request for earmarked Commonwealth funding through Representative Mark D. Sylvia and Senator Mark C. Montigny. A letter of support from the Select Board would help communicate the Town's position during funding review and legislative discussions.

For the agenda, I suggest the following description:

"Proposed Blue Light Emergency Communication Project — Presentation, Discussion, and Possible Vote on a Letter of Support and Direction for Municipal Coordination."

At the meeting, I would appreciate the Board's consideration of:

1. **A letter of support** addressing the project's public-safety purpose, proposed recreational locations, and benefit to residents and visitors, subject to necessary technical, financial, and regulatory review.
2. **Municipal coordination** through the Town Administrator and appropriate departments to establish sponsorship, site permissions, implementation responsibilities, and long-term stewardship.
3. **Committee participation**, with the Livable Streets Committee and Sustainability Committee as the first two proposed advisory partners, supported by the relevant public-safety, public works, recreation, accessibility, conservation, planning, and finance representatives.
4. **Funding coordination** for the CPC process and potential state funding, including confirmation of eligible expenses, award administration, and ongoing operating costs.

Support for developing the project can be distinguished from authorization to purchase equipment, begin construction, or commit Town funds or personnel. I am also seeking input from the Police Chief and Town Administrator so that the proposal reflects operational requirements and the Town's administrative needs.

The planning target is approximately six to nine months after funding becomes available and the Town authorizes implementation, subject to approvals, procurement, and vendor lead times.

Please confirm whether this item can be included on the next available regular meeting agenda, the deadline for submitting supporting materials, and the presentation time available. If the next agenda cannot accommodate it, I would appreciate the earliest suitable meeting date.

I can provide the project narrative, location coordinates, site-control explanation, preliminary scope and cost estimate, and feasibility attachment for inclusion in the Board's meeting packet.

Thank you for considering this request. I welcome the opportunity to present the proposal and discuss a coordinated path forward.

Respectfully,

Timothy Garcia
Fairhaven Livable Streets Committee and Sustainability Committee

Attachment D

Board or Committee	Vacancy available
Belonging Committee	Three Members
Cable Advisory Committee	Three Members
Capital Planning Committee	Business Representative
Economic Development Committee	One Member
Historical Commission	Associate Members, not to exceed number of Full Members
Lagoa Friendship Pact Committee	Three Members
Livable Streets Committee	Unlimited
Millicent Library Board of Trustees	One Member
Sustainability Committee	Two Members

As of 10/22/2026

Attachment E

Town of Fairhaven, Massachusetts

40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

To: Select Board
From: Carla Mourao, CMMT | Treasurer/Collector
Date: October 22, 2026
Re: OPEB adoption recommendation in article 7

The language in the MGL has been amended since the initial vote was approved at Town Meeting years prior to 2016. Therefore, we must re-vote to include the new language so we can establish an OPEB trust fund agreement.

This trust agreement would put us in compliance with GASB standards by ensuring that the Town sets aside money that is legally protected and dedicated exclusively to paying retiree benefits. Further, this trust agreement will improve our bond rating.

1. Auditor policy – a strict reading of the GASB 74 & 75 statements would suggest that assets held in an "OPEB Trust" may only be considered an OPEB Trust for reporting purposes if it has a formal legal trust document that confirms that:
    a. Such funds may only be used exclusively for OPEB benefits until & unless such benefits are fully satisfied; and
    b. Contributions and associated earnings on such contributions are irrevocable; and
    c. Such funds are legally protected from creditors.

2. It enhances generational equity – benefits are being earned/accrued today through the provision of services by municipal staff. A trust enables the municipal entity to set aside the deferred cost of such benefits as they're earned to avoid saddling future taxpayers with that cost.

3. Budgetary flexibility – while ideally the funds should accumulate until the plan liability is fully funded or near that amount, the reality is that the municipality can always choose to submit retiree healthcare costs for reimbursement in any year which may be beneficial budgetary relief in a difficult year.

4. Investment returns – assets held in stabilization funds and the general fund are largely limited to very low risk and likely low return investments. The OPEB Trust allows the use of equities and those investments likely to achieve higher returns over the long term. As such, these investment returns may be used to lower the long-term cost of the plan for the community – beyond that, under GASB discount rate rules, it may allow for the use of higher discount rate which will lead to a lower disclosed liability on the community's balance sheet & financial statement.

5. Shows financial management – the existence & funding of an OPEB Trust shows the credit ratings agencies and outside stakeholders that the community recognizes this very large liability (likely the 1st or 2nd highest liability on the balance sheet) and is taking active steps to address it. As noted above, the budgetary flexibility will enhance your

ability to service your debt which is obviously well received.

6. Funding Policy – the OPEB Trust by itself doesn't do much without an ongoing plan to contribute on a regular and sustained basis. So, the Board should adopt a formal funding policy (e.g., $100k per year, increasing by $25k per year until the pension system is fully funded and then 60% of those savings will be redirected to OPEB).

7. Investment Policy – once you have the OPEB Trust and have begun funding, you need to decide how to invest. It's important to remember these are long-term funds (ideally not touched for 30-40 years) so you'll want to work with your investment team and likely choose an investment allocation strategy that is weighted heavily toward equities.

8. Audited Financial Statements – an OPEB Trust does add slightly more complication to your FS as it's another trust to review & reconcile but it's not materially different than any other fund.

9. Bond Ratings – the ratings agencies look favorably upon those communities with an OPEB Trust if it's actually being funded / used. When GASB 45 & then GASB 75 were implemented many communities thought they could set up an OPEB Trust with $5,000 and that would be beneficial (it's not) – ultimately the ratings agencies are looking for substance over form.

Attachment F

Commonwealth of Massachusetts
TOWN OF FAIRHAVEN
POLICE DEPARTMENT
1 Bryant Lane
Fairhaven, MA 02719
Phone 508-997-7421
Fax 508-997-3147
www.fairhavenpolice.org

Daniel M. Dorgan
Chief of Police

October 10 2026

From: Daniel M. Dorgan, Chief of Police

Fairhaven Police Department

To: Keith Hickey, Town Administrator

Mr. Hickey,

As requested I am writing you to outline the financial impact of the proposed agreement between the Town of Fairhaven and NEPBA Local 65, Dispatcher's Union. This agreement is for a two year period beginning July 1, 2026 through June 30, 2028, thus placing all union contracts in the same time frame. The proposed wage scale increase is aligned with the raises given to other town unions, with a 1% increase July 1, 2026, a 1% increase January 1, 2027, a 1% increase July 1, 2027, and a 2% increase on June 30, 2028.

This agreement also implements a 2% differential to the day shift, a 1.5% increase to evening shift and a 2.5 % increase in differential to midnight shift. At the current time there is no full-time dispatcher assigned to the midnight shift at the Fairhaven Police Department. This agreement covers three full time employees in the bargaining unit.

Below is a breakdown of the 3-year financial impact of the proposed MOA:

Proposed Wage Impact Analysis

Contract Term: July 1, 2026 – June 30, 2028
Base Hourly Rate: $32.36
Proposed Increases: 1% + 1% + 1% + 2%

The proposed wage adjustments are structured to align with the wage increases provided to other Town unions and to bring all union contracts into the same July 1, 2026–June 30, 2028 timeframe.

Wage Schedule

Annual Wage Impact Per Employee

Using a standard **2,080-hour work year:**

Rate	Annualized Wage
$32.36	**$67,308.80**
$32.68	**$67,974.40**
$33.01	**$68,660.80**
$33.34	**$69,347.20**
$34.01	**$70,740.80**

At the conclusion of the agreement, an employee working 2,080 hours annually would earn approximately **$3,432 more per year per employee** than at the original $32.36 rate.

Financial Impact of Shift Differentials

The employees currently have differentials of **0%, 1.25%, and 2.5%**, and the proposed differentials would become **2%, 3%, and 4%**, respectively.

Assuming the differential is applied to the **$32.36 base rate**, here is the revised wage impact.

Revised Wage Schedule

Effective Date	Employee 1	Employee 2	Employee 3
Base rate – $32.36	$32.36	$32.76	$33.17
July 1, 2026 – +1%	$32.68	$33.09	$33.50
January 1, 2027 – +1%	$33.01	$33.42	$33.83
July 1, 2027 – +1%	$33.34	$33.75	$34.17
June 30, 2028 – +2%	**$34.01**	**$34.43**	**$34.85**

However, the above table reflects the **current** differentials. If the proposed contract changes the differentials to **2%, 3%, and 4%**, the starting rates become:

Employee	Current Differential	Current Rate	Proposed Differential	Proposed Starting Rate
Employee 1	0%	$32.36	**2%**	**$33.01**
Employee 2	1.25%	$32.76	**3%**	**$33.33**
Employee 3	2.5%	$33.17	**4%**	**$33.65**

Proposed Rates Including All Contractual Raises

Annualized Cost

Employee	Current Annualized Rate*	Proposed Final Annualized Rate	Annual Increase
Employee 1 — 2% differential	$67,308.80	**$72,155.20**	**$4,846.40**
Employee 2 — 3% differential	$68,140.80	**$72,862.40**	**$4,721.60**
Employee 3 — 4% differential	$68,993.60	**$73,548.80**	**$4,555.20**
Total	**$204,443.20**	**$218,566.40**	**$14,123.20**

Overall Impact

Under the revised proposal:

- **Employee 1:** 0% → 2% differential
- **Employee 2:** 1.25% → 3% differential
- **Employee 3:** 2.5% → 4% differential
- All three then receive the contractual **1% + 1% + 1% + 2%** wage increases.
- The final hourly rates would be approximately **$34.69, $35.03, and $35.36.**
- Combined annualized payroll would increase from approximately **$204,443.20 to $218,566.40**.
- **Total annualized payroll impact: $14,123.20.**

I would be happy to answer any questions either you or the board have and to give further clarification that is needed. For context, all FY27 wage increases along with differentials are covered by the budget appropriation approved for FY27, there will be no need to request money at Town Meeting to fund the FY27 increases.

Respectfully,

Daniel M. Dorgan

Chief of Police

Fairhaven Police Department

MEMORANDUM OF AGREEMENT

TOWN OF FAIRHAVEN

AND

NEW ENGLAND POLICE BENEVOLENT ASSOCIATION LOCAL 106

This Memorandum sets forth the material terms of a successor Collective Bargaining Agreement (the "CBA") reached between the Town of Fairhaven (the "Town") and the New England Police Benevolent Association Local 106 (the "Union") (collectively, the "Parties") for a two-year extension of the existing CBA, subject to approval by the Selectboard, and funding by the Town Meeting as required by law.

The current CBA, which expired on June 30, 2026, shall be extended for a period of two years, beginning on July 1, 2026, through June 30, 2028. The following provisions represent the material changes in the Parties' agreement through June 30, 2028.

1. GENERAL AGREEMENTS

In addition to the amendments noted below, the Parties agree to integrate this Memorandum of Agreement with the existing employment contract, as well as make non-substantive modifications to the form of the employment contract to correct typographical and grammatical errors.

2. ARTICLE 12: PAID HOLIDAYS

Amend Article 12 as follows by deleting the language denoted with a strikethrough and adding the language as emboldened and underlined:

Section 1: The following shall be deemed paid holidays:

New Year's Day	Memorial Day	Veterans' Day
Martin Luther King Day	President's Day	Patriot's Day
Independence Day	Thanksgiving Day	Labor Day
Columbus Day	Christmas Day	Juneteenth Day

For Full-time dispatchers, Holiday pay shall be one-fifth of the employee's weekly salary and shall be paid to each employee over and above his/her weekly salary whether he/she worked the holiday, was on vacation, injury or sick leave. An employee may request to receive eight (8) hours of straight compensatory time off in lieu of payment for a holiday. Accumulated holiday compensatory time shall not be carried over from one calendar year to another. This section shall not be construed to infringe on the right of officers to be paid for holidays.

Listed holidays apply to full-time dispatchers only. Part-time Operators will get ~~one (1)~~ **two (2)** hours extra pay at straight time for every four (4) hours worked on any holiday.

Section 2: Any full-time Operator shall be given leave from duty with pay on his/her birthday provided he/she has so requested in writing at least two weeks in advance, and that leave shall be deducted from other leave available to him/her at the time, which may include vacation, holiday, personal days or other accumulated time.

Section 3: ~~Effective July 1, 2018;~~ If an employee works on any of the holidays listed below, he/she shall be paid time and one half (1½) their normal rate of pay for all hours worked, in addition to his/her holiday pay. **Full-time operators shall receive an additional four (4) hours holiday pay at straight time for each shift worked on the below listed holidays.**

Thanksgiving Day and Christmas Day

3. ARTICLE 16: PERSONAL DAYS

Amend Article 16 as follows by deleting the language denoted with a strikethrough and adding the language as emboldened and underlined:

Section 1: An employee will be entitled to ~~three (3)~~ **four (4)** personal days. These days will be taken during the year ~~from~~ **between** July 1 to June 30 **(inclusive)**. If an employee has not worked a full year his/her personal days will be prorated based on the number of months worked, provided that personal days will not accrue during the first six (6) months of employment.

Personal day requests must be made to the Chief of Police at least twenty-four (24) hours in advance except in the case of an emergency.

Personal days will not be paid to the employee at the time of resignation.

Section 2: Part-time dispatchers do not receive personal days.

4. ARTICLE 32: SHIFT DIFFERENTIAL

Amend Article 32 as follows by deleting the language denoted with a strikethrough and adding the language as emboldened and underlined:

Employees shall be paid an additional shift differential for hours worked between the following hours:

~~4:00 pm – 12:00 midnight – (2.5%) per hour~~

~~12:00 midnight – 8:00 am – (3.5%) per hour~~

8:00 am to 4:00 pm 2% per hour

4:00 pm to 12:00 am 4% per hour

12:00 am to 8:00 am 6% per hour

5. ARTICLE 31: WAGES ("SCHEDULE 'A' WAGES")

Amend "Schedule 'A' Wages" under Article 31 as follows by deleting the language denoted with a strikethrough and adding the language as emboldened and underlined:

~~SCHEDULE "A" WAGES~~

-	-	~~FY 23~~	~~FY 24~~	~~FY 25~~
~~1~~	-	~~25.00~~	~~25.50~~	~~26.01~~
~~2~~	-	~~27.00~~	~~27.54~~	~~28.01~~
~~3~~	-	~~30.50~~	~~31.10~~	~~31.73~~

SCHEDULE "A" WAGES

-	**FY 27 (Effective 7/1/2026)**	**FY 27 (Effective 1/1/2027)**	**FY28 (Effective 7/1/2027)**	**FY 28 (Effective 1/1/2028)**	**FY 28 (Effective 7/1/2028)**
1	**$26.80**	**$27.07**	**$27.34**	**$27.34**	**$27.89**
2	**$28.86**	**$29.15**	**$29.44**	**$29.44**	**$30.03**
3	**$32.69**	**$33.02**	**$33.35**	**$33.35**	**$34.02**

[SPACE LEFT INTENTIONALLY BLANK – SIGNATURE PAGE TO FOLLOW]

THIS AGREEMENT has been executed by the duly authorized representatives of the Town of Fairhaven and the New England Police Benevolent Association Local 106, subject to Town Meeting funding..

Town of Fairhaven
Select Board,

N.E.P.B.A. Local 106,

Andrew Romano, Chair

President

Natalie A. Mello, Vice-Chair

Pamela Kuechler, Clerk

Andrew B. Saunders, Member

Richard Trapilo, Member

Date:_____

Date:_____

Approved as to legal form:

Kate Feodoroff, Labor Counsel

Attachment G

Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719
www.fairhaven-ma.gov

Tel: (508) 979-4023

Select Board
Andrew Romano, Chair
Natalie A. Mello, Vice Chair
Pamela Kuechler, Clerk
Andrew B. Saunders
Richard Trapilo

Town Administrator/
Keith R. Hickey

MEMO

DATE: October 27, 2026

TO: Select Board

FROM: Keith R. Hickey, Town Administrator

RE: Additional Information for General and Labor Counsel Services o

Attached please find the updated scope and pricing proposals from Mead, Talerman and Costa, Harrington Heep and KP Law. Each firm provided two prices. The first includes all general and labor counsel services. The second includes all general and labor matters, ***excluding non-litigation labor matters.***

I sent an email to the three firms requesting their first annual fee include legal representation for the following:
The Select Board requests that your firm either submit a revised flat fee or confirm that the flat fee included in your original proposal covers all of the following services:

- All general municipal legal services and non-litigation labor matters.
- Legal opinions involving general municipal, land use, zoning, labor, and employment matters.
- Legal representation in land use, zoning, Board of Health, and Conservation Commission litigation, including mediation and arbitration.
- All work performed by paralegals and support staff.
- Participation in and ongoing support for collective bargaining negotiations.
- Attendance at the Town's Annual and Special Town Meetings.
- Licensing matters under the jurisdiction of the Select Board.
- Assistance with procurement matters and the preparation and review of contracts.
- An attorney's availability at the Fairhaven Town Offices twice per month for two hours per visit.
- Attendance at up to two Select Board meetings per month.

The following page is a summary of the monthly and annual proposals from each firm ***excluding*** litigation involving labor matters.

All Litigation-Excluding Litigation Involving Labor Matters		
Firm	**Monthly Fee**	**Annual Fee**
Mead, Talerman and Costa	$15,000	$180,000
Harrington Heep	$13,000	$156,000
KP Law	$14,000	$168,000

Attendance at Board meetings:

Mead, Talerman and Costa	3 per month
Harrington Heep	2 per month
KP Law	2 per month

Hourly rates for representation not included in the price:

Mead, Talerman and Costa	$225 per hour
Harrington Heep	$225 per hour
KP Law	$355 per hour

Representation not included in the price:

Mead, Talerman and Costa:

- Representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

Harrington Heep

- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

KP Law

- Paralegal services are billed at one half the quoted attorney rate.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

The following page is a summary of the monthly and annual proposals from each firm ***including*** litigation involving labor matters.

All Litigation-Including All Labor Matters		
Firm	**Monthly Fee**	**Annual Fee**
Mead, Talerman and Costa	$17,250	$207,000
Harrington Heep	$15,000	$180,000
KP Law	$16,000	$192,000

Attendance at Board meetings:

Mead, Talerman and Costa	3 per month
Harrington Heep	2 per month
KP Law	2 per month

Hourly rates for representation not included in the price:

Mead, Talerman and Costa	$225 per hour
Harrington Heep	$225 per hour
KP Law	$355 per hour

Representation not included in the price:

Mead, Talerman ad Costa:

- Representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

Harrington Heep

- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

KP Law

- Paralegal services are billed at one half the quoted attorney rate.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

Harrington Heep

Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Ivria Glass Fried Bryan F. Bertram Christopher L. Brown Heather C. White
Ethan B. Dively Anthony J. Riley Eric B. Reustle Rian R. Holmquest Emily A. Meehan

October 20, 2026

Keith Hickey, Town Administrator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Mr. Hickey,

Harrington Heep submits the following fee proposal as the Select Board requested.

Flat Fee #1

$13,000 per month for the following matters as listed in your request:

- All general municipal legal services and non-litigation labor matters.
- Legal opinions involving general municipal, land use, zoning, labor, and employment matters.
- Legal representation in land use, zoning, Board of Health, and Conservation Commission litigation, including mediation and arbitration.
- All work performed by paralegals and support staff.
- Participation in and ongoing support for collective bargaining negotiations.
- Attendance at the Town's Annual and Special Town Meetings.
- Licensing matters under the jurisdiction of the Select Board.
- Assistance with procurement matters and the preparation and review of contracts.
- An attorney's availability at the Fairhaven Town Offices twice per month for two hours per visit.
- Attendance at up to two Select Board meetings per month.

Flat Fee #2

$15,000 per month for the above-listed matters and representation of the Town in litigation involving labor and employment matters.

Excluded from each of these flat fees are 1) all litigation not listed above; and 2) matters for which the Town's legal fees are paid by others. Excluded matters will be billed in 1/10 of an hour increments at a rate of $225 per hour for all attorneys and $150 per hour for paralegals.

As noted in our original proposal, we propose a six-month and year-end review of this arrangement, to ensure the number agreed-upon in initial discussion remains fair and transparent for both parties. We also refer the Board to our original proposal should the Board decide to engage us for all services at an hourly rate instead of a flat fee.

Thank you for your consideration. I enjoy working with the staff and officials of Fairhaven and hope to have the opportunity to continue to serve.

Sincerely,

Heather C. White

Mead, Talerman & Costa, LLC
Attorneys at Law

REVISED FEE PROPOSALS
TOWN OF FAIRHAVEN
TOWN COUNSEL

Our experienced administrative staff generates monthly invoices for each of our clients. Each invoice details the work performed, the hourly rate, if applicable, and by whom the work was performed. Invoices including expenses are similarly detailed. Our staff can create individualized sub-billing categories to fit the bookkeeping and organizational needs of the Town.

We propose four (4) fee structures for your consideration, as follows:

Proposal No. 1
Flat Fee Including ALL LITIGATION

1. The Firm proposes **a flat monthly fee of $17,250.00**, equal to **an annual fee of $207,000.00**, which shall include **substantially all general municipal and labor services work, including litigation**, performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. The flat fee includes all representation and legal opinions for general and land use matters as well as preparation for and attendance at Annual and/or Special Town Meetings, as necessary, and three (3) board hearings or meetings per month. Attendance at additional meetings per month will be billed at the firm's hourly rate of $225.00 per hour.

3. The flat fee includes defense and prosecution of all customary land use litigation; mediation and arbitration relating to zoning, planning, board of health and conservation matters; as well as litigation relating to the enforcement of general and zoning by-laws. Excluded litigation will be billed at the firm's hourly rate of $225.00 per hour.

4. The flat fee includes all opinions, negotiations and contracts relating to labor and employment matters, as well as any litigation or adversarial proceedings relating to the same.

5. The flat fee includes all reviews of municipal contracts and assistance with procurement issues.

6. The flat fee includes representation of the Town on all significant licensing matters handled by the Select Board, including liquor licensing.

7. The flat fee does not include representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.

8. The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G. For such matters, the firm will bill at the rate of $225.00 per hour.

9. The firm does not charge for work performed by paralegals and support staff.

10. The flat fee also includes monthly or bi-weekly "office hours" at Town Hall, as may be directed by the Town, as well as two (2) training seminars per year.

11. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

12. For matters subject to hourly billing, the firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. For matters billed hourly, travel time will be billed on a portal-to-portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

Proposal No. 2
Flat Fee Including GENERAL LITIGATION ONLY

1. The Firm proposes **a flat monthly fee of $15,000.00**, equal to **an annual fee of $180,000.00**, which shall include **substantially all general municipal and all non-litigation labor services work** performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. The flat fee includes all representation and legal opinions for general and land use matters as well as preparation for and attendance at Annual and/or Special Town

Meetings, as necessary, and three (3) board hearings or meetings per month. Attendance at additional meetings per month will be billed at the firm's hourly rate of $225.00 per hour.

3. The flat fee includes defense and prosecution of all customary land use litigation; mediation and arbitration relating to zoning, planning, board of health and conservation matters; as well as litigation relating to the enforcement of general and zoning by-laws. Excluded litigation will be billed at the firm's hourly rate of $225.00 per hour.

4. The flat fee includes all opinions, negotiations and contracts relating to labor and employment matters, but excludes any litigation or adversarial proceedings relating to the same.

5. The flat fee includes all reviews of municipal contracts and assistance with procurement issues.

6. The flat fee includes representation of the Town on all significant licensing matters handled by the Select Board, including liquor licensing.

7. The flat fee does not include representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.

8. The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G. For such matters, the firm will bill at the rate of $225.00 per hour.

9. The firm does not charge for work performed by paralegals and support staff.

10. The flat fee also includes monthly or bi-weekly "office hours" at Town Hall, as may be directed by the Town, as well as two (2) training seminars per year.

11. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

12. For matters subject to hourly billing, the firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. For matters billed hourly, travel time will be billed on a portal-to-

portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

Proposal No. 3
Flat Fee EXCLUDING Litigation

1. The Firm proposes **a flat monthly fee of $11,000.00**, equal to **an annual fee of $132,000.00**, which shall include **substantially all non-litigation legal services** performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. The flat fee includes all representation and legal opinions for general and land use matters as well as preparation for and attendance at Annual and/or Special Town Meetings, as necessary, and three (3) board hearings or meetings per month. Attendance at additional meetings per month will be billed at the firm's hourly rate of $225.00 per hour.

3. The flat fee does not include prosecution or defense of litigation, mediation and arbitration, whether in Massachusetts courts or before administrative agencies. Such matters will be billed at the firm's hourly rate of $225.00 per hour.

4. The flat fee does not include matters relating to labor and employment. Such matters will be billed at the firm's hourly rate of $225.00 per hour.

5. The flat fee includes all reviews of municipal contracts and assistance with procurement issues.

6. The flat fee includes representation of the Town on all significant licensing matters handled by the Select Board, including liquor licensing.

7. The flat fee does not include negotiation of cable services agreements, which is a specialized item generally handled by special counsel with related expertise.

8. The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G. For such matters, the firm will bill at the rate of $225.00 per hour.

9. The firm does not charge for work performed by paralegals and support staff.

10. The flat fee also includes monthly or bi-weekly "office hours" at Town Hall, as may be directed by the Town, as well as two (2) training seminars per year.

11. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert

consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

12. For matters subject to hourly billing, the firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. For matters billed hourly, travel time will be billed on a portal-to-portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

Proposal No. 4
Hourly Rate

1. The Firm proposes **an hourly rate of $225.00 per hour**, which shall include substantially all legal work performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. Where applicable, legal fees will be paid by permit applicants under G.L. c. 44, § 53G; and billed separately.

3. At the request of the Town, the firm is available to conduct "office hours" at Town Hall, at the hourly rate.

4. The firm does not charge for work performed by paralegals and support staff.

5. The firm will provide one (1) training seminar per year, at no charge to the Town.

6. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

7. The firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. It is the firm's practice NOT to charge for insubstantial telephone conversations or insubstantial e-mail exchanges with Town officials. Travel time will be billed on a portal-to-portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

KP LAW
THE LEADER IN PUBLIC SECTOR LAW

101 Arch Street, 12th Floor
Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
k-plaw.com

Lauren F. Goldberg
lgoldberg@k-plaw.com

October 22, 2026

BY ELECTRONIC MAIL ONLY (khickey@fairhaven-ma.gov)

Mr. Keith R, Hickey
Town Administrator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: Fee Proposal – Town Counsel and Labor and Employment Legal Counsel

Dear Mr. Hickey:

Below please find responses to each of the questions posed by the Select Board, as well as an enclosure setting forth our hourly and Fixed Fee proposals, as well as an updated proposal with a Labor and Employment General Services adder. See Exhibit A for a description of these three proposals.

The Select Board has asked whether the following are included in our Fixed Fee proposal:

- All general municipal legal services and non-litigation labor matters.

  The Fixed Fee proposal includes general municipal services as outlined, excluding the specific services listed and those matters on our Specialty Legal Services page.

- Legal opinions involving general municipal, land use, zoning, labor, and employment matters.

  The original Fixed Fee proposal does not include labor and employment matters, but does cover the other subject matters listed. We have included an updated Fixed Fee proposal with a Labor and Employment adder.

- Legal representation in land use, zoning, Board of Health, and Conservation Commission litigation, including mediation and arbitration.

  Litigation, as well as mediation and arbitration, are excluded from the Fixed Fee proposals.

- All work performed by paralegals and support staff.

  We do not charge for work performed by staff, and work performed by paralegals would be included in the fixed fee.

- Participation in and ongoing support for collective bargaining negotiations.

  The original Fixed Fee proposal does not include labor and employment matters. Our Fixed Fee and Labor and Employment General Legal Services (the updated proposal prepared at the Select Board's request) includes general counsel and advice on labor and employment matters, but not participation in collective bargaining negotiations.

- Attendance at the Town's Annual and Special Town Meetings.

  Yes, the Fixed Fee includes any pre-meeting, post-meeting debriefing, preparation and review of warrant articles, motions, and anything else Town Meeting related.

- Licensing matters under the jurisdiction of the Select Board.

  Licensing matters, other than Cable Licensing, are included in the Fixed Fee. If such matters were to proceed to litigation, however, that portion would not be included in the Fixed Fee.

- Assistance with procurement matters and the preparation and review of contracts.

  Yes, this is included within the Fixed Fee.

- An attorney's availability at the Fairhaven Town Offices twice per month for two hours per visit.

  Yes, our Fixed Fee Proposal includes up to six hours of meetings per month, which could include Office Hours.

- Attendance at up to two Select Board meetings per month.

  Yes, we can provide this service as part of the Fixed Fee.

In addition to the hourly and Fixed Fee proposals previously provided, we have included a Fixed Fee and General Labor and Employment Legal Services Proposal, as requested, all of which are described in Exhibit A.

In closing, I would also like to convey that we are available to further explain our proposal, and to discuss and adjust as needed to best align with the Board's legal services needs and protocols. Please contact me with any further questions about our proposed fee structure.

Very truly yours,

Lauren F. Goldberg

LFG/aem
Enc.

Exhibit A

KP LAW
THE LEADER IN PUBLIC SECTOR LAW

101 Arch Street, 12th Floor
Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
k-plaw.com

EXHIBIT A TO OCTOBER 22, 2026 LETTER TO KEITH HICKEY

Fee Proposal for Town of Fairhaven
Prepared for Select board October 26, 2026 Meeting

Hourly Legal Services: Legal services provided at a rate of $285/hour, with Specialty Legal Services at the rates set forth in ***Exhibit 1***. If reappointed, hourly legal services rates will annually increase by $10.00.

Fixed Fee:[1] Legal services provided at the annual rate of $168,000 ($14,000/month) for all Town Counsel services, excluding Specialty Legal Services as listed in ***Exhibit 1***, and the following, which will be billed at the rate for Hourly Legal Services:

- Labor and employment;
- Litigation and other adversarial matters, including mediation and arbitration;
- Real estate transactions;
- Meetings and/or Office Hours in excess of six hours (unrelated to Specialty Legal Services matters), which could include Office Hours or attendance at meetings, as requested;
- Drafting decisions, permits or orders (unrelated to Specialty Legal Services matters);
- Construction and building committee issues and related litigation; and
- Special projects.

Fixed Fee and General Labor and Employment Legal Services: Includes the same legal services as provided in the Fixed Fee option described above, but with an additional monthly fee of $2,000 for general labor and employment advice, specifically excluding:

- Collective Bargaining;
- Labor and employment litigation and other adversarial matters including grievances and arbitrations;
- Dismissal/Removal Hearings (i.e., not general guidance about processes which are included in the Fixed Fee, but actually advising and participating in the process in connection with particular individual employees); and
- Proceedings before state and federal agencies (i.e., MCAD, CRAB, LRB, etc.).

[1] The standard Fixed Fee option does not include any labor and employment legal services. Those services are, however, included in the Fixed Fee and General Labor and Employment Legal Services proposal as requested by the Select Board.

Exhibit 1

KP LAW

THE LEADER IN PUBLIC SECTOR LAW

SPECIALTY LEGAL SERVICES RATES
(Town Counsel/City Solicitor)

FY27 and FY28

"Specialty Legal Services" rates reflect the high demand for such services and the intensity of the work required to provide such services.

- Comprehensive permit matters, including hearings, and similar matters paid for by third parties such as host community agreement negotiations and the like, and including any administrative or court appeals ($385/hour if fees are not paid by municipality; or $355/hour if paid by the municipality);
- Comprehensive general or zoning bylaw revision or review and comprehensive form of government charter or special act adoption or amendment services ($340);
- Election recounts ($340);
- Cable television licensing ($340);
- Employment Investigations ($340); and
- Bond counsel work (fees calculated based upon "standard" factors in the field).

Note: Paralegal services are billed at one-half the quoted attorney rate. Disbursements and other costs incurred by the firm are passed through to the City or Town. We do not charge for any in-house costs.

Please contact Lauren Goldberg at lgoldberg@k-plaw.com or at (617) 654-1759 with questions.

825625/KP/0005

Attachment H

Select Board Statement — Budget Working Group

Mr. Romano,

Thank you for placing this important letter on tonight's agenda, signed by our respected School Superintendent, Police Chief, Fire Chief, and BPW Superintendent regarding the Budget Working Group.

I am privileged to have been elected by the voters of Fairhaven to serve on this Select Board. At one of our very first meetings, I introduced the Budget Working Group because I made a promise to the people of this town: to bring accountability, fresh ideas, and a new approach to addressing our financial challenges. I knew then, as I know now, that change is never easy—but **my promise then and now is to protect the hardworking Taxpayers, and employees of Fairhaven, our police officers, firefighters, teachers, and laborers, who did not create the financial problems we face today.** These problems developed over years of decisions made by town leadership, administrators, and department management. Yet time and time again, it is the taxpayers and workers and their families who suffer the consequences

Because my name and recommendations were specifically referenced, I believe I owe this board, the Town Administrator, our volunteers, and most importantly, the taxpayers of Fairhaven a response.

Recently, during a Budget Working Group meeting, I was asked a simple question: **"Who do you represent?"**

My answer is simple. I represent the people of Fairhaven.

I represent taxpayers who deserve a town government that operates efficiently, responsibly, and within its means.

Those are the people I represent, and I will not apologize for asking difficult questions on their behalf to town leadership.

Let me be equally clear: I respect our department heads and the essential services they provide. Their experience matters, and disagreement is a healthy part of government.

But what concerns me is that four department leaders, with more than 50 years of combined experience, have collectively criticized the efforts of citizen volunteers who are giving their time and expertise without compensation because they care about Fairhaven.

Our volunteers deserve cooperation, not discouragement. We should be building bridges between our departments and our citizens, not walls.

The Budget Working Group was never created to dictate how departments operate or diminish the importance of education, public safety, or public works. Its mission is to explore reasonable opportunities to make our government more efficient, effective, and financially sustainable.

That means examining regionalization, consolidation, outsourcing, privatization, staffing structures, municipal operations, town-owned properties, and opportunities to grow our tax base. It also means advocating for increased Chapter 70 funding and unrestricted state aid.

These are questions for investigation, not predetermined conclusions. That is responsible government—not an attack on our departments.

The financial projections presented to us indicate potential structural deficits of approximately $2 million to more than $4 million in the coming years. We cannot ignore these numbers and hope they disappear.

I respect that some members of this Select Board believe a Proposition 2½ override may be necessary. I disagree that asking taxpayers for more money should be our first response when we have not exhausted every reasonable opportunity to control costs, improve efficiency, and increase revenue.

Our residents have already rejected overrides. We must take that decision seriously.

I am not suggesting every proposal will work, that every service should change, or that private contractors will always be less expensive. I am saying something much simpler:

We have a duty to find out before telling our taxpayers there is no alternative but to increase your taxes!

If privatization will not save money, show us the numbers. If regionalization is impractical, explain why. If our existing operations are already the most efficient, demonstrate that with facts.

I welcome that evidence. I welcome the expertise of our department heads. And if they have better ideas to address our projected deficits without placing additional burdens on taxpayers, I will gladly support serious consideration of those ideas.

Leadership is not defending the way things have always been done. Leadership is having the wisdom to determine whether there is a better way.

To the members of the Budget Working Group: please know that your service matters. You volunteered because you care about Fairhaven and want to help find solutions. I am sincerely

grateful for your time, your dedication, and your willingness to take on this difficult challenge. Please do not be discouraged from doing the work this board and taxpayers asked you to do. With collaboration between Mr. Mark Rees and Mr. Dan Lopes, the BWG unanimously voted on a methodolgy as to how they would communicate and work professionally with Town leadership. Let them do their job

We must remember that we are all on the same team. **The team is Fairhaven, and the people we ultimately answer to are our taxpayers.**

Our obligation is not to protect the status quo. Our obligation is to protect Fairhaven's future.

Thank you.

Request to include in Agenda October 26, 2026

1 message

Rick Trapilo <rtrapilo@fairhaven-ma.gov> Thu, Oct 22, 2026 at 10:01 AM
To: Keith Hickey <khickey@fairhaven-ma.gov>, Andrew Romano <aromano@fairhaven-ma.gov>, Amy Hart <ahart@fairhaven-ma.gov>, kblanchard1959@gmail.com
Cc: Tara Kohler <tkohler@fairhavenps.net>, Todd Correia <tcorreia@fairhaven-ma.gov>, Daniel Dorgan <daniel.dorgan@fairhavenpolice.org>, Vincent Furtado <vfurtado@fairhaven-ma.gov>

Fairhaven Needs Cooperation, Not Criticism: A Call for Accountability .

I believe the joint letter signed by the department heads of the Schools, Police, Fire, and BPW deserves a serious discussion from the Select Board.

Let me be clear: I respect the responsibilities, expertise, and authority of our department heads. I have never suggested that the Budget Working Group should manage their departments or interfere with their day-to-day operations. That is not our mission.

The BWG mission is to help Fairhaven identify solutions to a serious and ongoing budget problem, and to report to our Town Administrator on solutions worthy of review.

What concerns me at this early juncture, is that four of our most important departments have joined together to emphasize their autonomy and tell our volunteer Budget Working Group to respect their authority yet have offered no comparable solutions to the financial challenges facing our town.

Respectfully, that is not the response our taxpayers deserve.

We are facing significant, continuing budget pressures. Our residents expect their elected officials, Town Administrator, and department heads to work together to identify efficiencies, control costs, and protect essential services before asking taxpayers to shoulder additional burdens.

Instead, we risk creating an environment in which each department defends its own territory while the Select Board and Town Administrator are left responsible for the town's overall financial health.

Departmental autonomy cannot become a shield against financial scrutiny, accountability, or the responsibility to help solve a town-wide problem.

I also believe we need to consider the difference between the resources available to our professional leadership and the commitment being made by our volunteer citizens.

The combined salaries, benefits, and pension-related costs associated with these four department heads are estimated at approximately $1 million annually. Collectively, they bring more than 50 + years of experience to their positions. These are substantial public investments in the people entrusted with managing important town operations.

By contrast, the members of the Budget Working Group are volunteer citizens. They receive no compensation for their time. They have stepped forward because they care about Fairhaven, recognize the seriousness of our financial challenges, and are willing to devote their personal time and experience to finding solutions.

I find it deeply disappointing if the response to these volunteers is criticism of their efforts rather than constructive participation in their mission.

Our volunteers are not the problem. They are part of the solution.

If a department head believes a proposed cost-saving measure will not work, I welcome that professional judgment. Explain the facts. Show us the financial analysis. Identify the operational concerns. Most importantly, offer a workable alternative.

That is cooperation. That is leadership. And that is what responsible stewardship of taxpayer dollars should look like.

I am not suggesting that we compromise public safety, educational quality, or essential public services without careful analysis. I am insisting that every department be willing to examine existing practices, staffing costs, benefits, purchasing, contracting, regionalization, privatization where appropriate, and other opportunities to improve efficiency.

We cannot tell taxpayers that we are serious about addressing our budget challenges while treating established practices as beyond examination.

Our residents have already expressed their concerns about additional tax burdens. They expect us to do the difficult work of evaluating spending and finding savings before returning to them for more money.

That responsibility belongs to all of us.

The Select Board and Town Administrator must lead a coordinated effort. The Budget Working Group must be allowed to fulfill its advisory mission. Department heads should be expected to participate professionally, share relevant information, evaluate proposals fairly, and help develop alternatives when they disagree with a recommendation.

The Schools have their own governance responsibilities, and those boundaries must be respected. But that does not eliminate the need for cooperation and responsible financial planning across town government.

I will not criticize a department simply because it disagrees with a proposal. Healthy disagreement is part of good government. What I will challenge is an approach that emphasizes autonomy without demonstrating an equal commitment to finding solutions.

This is not about personalities, departmental turf, or who has the most authority. It is about whether we are willing to put the financial future of Fairhaven ahead of defending the status quo.

I was elected to represent Fairhaven's taxpayers. I intend to take that responsibility seriously. I believe our volunteer citizens deserve support, our department heads must be held to a standard of constructive cooperation, and our Town Administrator must coordinate a credible, measurable plan to address our financial challenges.

I therefore ask that the Select Board publicly discuss the expectations for cooperation among our departments, the Town Administrator, and the Budget Working Group, including a process for evaluating cost-saving proposals and reporting measurable results.

We cannot expect unpaid volunteers to do the difficult work of identifying solutions while the people responsible for managing our largest operations respond primarily by defending their autonomy.

Fairhaven needs cooperation, not criticism. Solutions, not territorial disputes. Accountability, not excuses.

Our taxpayers deserve nothing less, and I intend to continue advocating for them.

Rick Trapilo

BWG SUGGESTED PRIORITIES trapilo (1).docx
24K

One principle should govern the entire BWG exercise

Let's not start with "What can we cut?" .... Strategically focus: "How can Fairhaven deliver the same or better service at the lowest sustainable cost?"

Proposed BWG — Top 12 Structural Priorities

1. Personnel — Compensation, Staffing & Hiring

- Immediate hiring/vacancy review and hiring freeze where operationally appropriate.
- Review every position: **essential, legally required, service-critical or discretionary.**
- Analyze 3–5 years of employee compensation, overtime, stipends and differentials.
- Benchmark Fairhaven wages against comparable communities.
- Review health insurance costs and **Town/employee contribution percentages.**
- Evaluate pension/retirement and other long-term personnel liabilities. OPEB
- Establish department staffing targets based on workload and service requirements.

2. Town-Owned Buildings & Real Estate Assets

- Complete a **Town-wide asset inventory and utilization study.**
- Identify properties that are underutilized, surplus or expensive to maintain.
- Evaluate **sale, lease, consolidation or redevelopment** of appropriate properties.
- Determine whether existing properties could be used for a consolidated **Police/Fire/public-safety facility** rather than constructing entirely new facilities.
- Include possible School Department/Town administrative consolidation where legally and operationally appropriate.
- Every major capital project should have a **business case before authorization.**

3. Privatization / Outsourcing Where Economically Justified

Evaluate public vs. private delivery—not automatically privatizing, but requiring a documented cost comparison for:

- Wastewater operations
- Ambulance/EMS services

- Solid-waste services_"cake"
- Certain DPW functions_Grass cutting, park services etc.
- Building maintenance_Facility manager for all town buildings for maintenance , janitorial .
- IT
- Engineering
- Legal services
- Other specialized services

The test should be **five-year fully loaded cost + service quality + accountability**, not simply the first-year contract price.

4. Regionalization / Shared Services

Conduct a serious South Coast regionalization study involving:

- Police leadership/command
- Fire leadership
- Dispatch/911
- EMS
- Specialized police equipment
- Fire apparatus/equipment
- Training
- Fleet maintenance
- Purchasing
- IT/cybersecurity
- Animal control
- Health services
- Waste management

Also evaluate **tri-town agreements** where Fairhaven, Acushnet and Mattapoisett—or other neighboring communities—could reduce costs without reducing service.

5. Government Structure & Administrative Consolidation
This could be one of the biggest long-term opportunities.

Evaluate:

- Town-wide purchasing under the Town Administrator
- Centralized procurement
- Consolidation of administrative functions
- Central HR function
- Central IT
- Shared accounting/finance functions
- Central facilities management
- Central fleet management
- In-house vs. outside legal counsel
- Elimination of duplicated administrative functions
- Whether certain boards, committees or departments have overlapping responsibilities

Specifically examine whether **BPW operations and administration can be reorganized under a more centralized management structure**, while preserving the statutory responsibilities and required public oversight of the appropriate bodies.

6. School Department — Cost Structure & Enrollment
This needs to be a BWG workstream while respecting the School Committee's statutory authority.

Evaluate:

- Enrollment trends vs. staffing
- Three-to-five-year staffing trends
- Cost per student
- School Choice revenue and associated costs
- Transportation
- Special education

- Administrative overhead
- Facility utilization
- Energy costs
- Out-of-district tuition
- Shared services with other districts
- Opportunities for regional purchasing and services

The objective should be **aligning resources with enrollment and educational needs**, not directing the School Committee's day-to-day spending.

7. Capital Spending & Debt Management
Create a **five-year capital prioritization model**.

Every project should be categorized:

- Mandatory/legal
- Safety-critical
- Revenue-producing
- Cost-saving
- Service-critical
- Deferrable
- Optional

Require a documented **life-cycle cost, financing cost and operating-cost impact** before major projects proceed.

This is particularly important because Fairhaven already maintains a FY27–31 capital plan. (Town of Fairhaven, MA)

8. Energy & Utility Costs
Conduct a Town-wide energy audit covering:

- Municipal buildings
- Schools
- Streetlights

- Water
- Wastewater
- Vehicle fleet

Evaluate:

- Solar
- Energy performance contracts
- LED conversion
- HVAC efficiency
- Building controls
- Electricity procurement
- Renewable-energy opportunities
- Water/wastewater energy consumption

The question should be: **What investments can permanently reduce the operating budget?**

9. Procurement & Contract Reform

I would make this a major BWG priority.

Review the Town's largest contracts and purchasing categories:

- Insurance
- Fuel
- Vehicles
- Equipment
- IT
- Telecommunications
- Legal
- Engineering
- Waste
- Construction

- Maintenance

Create a **Town-wide purchasing strategy** instead of departments independently purchasing similar goods and services.

Require competitive procurement and documented cost comparisons wherever legally permissible.

10. Revenue & Economic Development — Without Simply Raising Taxes
Look for revenue that comes from **economic activity and better utilization of Town assets**, including:

- Underutilized municipal property < Tripp/ Rogers>
- Economic development
- Commercial development
- Waterfront opportunities
- Permitting efficiency
- Grants
- State/federal reimbursement
- User fees that actually recover service costs
- Shared-service revenue
- Tourism-related opportunities
- Better collection of existing revenues

The BWG should distinguish between **new revenue generated by growth/efficiency** and simply increasing the taxpayer burden.

11. Technology, Process & Productivity
Perform a Town-wide operational review:

- Paper-based processes
- Permitting
- Payroll
- Purchasing
- Accounts payable

- Licensing
- Records
- Inspections
- Scheduling
- Work orders
- Fleet management

Ask of every major function:

Can this be done faster, with fewer administrative hours, through technology or process redesign without reducing service?

This can produce recurring savings without layoffs.

12. Five-Year Department-by-Department Zero-Based Review
This may be the most important overall framework.

Every department should be required to identify:

Current Cost → Required Service → Staffing → Contract Costs → Capital Needs → Alternatives → 3-Year Savings → 5-Year Savings

Rather than starting with:

"What does the department need next year?"

start with:

"What services must Fairhaven provide, what is the most efficient way to provide them, and what should those services cost?"_Core Service Review

---

Given the magnitude of the projected structural problem, I would also have the BWG assign a **five-year dollar target to each workstream**—not just make recommendations. That would allow the Select Board and taxpayers to see, item by item, **how much recurring annual savings each reform could potentially produce and when those savings could realistically be achieved.**

October 20, 2026

Dear Members of the Budget Working Group,

We are in receipt of Mr. Trapilo's correspondence proposing the Budget Working Group's (BWG) 12-point framework for each of us to review. As operational leaders across Fairhaven's Police, Fire, BPW, and School departments, we share a commitment to fiscal sustainability, operational transparency, and maximizing taxpayer value.

Genuine fiscal accountability requires professional respect. We have already seen the damage caused when municipal oversight turns into outright hostility. In recent years, some members of the Finance Committee have shifted from responsible stewardship to an environment of public degradation, treating dedicated department leaders like adversaries and fundamentally damaging trust across the town departments and the community. Seeing your new BWG drift down that same path is deeply alarming. Annual budget discussions have grown increasingly frustrating because they overlook the core issues: inflation, non-discretionary mandates, and stagnant state and federal aid are significantly increasing the burden on municipal revenues. Our primary financial pressures are structural, not operational.

To ensure the BWG delivers actionable, long-term solutions, we urge the working group to integrate three core principles into its framework:

1. **Early, Collaborative Consultation:** Department heads manage real-world operational realities every day, from minimum staffing and emergency response times to regulatory compliance and equipment lifecycles. The Town Administrator has meaningful discussions with department leads and can help identify the true needs of each department.
2. **Clear Distinction Between Operational Management and Structural Drivers:** While our departments continually optimize processes and trim costs, macro-economic forces including special education mandates, health insurance, fuel increases, utilities, and contractual obligations are non-discretionary.
3. **Alignment with Established Governance:** Respecting statutory authority, such as M.G.L. c. 71 governance for schools and established oversight for public safety and public works ensures decision-making remains legally compliant, efficient, and trusted by the community.

During tight fiscal cycles, the greatest risk is turning inward. Internal friction carries a heavy, hidden cost. Creating workplace uncertainty risks driving away the skilled, dedicated personnel that we have worked hard to recruit and retain. Fairhaven has worked for decades to create departments that community members can be proud of who deliver results that residents have come to expect. Replacing lost institutional knowledge costs far more in the long run than any short-term budget trim savings.

Our focus must remain on collaborative problem-solving and advocating jointly to address the structural issues facing our town. We stand ready to continue working with Mr. Hickey throughout the budget process. Fairhaven is strongest when municipal leadership stands united.

Very Truly Yours,

Daniel Dorgan
Chief of Police

Vincent Furtado
BPW Superintendent

Todd Correia
Fire Chief

Tara Kohler
Superintendent of Schools

Attachment I

TOWN OF FAIRHAVEN

FINANCIAL MANAGEMENT REVIEW UPDATE

AUGUST 2022



DLS

DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

PREPARED BY:

DLS | Financial Management Resource Bureau
100 Cambridge Street, Boston, MA 02114
www.mass.gov/dls

Zack Blake, Bureau Chief
Theo Kalivas, Project Manager

DLS
DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

August 18, 2022

Select Board
Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Board Members:

I am pleased to present the enclosed Financial Management Review Update for the Town of Fairhaven. It is my hope that our guidance provides direction and serves as a resource for local officials as we work together to build better government for our citizens.

If you have any questions regarding the report, please contact Zack Blake, Technical Assistance Bureau Chief, at (617) 626-2358 or blakez@dor.state.ma.us.

Sincerely,

Sean R. Cronin
Senior Deputy Commissioner

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INTRODUCTION

At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Fairhaven's implementation of recommendations from our 2012 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the select board, finance committee, town administrator, finance director/treasurer/collector, accountant, assessor, and information technology director. We reviewed various documents, including the town bylaws, special acts, outside audits, credit rating reports, and other financial records. Throughout this project, we also consulted with the Division of Local Services' Bureau of Accounts (BOA), Bureau of Local Assessment (BLA), and Bureau of Municipal Finance Law (BMFL).

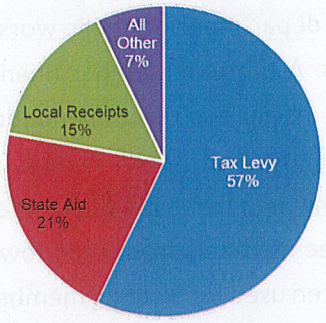
Fairhaven is located on the southern coast of Massachusetts, bordered by New Bedford on the west and Mattapoisett on the east. The town has a long maritime history and was a center of the shipbuilding and whaling industries in the 18th and 19th centuries. Modern-day Fairhaven ranges from dense business and residential areas to rural and agricultural locales along with vibrant seaside attractions. In addition, Fairhaven is the site of the corporate headquarters of the Acushnet Company (parent company of golf equipment brands Titleist, FootJoy, and Pinnacle), a major regional employment center.

The town's economic conditions have not changed dramatically since our original report in 2012. The city's unemployment rate was about 6% in 2020, an improvement from the 8.4% rate in 2012. However, that rate was likely the result of the economic downturn associated with the start of the Covid-19 pandemic in 2020. In 2019, the town had a record low unemployment rate of 3.3%, the lowest in the past 20 years. Despite lower unemployment, the 2023 per capita income of $32,597 lags the state average of $48,696 by $16,099, more than double the gap from 2012 ($23,399 versus the state average of $31,265). Similarly, while Fairhaven's Equalized Valuation (EQV) per capita has increased to $155,891 from $127,934 in 2012, there is still a sizeable gap of $86,240 compared to the state average of $242,131, which is slightly wider than the 2012 gap of $83,481. Essentially, while unemployment may have seen some improvement in 10 years, per capita income and property valuation continue to lag the rest of the state.

Fairhaven's FY2022 total revenue was about $65 million, including $55.2 million in general fund revenue, $9 million in enterprise fund receipts, and about $835k in community preservation act surcharges. General fund revenue is made up primarily of the tax levy (57%), state aid (21%), and

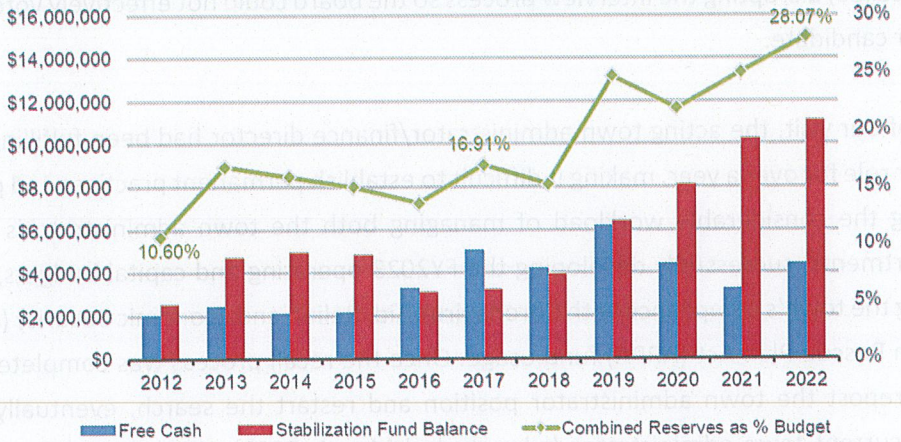
local receipts (15%). Other sources of revenue and available funds account for about 7% of total general fund revenue.

FY2022 General Fund Revenue



Over the past decade, Fairhaven has built up substantial financial reserves, maintaining consistently high levels of free cash and increasing its stabilization fund balance significantly. Healthy reserves are a key indicator for ratings agencies, which in turn can reduce the cost of borrowing for the town. In part because of its ample reserves (as well as for good financial management), Fairhaven received a bond rating of Aa+ from Standard and Poor's when it refinanced debt from a prior borrowing in September 2021. Maintaining ample reserves and a good rating will be helpful in the future as well, especially since the town is currently evaluating options for constructing a combined fire/police public safety facility that it will need to fund with debt.

Reserves as a Percentage of Budget



Fiscal Year	Budget	Free Cash	Free Cash as % Budget	Stabilization Fund Balance	Stabilization Fund as % Budget	Combined Reserves	Combined Reserves as % Budget
2012	$ 43,242,276	$ 2,013,301	4.66%	$ 2,570,795	5.95%	$ 4,584,096	10.60%
2013	$ 42,971,915	$ 2,448,733	5.70%	$ 4,750,620	11.06%	$ 7,199,353	16.75%
2014	$ 44,549,614	$ 2,115,828	4.75%	$ 4,953,577	11.12%	$ 7,069,405	15.87%
2015	$ 46,889,884	$ 2,162,682	4.61%	$ 4,862,029	10.37%	$ 7,024,711	14.98%
2016	$ 47,219,300	$ 3,286,979	6.96%	$ 3,130,563	6.63%	$ 6,417,542	13.59%
2017	$ 49,216,313	$ 5,068,586	10.30%	$ 3,254,710	6.61%	$ 8,323,296	16.91%
2018	$ 53,408,692	$ 4,194,238	7.85%	$ 3,953,770	7.40%	$ 8,148,008	15.26%
2019	$ 51,189,530	$ 6,187,488	12.09%	$ 6,431,728	12.56%	$ 12,619,216	24.65%
2020	$ 57,202,702	$ 4,393,392	7.68%	$ 8,114,944	14.19%	$ 12,508,336	21.87%
2021	$ 53,993,124	$ 3,222,371	5.97%	$ 10,273,403	19.03%	$ 13,495,774	25.00%
2022	$ 55,232,999	$ 4,411,068	7.99%	$ 11,094,632	20.09%	$ 15,505,700	28.07%

Fairhaven's government structure is made up of an executive comprised of a five-member select board and town administrator and a legislative branch in the form of a representative town meeting. The town administrator is responsible for budget preparation as well as for the day-to-day operations of all town departments except the department of public works, which is governed by an elected, five-member Board of Public Works. A thirteen-member finance committee serves as the town's fiscal watchdog and provides budget insight and recommendations for town meeting members. The town's finance committee selection method is not typical, sometimes making the committee unwieldy and creating difficulty finding members with financial expertise. According to town bylaws, there must be two finance committee members from each town meeting precinct, as well as an at large member. A similar method is often used for electing members to a city council, a role that differs considerably in scope and authority from the advisory nature of a finance committee.

Fairhaven's executive structure is the result of implementing most of our recommended structural changes, including the creation of a town administrator position. The town petitioned the Legislature for a special act to create a town administrator, which was passed in November 2014 and adopted at a special town meeting the following December. While ultimately successful, the transition did encounter a few obstacles. In 2015, a seasoned veteran came out of retirement to take on the position as Fairhaven's first town administrator for a period of five years. After his departure the finance director/treasurer/collector was appointed acting town administrator in January 2021 and the board formed a search committee. During this period one of the three members of the select board was recalled, disrupting the interview process so the board could not effectively vote on a town administrator candidate.

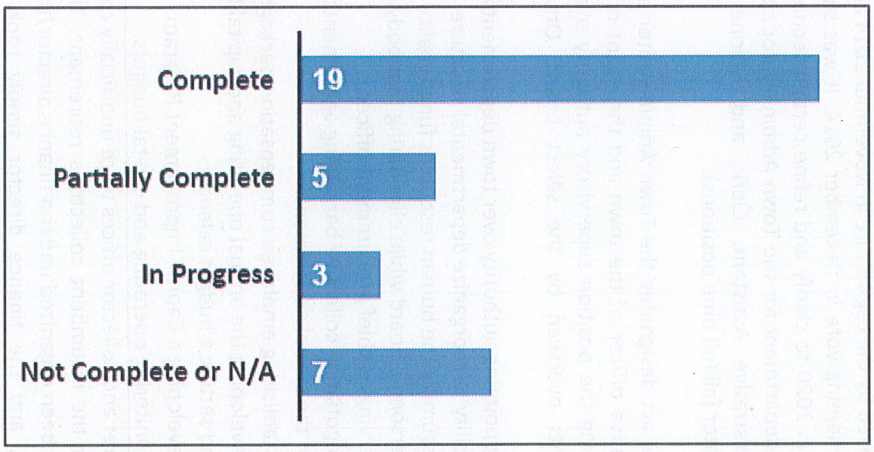
At the time of our visit, the acting town administrator/finance director had been fulfilling the town administrator role for over a year, making it difficult to establish permanent practices and procedures while juggling the considerable workload of managing both the town administrator's office and finance departments, successfully developing the FY2023 operating and capital budgets, as well as administering the town's compliance with Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan Act (ARPA) fund usage. Once the recall process was complete the board was able to repost the town administrator position and restart the search, eventually voting to approve the current town administrator (who started May 4, 2022). With the hiring of the town administrator the finance director has returned to her normal duties and can focus on her primary role as department head and town CFO.

Another significant change in Fairhaven's executive structure is the shift from a three- to five-member select board via a November 2021 special act. One of the two new members has never held local office before, while the other has been a longtime member of the school committee. Both candidates

came into office with a mandate to reexamine business as usual in Fairhaven. Together with a new town administrator, Fairhaven is well-positioned to benefit from the momentum of previous reform to continue improving operations and implementing best practices.

Fairhaven has already made great strides in implementing the FMR, with 27 of the 34 recommendations either complete, partially complete, or in progress. We commend the town for their substantial progress and look forward to the new leadership coming together as a team to tackle the remaining challenges. Please see the table below for a general summary of implementation status. The following pages include a detailed discussion of each recommendation, the town's status in implementing it, and recommendations for next steps or enhancements (if applicable). Following the discussion of prior recommendations, we have several new recommendations intended to improve upon certain aspects of town operations.

Recommendation Status Summary



PRIOR RECOMMENDATIONS

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
1	Establish Position of Town Administrator	Complete	At the time of the FMR, the town operated under a Select Board with an Executive Secretary. At DLS' recommendation, the town began the process of moving to a town administrator form of government via a special act. Fairhaven's Town Administrator Act was approved by the Legislature in November 2014 and adopted via town meeting vote in December 2014. It was subsequently amended in 2020 to clarify and refine certain sections. The act created a department for the Town Administrator comprised of an Administrative Assistant, Clerk, and Marine Resources Administrator (all full time positions). The special act designates the Town Administrator as the chief administrative officer of the town and the agent of the select board, giving the position supervisory authority over all town departments overseen by the select board. Other powers include: • Appointing authority over town departments and the ability to reorganize departmental structure. • Assuming the human resources functionality of the personnel board while eliminating that body. • Serving as chief procurement officer. • Negotiating collective bargaining agreements, except for the school department. • Establishing employee compensation packages. • Developing the annual operating and capital budgets and setting a budget calendar. • Developing a Capital Improvement Program. • Monitoring operating and capital budgets.	Consider expanding staff support for town administrator's duties around human resources and procurement, in line with town bylaws. See New Recommendations.
2	Combine Treasurer and Collector Positions	Partially Complete	The treasurer and collector offices were unofficially combined in 2015, after the incumbent collector's retirement. The finance offices had been organized under a finance director/treasurer at that point, and the finance director simply took on direct supervision of the collector's office and activities. The two offices remain in separate locations in town hall.	• Pursue formal integration of the collector/treasurer offices through special act, codifying the desired organizational structure for the future. • As much as feasible, combine treasurer and collector office spaces into one unified department where duties could be spread more efficiently and provide greater opportunity for cross-training.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
3	Modify Finance Committee	Not Complete	The makeup of the finance committee is set by town bylaw at 13 members, two from each voting precinct and one at large. This number is above-average for a town of Fairhaven's size and officials have noted that it sometimes results in a lack of desired financial expertise on the committee, as well as making engagement and member selection difficult.	• Consider revising the member selection method in the finance committee bylaw to appointment by the town moderator. • The town may wish to convene a government study committee to evaluate the best method of modifying the makeup and selection method of the finance committee.
4	Eliminate Board of Public Works and Personnel Board	Partially Complete	The select board attempted to eliminate the public works and personnel boards the same year of the town administrator act (2014). Ultimately, the vote to eliminate the public works board failed, but the personnel board was disbanded through language in the special act shifting its responsibilities to the town administrator.	• With the select board's expansion to five members, we recommend revisiting the matter of the public works board. • While the DPW seems to function well, having a town department report to a separate board takes it out of the main line of communication and chain of command of town operations. Integrating the DPW into the town administration under the town administrator would allow for closer coordination with the select board's overall goals and allow better communication and cooperation with town departments. For instance, DPW has a GIS program that could be made available to the assessing department, rather than assessing searching for its own vendor.
5	Update Job Descriptions	Complete	In 2018 the town commissioned a pay and classification study with a human resources consultant and is now making plans to have it updated.	N/A
6	Measure Department and Employee Performance	Complete	For all non-union employees there are annual performance reviews tied to their step increases. The performance review takes the form of a one-on-one meeting with the employee's supervisor. At the review, the employee's performance is rated 1 to 5 on the basis of 10 categories drawn from the stated duties in their job description. Other employees are evaluated according to their collective bargaining agreement.	N/A

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
7	Revise New Hire Process	Complete	The town administrator is given primary appointing authority for town department heads (with approval of the select board) in the special act establishing that position, and department heads are given appointing authority over their own staff. The interview practice described in the FMR (where every candidate must first meet with a committee comprised of a select board member, the finance director, and department manager) is no longer in place.	N/A
8	Develop Board of Selectmen Policy Manual	Complete	The board adopted a set of financial policies in September 2016. The policies include a series of fiscal reserves guidelines, financial planning and monitoring guidelines, capital guidelines, use of revenues, capital planning, investment, cash, debt, and other matters of financial administration.	We recommend that the board compare their adopted policies to FMRB's examples and augment their manual where applicable.
9	Adopt Formal Budget Process	Complete	A formal budget process is laid out in the town administrator act as part of that position's core duties under Section 2. This section calls for the town administrator to develop and submit a written budget along with a five-year revenue and expenditure forecast and an accounting of revenues and expenditures for the ensuing fiscal year's budget. The act further calls for each department head to submit a written budget request according to a standard form developed by the town administrator and for the administrator to establish deadlines within a budget calendar. It also directs the town administrator to develop a capital improvement plan.	N/A
10	Establish a Capital Improvement Program	Complete	Fairhaven's capital improvement program is established in a town bylaw. To separate them from the operating budget, the bylaw defines capital projects as "land projects, construction and renovation of buildings, major equipment and machinery purchases, road and drainage reconstruction, and the construction of special facilities such as local school projects, sewer and water mains, and water treatment and sewage disposal facilities." It also sets a cost threshold of $20k and 5 years of useful life for something to be considered a capital purchase. To evaluate capital projects, the bylaw also establishes the capital planning committee.	N/A
11	Adopt Stabilization and Free Cash Guidelines	Complete	The policy manual adopted in 2016 sets a target balance of 3-5% of the operating budget for free cash and 7% for the stabilization fund, reserving not more than 2% for capital expenditures.	See FMRB's Financial Reserves policy (attached) for comparison and consideration when next reviewing the town's financial policies.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
12	Devise OPEB Liability Strategy	Complete	The town voted to accept the provisions of MGL Chapter 32B at annual town meeting in May 2011, establishing an Other Post Employment Benefits (OPEB) Liability trust fund through the transfer of $50,000 from the overlay surplus account. As of a May 2019 special town meeting, the town has reaccepted MGL Chapter 32B as amended by Section 15 of Chapter 218 of the Acts of 2016. The town's plan for funding the liability has been to increase the contribution amount by $50k annually, starting from the original $50k contribution. In FY2022 the town appropriated $350,000 into the OPEB trust.	While Fairhaven has completed the basic steps necessary to begin tackling its OPEB liability (establishing a trust fund and funding it annually) we would encourage the town to also develop a comprehensive OPEB Liability policy, spelling out the nature of the town's financial commitment to annual appropriation into the OPEB trust and identifying sources of revenue for that appropriation. This policy should be part of a broader set of financial policies.
13	Establish a Formal Procedure for Calculating Indirect Costs	Partially Complete	The town accountant maintains a detailed spreadsheet to calculate enterprise fund indirect costs, the bulk of which are related to the water and sewer departments. Since these departments are under the jurisdiction of the board of public works, the select and public works boards must hold discussions and agree to the specifics, which are then calculated by the town accountant.	While the spreadsheet maintained by the accountant consists of line-item details and is thorough and comprehensive, we recommend that the two elected boards (select board and public works) work toward a formal agreement identifying the specific expense categories and the basis for how costs are calculated from them. This would serve to codify calculations that have been reviewed and agreed upon and preserve them for the future. The town may wish to look to FMRB's Indirect Costs Policy as an example (attached).
14	Consider Revenue Sharing Agreement with Schools	Not Complete	As of this writing, the town administration and school department do not have a formal revenue sharing agreement. However, town officials believe that the town and schools work well together and that a formal agreement is not necessary, a position also held by the incoming town administrator. The select board and town administrator have instead focused on developing a working relationship with the school committee and superintendent based on regular communication and trust.	Revenue sharing agreements vary between communities that adopt them, with some more restrictive than others. While a highly prescriptive approach to revenues may not be called for at this time, we would encourage the select board and town administrator to consider establishing certain "ground rules" for how revenues are treated (for instance rules around new and one-time revenues) to provide guidance and avoid potential conflict. These rules can be part of an agreement between the select board and school committee.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
15	Initiate Department Level Entry of Accounts Payable and Payroll	Partially Complete	• The town contracts with Harpers for payroll services, which has a remote-entry function that the finance director uses to upload the compiled weekly payroll. Departmental employees can also "punch in" via an online timesheet client called "Web-Time," which interfaces directly with Harpers. After employees submit their timesheet, it is routed to their department head for review and approval and ultimately approved by the finance director, who transmits the information to Harpers. The payroll administrator in the treasurer's office reconciles hard copies of timesheet data to Web-Time to correct any errors. Once verified, payroll is finalized by Harpers and sent back to town as a file, which the payroll clerk uploads to VADAR as a payroll warrant. The accountant then reviews the payroll warrant and posts it to the general ledger. We believe that this fulfills the recommendation for remote payroll entry. • Remote-entry of accounts payable into VADAR has been implemented for the town's larger departments—Water, Sewer, Highway, Park, Sanitation, Police, Fire, Veterans Administration. After departmental submittal through VADAR, accounting reviews invoices and other supporting documentation, then issues checks to complete the AP warrant. The school department has its own software for processing accounts payable. School staff send a file to accounting that is imported into VADAR via a bridge program, after which the process is the same as town AP. For smaller departments, departmental staff send (via interoffice mail) a packet containing a "bills payable" summary sheet along with all invoices and supporting documentation to accounting. Accounting staff then review the packet and data-enter each bill into VADAR.	The town administration should develop a timeline for all departments to transition to remote entry of payroll and accounts payable. The efficiency gains from moving at least the larger departments to remote entry are significant, but further gains can be made from moving all departments to the same workflow process.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
16	Implement Purchase Order (PO) System	Not Complete	Procurement in Fairhaven remains decentralized. While the school department has its own separate PO system, the town does not. Departmental purchasing is tracked via invoices, with departments remote-entering purchases into VADAR and attaching the invoice number. However, this is only true for large departments like public works and police and fire. The RFP and bid process is held at the departmental level, with no review or oversight from central management, but the incoming town administrator is MCPPO certified and must approve all major requisitions.	We encourage the town administrator to again consider a PO system that would apply universally to all departments and to the school department, providing another consistent layer of control and better ensuring adherence to procurement laws. We know that VADAR provides a PO module for its accounting software, which would allow much of the PO process to be completed through an electronic workflow. The town should reach out to their vendor and consider whether it would be appropriate to submit an item in a subsequent budget to purchase the software upgrade. For some flexibility, the town may consider establishing a dollar threshold for when a PO is needed (for example, $5,000), ensuring that small purchases do not become unduly burdensome to process.
17	Hold Department Head and Finance Team Meetings	Complete	The acting town administrator had been holding regular department head meetings during her tenure, and we expect the incoming town administrator will do the same. The finance department also holds regular meetings during budget season to coordinate tasks, ensure deadlines are being met, and discuss challenges and how to resolve them.	N/A
18	Solicit Audit Services	Complete	The town has contracted with the accounting firm Melanson for an annual audit since 2012 and has arranged for the firm to periodically rotate its assigned auditor to maintain a fresh perspective.	Switching auditors every 8 – 10 years is generally best practice, bringing long-standing issues to light more effectively. Fairhaven has been with Melanon for 10 years, so the town may want to consider a new audit firm.
19	Revise Finance Reserve Request Procedures	Complete	Fairhaven now has a standardized, form-based process in place for requests from the finance committee's reserve fund. Departments must fill out the form and submit it to the finance director, who compiles and summarizes all requests and submits them to the town administrator for approval. The town administrator may approve, modify, or deny requests, and then forwards approved requests to the finance committee for a vote.	N/A
20	Transfer Custody of all Municipal Bank Accounts to Treasurer	Complete	When DLS made this recommendation in 2012 the treasurer and collector positions were separate. The recommendation referred specifically to four separate deposit accounts maintained by the collector independently of the treasurer, but the de facto combination of the collector into the finance director/treasurer/collector position in 2015 effectively brought these accounts under the treasurer's control. Money is turned over from these accounts via a bank transfer performed by the finance director/treasurer/collector.	N/A

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
21	Review Payment Plans and Develop Plan to Resolve Tax Title Backlog	Complete	The finance director/treasurer/collector makes it a point to set aside time to work on the tax title backlog and actively works out payment plans with delinquent taxpayers. In October 2021, the town held a foreclosure auction for multiple properties that led to a return of $1.5 million for the town. The finance director is planning to hold another auction within the year for the properties that did not sell in the October auction.	N/A
22	Review Payroll Procedures	In Progress	Fairhaven still has much to do in following our recommendations on payroll, but we acknowledge that this depends on outcomes of the collective bargaining process, and we encourage the town to continue pushing for changes in that context. The recommendation called for (a) adopting a biweekly payroll, (b) enabling remote departmental entry of timesheets, (c) halting the practice of paying withholdings through a vendor warrant, (d) having the police department calculate its off-duty detail payments, and (e) no longer sending lists of employee withholdings to departments. a) The town has not yet transitioned to biweekly payroll, and a handful of employees receive physical checks rather than direct deposit. b) As described in the review of recommendation 15, the town has remote-entry enabled for departmental timesheets through Harpers and Web-Time. c) Payroll withholdings are still paid through a vendor warrant, but federal and MA tax and Medicare deductions are automatically withdrawn. d) The police department now calculates off-duty detail payments and submits this information with the weekly payroll, in line with our recommendation. Off-duty outstanding balances are submitted to accounting quarterly for reconciliation. e) Accounting no longer sends withholding information to individual departments.	• Where not governed by a collective bargaining agreement, implement mandatory direct deposit. • Continue to pursue mandatory direct deposit and biweekly payroll during collective bargaining negotiations.
23	Integrate and Expand Geographic Information Systems (GIS)	In Progress	The assessing department website provides a link to the MassGIS website where users can navigate to Fairhaven and look up parcel data. However, the assessing department does not have its own GIS provider and still relies largely on paper maps. Assessing is currently in discussions with the planning department to find a way to integrate its GIS software with assessing. As noted above, the DPW also has its own GIS vendor.	• Evaluate the GIS needs of planning, assessing, and public works. • Find a GIS vendor that can meet the needs of all three departments and consolidate the town's GIS capability under one vendor. • Include the IT director in the process and manage the software implementation through the IT Department.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
24	Format Bill Envelopes	In Progress	At present, residential tax bills are still addressed to the old owner "care of" the new owner, resulting in potential returned mail and unpaid tax bills when old owners have mail forwarded to their new address. However, the finance director and the assessor are in the process of reaching out to VADAR and to the town's bill printer to review options for reformatting the bills to only show the new owner's name through the bill envelope, preventing the issue with returned mail.	N/A
25	Abandon Practice of Updating Hard Copy of Property Record Cards	Not Complete	The assessing department continues to update physical property record cards after inspections. When going into the field to do an inspection, the assessor prints the parcel's entry in Patriot and brings it with him to the inspection to note changes. When returning to the office, the changes on the printout are entered into Patriot, but the marked-up printout is then filed away physically. As long as proper back-up procedures are in the place for the CAMA system, the annotated printout is duplicative to the parcel entry in Patriot and leads to an unnecessary use of filing space and diversion of staff time.	We continue to recommend that the assessing office halt the practice of filing away what are essentially the assessor's inspection notes. Instead, the department should rely solely on the Patriot CAMA system and print hard copies as necessary. During our discussions with the assessor, he mentioned future plans to find a vendor that would allow for equipping staff with tablets that could allow for the remote entry of permit inspection data in the field, bypassing the need to create a hard copy entirely. We encourage the town to consider pursuing this under the guidelines of Chapter 30b and eventually propose an enhancement to the appropriate line item to allow for the purchase of such a service.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
26	Execute Service Contract (IT)	Complete	In 2012, Fairhaven's IT needs were met by a consultant. At the time, we recommended signing a service contract with the consultant establishing each party's rights, obligations, methods of dispute resolution, and scope of services. With the formation of an in-house Information Technology Department, we consider the recommendation implemented. The IT department is a joint town-school department, with the director reporting to both the town administrator and the school superintendent and funded within the town's operating budget but operationally situated within the school department. The department is made up of the director, a network administrator, and two full-time techs, and until recently included a social-media position. The techs fulfill a help-desk type role for department personnel and manage requests through a web-based ticketing system called Spiceworks. Within the department is a $30k budget item to replace town and school hardware and software, and the department also manages the town's photocopier service contracts. The IT director also serves as the system administrator for VADAR and is responsible for adding new users and setting up permissions.	N/A
27	Store Backups Offsite (IT)	Complete	The IT department has implemented a backup routine for town data, with regular backups stored at the LeRoy Wood School. Incremental backups occur daily, and full backups weekly. In addition, there are weekly offsite backups to servers in the high school.	N/A
28	Adopt Four-Year Replacement Schedule for Computer Equipment (IT)	Complete	The IT director maintains an inventory of hardware assets and replaces them according to a 5-year refresh cycle. Recently, the department has focused on updating employee workstations. Purchases are made from a line item in the department's operating budget.	N/A
29	Maintain Log of Maintenance Requests (IT)	Complete	The IT department's cloud-based help desk application (Spiceworks) manages incoming ticket requests and allows IT techs to sort, categorize, and respond to them in order of priority, as well as to keep track of repeat issues.	N/A

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
30	Outline Disaster Recovery Plan (IT)	In Progress	There is no disaster recovery plan currently in place, but the IT director is evaluating grant opportunities to fund the development of one.	The Select Board should consider applying for a Community Compact IT Grant to secure funding for a consultant to develop a disaster recovery plan and for any other eligible IT purposes. Please see mass.gov/how-to/apply-for-a-community-compact-it-grant for more information, including how to apply and deadlines for application.
31	Complete Five-Year Financial Forecast (DPW)	N/A	While the department of public works is governed by a separate board the select board cannot directly enforce any management practices on the department. We recommend continuing to work toward bringing the DPW under the management of the select board and town administrator.	N/A
32	Implement Rate Adjustments at the Start of the Fiscal Year (DPW)	N/A	See Rec 31.	N/A
33	Issue Utility Bills on a Monthly Cycle (DPW)	N/A	See Rec 31.	N/A
34	Pursue Outstanding Amounts Due (Natural Resources Dept)	Complete	The original report called on the harbormaster to pursue past due amounts for fishing vessels at Union Wharf, citing lax collection practices. Since then, responsibility for these receipts has been transferred to the treasurer/collector's office, who have implemented standard delinquent account procedures in line with all other collections.	N/A

NEW RECOMMENDATIONS

Plan for Succession in Accounting Department

We recommend Fairhaven plan for the eventual succession of its town accountant. Under the direction of the town administrator, the accountant should review how personnel complete core tasks and how well these align with their job descriptions. With this information, the department can take the following key steps:

- Develop procedure manuals with step-by-step instructions, prioritizing the most critical tasks. The town should reach out to vendors for training and support materials if use of proprietary software (such as SoftRight or Patriot) is key to fulfilling an employee's job duties.
- Confer with peer communities regarding departmental operating structure and their experience hiring and retaining qualified candidates.
- Research the viability of regional agreements or outsourcing for certain services, as appropriate.

Cross Train the Accounting Clerks - Fairhaven's accounting personnel consists of the town accountant and two part-time accounts payable clerks, one working 19 hours per week and the other 11 hours. The clerks are not cross trained in each other's or the accountant's primary duties and focus their time on processing accounts payable warrants.

We recommend that the accountant evaluate which of her duties may be appropriate to cross train one or both clerks in for the sake of continuation of service in the case of an unexpected absence. In addition, relevant professional development opportunities should be made available to both clerks. If appropriate, the accountant should consider preparing one of the clerks for elevation to assistant town accountant. Otherwise, any future vacancies in the office should be filled with an assistant town accountant position in mind.

Consider an Assistant Town Accountant - We recommend establishing a position of assistant town accountant. Accounting is a key financial office responsible for maintaining a community's general ledger, processing financial transactions, and producing the reports necessary to develop the annual budgets, among other tasks. Even a relatively short vacancy in the office can set the town back significantly for vital tasks such as closing out the year or submitting the balance sheet to DLS, which

can lead to delays in certifying free cash. The specific duties and responsibilities of such a position should be left to discussions between the town accountant and town administrator, but the position should provide for sharing many of the day-to-day responsibilities of the office and prepare the incumbent to fill the town accountant role in the accountant's absence. With an assistant town accountant taking on some routine tasks, the accountant would be better able to look ahead to long-term departmental goals and to providing support during the budget process (such as with revenue and expenditure projections or other research as needed).

Establish a Joint Grants Management/Procurement Position in Town Administrator's Office

We recommend the town consider hiring a full-time position jointly responsible for grants management and procurement support in the town administrator's office. As a grants manager, the position would be responsible for researching grant opportunities, writing and preparing materials for grant submissions, communicating with grantors, and ensuring that grant funds are distributed appropriately. As procurement support, the incumbent could conduct initial review of requisitions before the town administrator, be a liaison with departments, and provide the town administrator with general administrative support regarding procurement. Since the town administrator is MCPPO certified and is the town's chief procurement officer (CPO) she can exercise final review over all procurement issues. We recommend that the town hire an MCPPO certified individual or, upon hire, provide the employee with the opportunity to attain MCPPO status.

Include the IT Director in Budget Meetings

We recommend including the IT director in any regular budget-related meetings held by the finance director and finance department heads. Information technology has taken on an outsized importance in the administration of municipal budgeting, with accounting, treasury, collections, and assessing relying on a suite of inter-connected applications and databases to fulfill their intended functions. When these systems are in conflict or not working as intended, it can be extremely disruptive to the normal processes of financial management, including errors in tax billing or delays in the budget process. The presence of the IT director will make the finance team more efficient at identifying issues before they occur or solving unforeseen problems. In addition, enhancements to service in these departments (as well as many others) often have an IT component, and the IT director's expertise will be advantageous in evaluating their worth to the town.

Provide Monthly Year-to-Date Revenue and Expenditure Reports to the Select Board

We recommend that the town administrator or finance director provide the select board with monthly updates on the town's expenditures relative to appropriations and revenue collections relative to estimates. This will ensure that the board remains generally informed on the financial state of the town and is made aware of any budget issues that may require action or their considerations. These updates could be in the form of a line-item report for each expenditure item as it appears before town meeting, showing the amount of the total appropriation, the amount expended as of the end of the month, the percentage expended of the total appropriation, and the remaining available for expenditure. A separate section should show revenue items in the form and amounts used to balance the budget for submission to DLS in the tax recapitulation process, with total amount estimated, amount collected as of the end of the month, percentage collected of the total, and the amount uncollected. On a quarterly basis, the administrator may consider adding the report as an item on the select board's meeting agenda and making a brief presentation on where the town stands on expenditures and revenues as of the end of that quarter.

Engage a Consultant to Assist with ARPA Compliance

We recommend the town engage the services of a suitable consultant (while adhering to all procurement laws covered in MGL Chapter 30) to help with processing the necessary paperwork for the receipt and use of federal funds in accordance with the American Rescue Plan Act (ARPA) of 2021. Like many small and medium-sized towns in the commonwealth, Fairhaven's financial departments run lean and there is little room for additional tasks beyond daily operations and budget development. Keeping current with ARPA compliance has been a significant burden on town staff and hiring an outside manager would relieve pressure on the town's ability to maintain normal operations. We understand that the town has been evaluating a few options for hiring an ARPA consultant, and we would encourage the board to make it a priority.

Consider Hiring a Human Resources Generalist or Human Resources Director

We recommend the town consider creating a position of human resources generalist in the town administrator's office. With the town administrator's assumption of all duties previously relegated to the personnel board, additional staff support would help ensure that she does not become unduly burdened by administrative tasks related to human resources and can focus on broader policy-level issues. We should note that Chapter 61 of Fairhaven's bylaws calls for the town administrator to "appoint a Human Resources Director who by experience and education is qualified to administer this chapter and any plans, policies, rules or regulations promulgated pursuant to this chapter." The

bylaw goes on to require the establishment of a personnel system for the administration of personnel records, recruitment methods, maintaining classification and compensation plans, and personnel policies. Hiring an additional full-time position to meet this need is justified considering the administrative burden in developing and maintaining such a system. In addition, with personnel costs generally in excess of 70% of a municipal budget, a human resources manager is critical to mitigating the risks associated with labor-related legal issues and effectively managing related costs. A human resources generalist could be later developed into a human resources director, depending on the select board's interpretation of the Personnel bylaw.

ACKNOWLEDGEMENTS

In preparing this Review, DLS spoke with the following individuals:

Name	Position
Stasia Powers	Select Board Chair
Leon E. Corry III	Select Board Vice Chair
Robert J. Espindola	Select Board Member
Padraic Elliott	Finance Committee Chair
Angie Lopes-Ellison	Town Administrator
Wendy Graves	Finance Director/Treasurer/Collector
Anne Carreiro	Town Accountant
Delfino Garcia	Principal Assessor
Chris Camara	IT Director

SAMPLE POLICIES

FINANCIAL RESERVES

PURPOSE

To help the Town stabilize finances and maintain operations during difficult economic periods, this policy establishes prudent practices for appropriating to and expending reserve funds. With well-planned sustainability, the Town can use its reserves to finance emergencies and other unforeseen needs, to hold money for specific future purposes, or in limited instances, to serve as revenue sources for the annual budget. Reserve balances and policies can also positively impact the Town's credit rating and consequently its long-term borrowing costs.

APPLICABILITY AND SCOPE

Applies to:	▪ Select Board, Finance Committee, Town Administrator, and Capital Planning Committee in their budget decision-making roles ▪ Finance Director and Board of Assessors job duties
Scope:	▪ Goals for and appropriate use of general reserves, including free cash, stabilization funds, and overlay surplus

POLICY

The Town is committed to building and maintaining its reserves to have budgetary flexibility for unexpected events and significant disruptions in revenue-expenditure patterns and to provide a source of available funds for future capital expenditures. Adherence to this policy will help the Town withstand periods of decreased revenues and control spending during periods of increased revenues. The Town will strive to maintain overall general fund reserves (i.e., free cash and stabilization funds combined) in the level of 10 to 15 percent of the annual operating budget.

A. Free Cash

The Division of Local Services (DLS) defines free cash as "the remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the prior year." DLS must certify free cash before the Town can appropriate it.

The Town will strive to realize year-to-year free cash certifications equal to three to five percent of the annual general fund budget. To achieve this, the Finance Director with assistance from the Town Administrator will propose budgets with conservative revenue projections, and department heads will carefully manage their appropriations to produce excess income and budget turn backs. As much as practicable, the Town will limit its use of free cash to building reserves, funding nonrecurring costs (i.e., one-time expenditures, such as capital projects and emergencies), and offsetting the Town's unfunded liabilities. Furthermore, the Town will strive to keep its year-end unappropriated free cash balance at a minimum of 33 percent of the annual certification.

B. Stabilization Funds

A stabilization fund is a reserve account allowed by state law to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose. The Town has established four stabilization funds, as detailed below.

General Stabilization: The Town will endeavor to achieve and maintain a minimum balance of six to eight percent of the current operating budget in its general stabilization fund. Withdrawals from the fund should only be used to mitigate emergencies or other unanticipated events that cannot be supported by current general fund appropriations. When possible, withdrawals of funds should be limited to the amount available above the six percent minimum target. If any necessary withdrawal drives the balance below this minimum, the withdrawal should be limited to one-third of the fund's balance, and the Town Administrator will develop a detailed plan to replenish the fund to the minimum level within the next two fiscal years.

Special Purpose Stabilization Funds:

- **Capital Stabilization**: This fund's minimum target level shall be one to two percent of the general fund budget. By sustaining funding in this type of reserve, the Town can balance debt with pay-as-you-go practices and protect against unforeseen capital costs.
- **Assessor Stabilization**: Established to offset annual interim-year valuation adjustments and the costs associated with the five-year revaluation process. This stabilization is funded through an appropriation of free cash every five years.
- **Water Emergency & Capital Stabilization**: Established to offset future costs to the water enterprise fund infrastructure.

C. Retained Earnings

The finances of the Water, Sewer, and Trash Departments are managed under individual enterprise funds, separately from the general fund, which allows the Town to effectively identify each operation's true costs—direct, indirect, and capital—and set user fees at levels sufficient to recover them. Under this accounting, the Town may reserve each enterprise fund's generated surplus (referred to as retained earnings) rather than closing the surplus to the general fund at year-end.

For each enterprise fund, the Town will maintain a minimum reserve amount of 25 percent of the operation's total budget, which represents three months' worth of expenditures. These reserves shall be used to provide rate stabilization and to fund major, future capital projects. Whenever any major infrastructure improvement is being planned for any enterprise operation, it may be necessary to revise its minimum target upward. To maintain the target reserve levels for the enterprise funds, the Water/Sewer Commissioners must annually review, and when necessary, adjust user rates.

D. Overlay Surplus

The purpose of the overlay reserve is to offset unrealized revenue resulting from abatements and exemptions. It can be used for other purposes only after it is determined to have a surplus. Therefore, unlike the other types of general fund reserves, this policy does not set a funding target for the

overlay. Rather, each year as part of the budget process, the Board of Assessors will vote to raise an overlay amount on the annual tax recapitulation sheet based on the following:

- Current balance in the overlay account
- Five-year average of granted abatements and exemptions
- Potential abatement liability of cases pending before, or on appeal from, the Appellate Tax Board
- Timing of the next DLS certification review (scheduled every five years)

At the conclusion of each fiscal year, the Board of Assessors will submit to the Town Administrator and Finance Director an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Select Board may request that the Board of Assessors vote to declare those balances surplus and available for use in the Town's capital improvement plan or for any other one-time expense.

REFERENCES

M.G.L. c. 40 § 5B M.G.L. c. 59 § 25 M.G.L. c. 44 § 53F½

Monson's policies on Capital Planning and Forecasting

DLS Best Practices: *Free Cash*, *Reserve Policies*, and *Special Purpose Stabilization Funds*

DLS Informational Guideline Releases 08-101: *Enterprise Funds*, 17-20: *Stabilization Funds*, and 17-23: *Overlay and Overlay Surplus*

Government Finance Officers Association Best Practices: *Fund Balance Guidelines for the General Fund* and *Working Capital Targets for Enterprise Funds*

EFFECTIVE DATE

This policy was adopted on [date].

INDIRECT COST ALLOCATION

PURPOSE

To reimburse the general fund for all expenditures incurred on behalf of the water, sewer, and trash enterprise funds, this policy provides guidelines for equitably calculating and allocating those indirect costs.

APPLICABILITY AND SCOPE

Applies to:	▪ Town Administrator, Finance Director, and Water/Sewer Superintendent job duties ▪ Finance Director, Treasurer/Collector in their related administrative functions ▪ Select Board, Finance Committee, and Town Administrator in their budget analysis and decision-making responsibilities
Scope:	▪ Encompasses the analysis, calculation, and accounting of the water, sewer, and trash enterprise fund indirect costs

Background

Under authority established in M.G.L. c. 44 § 53F½ the accounting transactions for the water, sewer, and trash enterprise funds are recorded and managed separately from the general fund. Revenues and expenses are not commingled with those of any other governmental activity, and consequently there are separate financial statements for each. Consolidating each enterprise funds direct and indirect costs, debt service, and capital expenditures into its own distinct, segregated fund allows the Town to demonstrate to the public the true, total cost of providing the service.

POLICY

As part of the annual budget process, the Finance Director will calculate the indirect costs to the general fund of the water, sewer, and trash enterprises and review them with the Town Administrator and Water/Sewer Superintendent. The Town Administrator, Finance Director, and Water/Sewer Superintendent will annually agree in writing to the indirect cost allocation methods and amounts prior to finalizing the budget. Indirect cost expenses will be determined using the most up-to-date cost information available to the Finance Director at that time. Based on the results, the Finance Director will record transfers between the relevant funds annually by June 15 of each fiscal year. The Finance Director will maintain written procedures detailing the costs and their calculation methodologies.

A. Cost Categories

The indirect cost calculation will account for the following enterprise-related expenditures budgeted in the general fund:

- Water, sewer, and trash department **personnel costs** for active and retired employees, including pensions, insurances, Medicare taxes, unemployment, and workers' compensation

- **Administrative services** performed on behalf of the enterprise's department by other departments, such as:

- Accounts payable, payroll, and general ledger services provided by the Accounting Department
- Collections, banking, investment, tax title, benefits, and payroll services provided by the Treasurer/Collector Department's
- Personnel administration services provided by the Treasurer's Department

▪ The following **expenses**:

- Information technology costs
- Vehicle and property insurances
- Legal services
- Independent audit services
- Actuarial services related to other postemployment benefits (OPEB)
- Other costs that may be agreed to and documented

The Finance Director will calculate indirect costs based on the most recent fiscal year's appropriations and using either the actual, proportional, estimated support, or transactional methodology (described in Section B below) as appropriate for the particular cost category.

B. Explanation of Calculation Methodologies

1. **Actual cost**, involves identifying the specific costs attributable to the enterprise based on documented schedules or bills payable, including debt service and insurance premiums.

2. The **proportional** method is a straightforward calculation of the utility's net-of-debt budget as a percentage of the total combined net-of-debt budget of the utility and the general fund. The resulting percentage is then applied against the total budget (including employee benefits) of each Town department that provides support to the utility or against the total cost of the specific type of expenditure.

3. A department or official may be able to provide a reasonable **estimate of support** (i.e., an estimate of the work hours spent supporting the utility). For example, the Finance Director estimates an average of two hours weekly, or five percent of her time, on water, sewer, and trash-related activities (e.g., creating warrants, bookkeeping). This percentage would then be applied against the Finance Director's salary and benefits, including health and life insurance, Medicare, retirement, and any workers' compensation.

$$\frac{\text{Hours worked on enterprise activities per year by individual(s)}}{\text{Total hours worked per year by individual(s)}} \times \text{Salary and benefits of individual(s) working on enterprise activities} = \text{Indirect Departmental Salaries}$$

4. The **transaction-based** method is calculated based on the number of transactions attributed to a service as a percentage of the whole. An example would be the total sewer bill collections processed by the Treasurer/Collector's Office as a percentage of the total number of collections of all types processed by that office. This percentage is applied against the Treasurer/Collector's total budget,

including health and life insurance, Medicare, retirement, and any workers' compensation attributable to the department.

$$\frac{\text{Number of enterprise-related transactions}}{\text{Total number of all like transactions processed by the non-enterprise department}} \times \text{Total budget plus benefits of the department processing the enterprise transactions} = \text{Indirect Departmental Salaries}$$

C. Calculations by Cost Category

The text in this section provides sample calculations for discussion purposes. Before adopting this policy, Section C should be reviewed and updated as necessary, and it should be expanded for any other costs that may be agreed to, such as information technology, legal services, etc.

1. **Health and Life Insurances**
   Costs for health and life insurances will be calculated using the actual method by adding up the actual amounts paid by the Town for the participating enterprise employees during the current fiscal year.

2. **Medicare**
   The Town's Medicare cost represents the employer match of the Medicare tax charged to employees hired after April 1, 1986. Using the actual cost method and based on employee W-2s, the costs will be calculated as 1.45 percent of the total gross wages paid by the Town on behalf of eligible enterprise fund employees during the preceding calendar (not fiscal) year.

3. **Retirement**
   Indirect pension costs will be calculated using the proportional method. The Town's total annual contributory retirement assessment is multiplied by the respective proportion of each of the total enterprise fund department employee's compensation to the total employee compensation as reported to the Public Employee Retirement Administration Commission.

4. **Audit**
   External audit costs will be based on the proportional method. The water, sewer, and trash enterprise fund departments shall pay the proportion of the cost of the Town's annual independent audit based on effort of the Town's independent auditor.

5. **Administrative Services**
   The indirect costs for enterprise-related administrative services performed by the Accounting, Treasurer/Collector, and Town Administrator Departments will be calculated using the estimate of support method. It will be based on each department's annual estimate of the time required to perform the services for each enterprise fund.

REFERENCES

M.G.L. c. 44 § 53F½

Division of Local Services Informational Guideline Release 08-101: *Enterprise Funds*

Government Finance Officers Association Best Practices: *Indirect Cost Allocation* and Evaluating Service Delivery Alternatives

EFFECTIVE DATE

This policy was adopted on [date].

OTHER POSTEMPLOYMENT BENEFITS LIABILITY

PURPOSE

To ensure fiscal sustainability, this policy sets guidelines for a responsible plan to meet the Town's obligation to provide other postemployment benefits (OPEB) for eligible current and future retirees. It is designed to achieve generational equity among those called upon to fund this liability and thereby avoid transferring costs into the future.

APPLICABILITY AND SCOPE

Applies to:	▪ Select Board, Finance Committee, and Town Administrator in their budget decision-making duties ▪ Bartholomew & Company (Investment Manager) ▪ Treasurer/Collector and Finance Director job duties
Scope	▪ Budget decisions related to the Town's OPEB liability ▪ Liability mitigation

BACKGROUND

In addition to salaries, the Town compensates employees with benefits earned during years of service to be received upon retirement. One such benefit is a pension, and another is a set of retirement insurance plans for health, dental, and life, which are collectively referred to as other postemployment benefits, or OPEBs. OPEBs represent a significant liability for the Town that must be properly measured, reported, and planned for financially.

POLICY

The Town is committed to funding the long-term cost of the benefits promised its employees. To do so, the Town will accumulate resources for future benefit payments in a disciplined, methodical manner during the active service life of employees. The Town will also periodically assess strategies to mitigate its OPEB liability. This involves evaluating the structure of offered benefits and their cost drivers.

A. Accounting for and Reporting the OPEB Liability

The Finance Director will obtain actuarial analyses of the Town's OPEB liability every two years and will annually report the Town's OPEB obligations in the financial statements that comply with the current guidelines of the Governmental Accounting Standards Board. The Town Administrator will ensure that the Town's independent audit firm reviews compliance with the accounting and reporting provisions of this policy as part of its annual audit and reports on these to the Select Board.

B. Trust Management and Investment

The Town has established an OPEB Trust Fund and designated as its trustee the Treasurer. As fund custodian, the Treasurer/Collector will manage the OPEB Trust Fund in conformance with the Town's

investment policy and the state's prudent investor laws. On an annual basis, the Town will analyze its option to invest the OPEB trust with the State Retiree Benefits Trust Fund.

The Town has chosen Bartholomew & Company as its investment manager. To make sure Bartholomew & Company follows the OPEB and Investment policies, the Finance Director will do the following:

- Meet with the investment manager at least semiannually to monitor the performance of the fund and the compliance with the Town's policies.
- Monitor the fund's performance by comparing the investment manager's results to a blended benchmark to be determined in conjunction with the investment manager.
- Rebalance the portfolios at least annually or more frequently if appropriate.
- Review the OPEB policy every year to ensure it remains in compliance with governing regulations.

C. Mitigation

On an ongoing basis, the Town will assess healthcare cost containment measures and evaluate strategies to mitigate its OPEB liability. The Finance Director will monitor proposed laws affecting OPEBs and Medicare and analyze their impacts. The Treasurer/Collector will regularly audit the group insurance and retiree rolls and terminate any participants found to be ineligible based on work hours, active Medicare status, or other factors.

D. OPEB Funding Strategies

To address the OPEB liability, decision makers will analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town will derive funding for the OPEB Trust Fund from taxation, free cash, and any other legal form. To ensure that the Town's enterprise operations remain self-supporting, the Water & Sewer Commissioners will factor their OPEB contributions into the setting of user fees.

Achieving full funding of the liability requires the Town to commit to funding its actuarially determined contribution (ADC) each year. Among strategies to consider for funding the ADC:

- Annually appropriate at least $50,000 from the levy toward the general fund OPEB liability.
- Appropriate annually increasing dollar amounts or percentages of yearly revenues for the general fund and three enterprise fund operations.
- Determine and commit to appropriating an annual portion of free cash.
- Transfer unexpended funds from insurance line items to the OPEB Trust Fund.
- Appropriate amounts equal to the Town's Medicare Part D reimbursements.
- Once the pension system is fully funded, on a subsequent annual basis, appropriate to the OPEB Trust Fund the amount equivalent to the former pension-funding payment or the ADC, whichever is less.

REFERENCES

M.G.L. c. 32B, § 20 and 20A | M.G.L. c. 44, § 54 and 55 | M.G.L. c. 203C

Monson Investment Policy

Division of Local Services Information Guideline Release 19-10 Other Postemployment Benefits Liability Trust Fund

GASB Statements 75: *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* and 74: *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*

Government Finance Officers Association Best Practice: *Ensuring Other Postemployment Benefits (OPEB) Sustainability*

EFFECTIVE DATE

This policy was adopted on [date].

Select Board Liaison to the Budget Working Group

Attachment J

Bob Espindola <bobespindola02719@gmail.com> Mon, Oct 26, 2026 at 10:34 AM
To: Select Board <selectboard@fairhaven-ma.gov>, Keith Hickey <khickey@fairhaven-ma.gov>

To: Fairhaven Select Board
Subject: Concerns Regarding the Role of the Select Board Liaison to the Budget Working Group

Dear Members of the Select Board,

I would like to express my concerns regarding the correspondence included on pages 44–54 of the October 26 Select Board meeting packet and the apparent extent of Mr. Rick Trapilo's involvement in directing the activities of the Budget Working Group.

First, I want to acknowledge Mr. Trapilo's dedication, initiative, and sincere commitment to identifying opportunities to improve the Town's financial position. His willingness to devote considerable time and energy to this effort is commendable.

However, I believe it is important to recognize the distinction between serving as a liaison and directing the work of an appointed committee. **Section 2-1(b) of the recently adopted Town Charter expressly states:**

> "Individual select board members shall not purport to represent the select board or exercise the authority of the select board except when specifically authorized by the select board."

The Charter further assigns administrative oversight of appointed committees to the Select Board as a body, not to individual members acting independently.

These provisions raise legitimate concerns about the extent to which an individual liaison may establish priorities, direct activities, or influence the work of an appointed committee without specific authorization from the full Select Board. **The responsibility for developing a work plan, evaluating alternatives, and formulating recommendations belongs to the Budget Working Group collectively, not to its liaison.**

I am also concerned about the implications for our department heads. Mr. Trapilo himself has previously spoken highly of their professionalism, dedication, and capabilities. They deserve our continued confidence and respect, particularly as they confront increasingly difficult budgetary challenges. Their expertise and cooperation should be integral to the Working Group's deliberations.

Similarly, Mr. Trapilo has repeatedly expressed his confidence in Town Administrator Keith Hickey and his management abilities. Section 2-2 of the Charter identifies the Town Administrator as:

> "the chief administrative officer of the town"

It further assigns the Town Administrator responsibility for managing and supervising departments under his jurisdiction, with specific exceptions for the School and Public Works Departments. This established administrative structure should be respected and not inadvertently circumvented through the activities of a Select Board liaison.

I fully support a thorough, independent examination of Town expenditures and opportunities for improved efficiency. However, that process will be most productive when the Budget Working Group is allowed to fulfill its assigned responsibilities, department heads are treated as valued partners, and the respective roles of the Select Board, its liaison, and the Town Administrator are clearly maintained.

I respectfully encourage the Select Board to reaffirm the limitations on individual members' authority established by the Charter and ensure that the Budget Working Group is allowed to carry out its important mission independently and collaboratively. I would, further, ask the Select Board to consider that the way this liaison position is being handled could set a precedent for any and all other liaison appointments in the future, potentially derailing the original intentions of the liaison position. Ultimately, I believe that the Budget Working Group, and, by extension, Fairhaven's taxpayers will be best served by respecting the established responsibilities of the Town Administrator and department heads. The Town Administrator, working with the appropriate department leadership and consistent with the Charter, should establish reasonable boundaries regarding what staff can and should be expected to do in support of the Budget Working Group's efforts. Those expectations should be guided by operational priorities, available resources, and the professional judgment of those responsible for managing Town services—not dictated by an individual Select Board liaison. This approach will encourage cooperation, preserve accountability, and still give the Budget Working Group the support it needs to produce meaningful recommendations.

Respectfully,
Bob Espindola
14 John St.
(774) 263-1046

Attachment K

Town of Fairhaven
Report of the Town Administrator
October 26, 2026

Financial Updates

- The FY25 Audit Report presentation from Roselli, Clark & Associates will be on the November 9, 2026 agenda.
- The FY26 fiscal year will be closed by the Finance Department in the next couple of weeks. Once closed, the Town will submit the necessary documentation to have Free Cash certified.
- The Assessing Department continues to progress through a Certification Process administered by the Massachusetts Department of Revenue. This process occurs every five years and ensures that Fairhaven complies with state standards for property valuations.

  It is anticipated that in November, there will be a 5-day period when the public can view Fiscal Year 2027 preliminarily certified assessment values for their properties. The Assessor's Office will be happy to answer questions about the proposed valuations during that time.

  These valuations will be posted on the town website and printed for viewing at Town Hall. The Assessor's Office will announce the dates for the public disclosure period soon.

Project Updates

- Roof construction at the COA/REC building began on Monday, October 19th. Throughout the project, portions of the parking lot will be temporarily blocked off, with the restricted areas changing as work progresses. Construction will begin on the COA side of the building and move toward the REC side. Both the COA and REC plan to remain fully operational throughout the project, with no anticipated interruptions to programs or services. However, access to different areas of the building may be temporarily affected as construction progresses. Signage will be posted to direct visitors to the appropriate entrances.
- The Office of Coastal Zone Management has accepted Fairhaven's funding request to develop a regional resilience design to help reduce flooding impacts on the hurricane barrier project through the ResilientCoasts TA program. They will be preparing a scope of work for the Town's review.
- The retaining wall project at the Town Hall is nearly complete. The contractor expects the work to be completed by mid-November.

Personnel Update

- Fairhaven firefighter Wilson Smith recently graduated from the Massachusetts Fire Academy after completing ten weeks of training at the Department of Fire Services in Bridgewater.

Miscellaneous Updates