



Fairhaven Board of Selectmen

November 9, 2015 Meeting Minutes

Present: Chairman Geoffrey Haworth, Vice Chairman Charles K. Murphy, Sr., Clerk Robert Espindola, Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne O'Brien.

Chairman Geoffrey Haworth called the meeting to order in the Town Hall Banquet Room at 6:36 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

MINUTES

- Mr. Murphy motioned to approve the minutes of the **October 26, 2015** meeting, **open** session. Mr. Espindola seconded. Vote was unanimous. (3-0).
- Mr. Murphy motioned to approve the minutes of the **October 26, 2015** meeting, **executive** session. Mr. Espindola seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Selectmen on the following meetings and events:

- **Tuesday, November 10**
 - 9:00 to 11:00 a.m. – Rogers School – tagging items
 - 11:00 a.m. to 2:00 p.m. – Electricity bids – Taunton – Holiday Inn – Good Energy
 - 3:30 p.m. – Mattapoisett River Valley Water Advisory Committee
 - 4:30 p.m. – Mattapoisett River Valley Water District – at BPW
- **Wednesday, November 11**
 - Town Hall closed for Veteran's Day
- **Thursday, November 12**
 - 10:00 a.m. – Capital Planning Committee
 - 7:00 p.m. – NFIA – Oxford School
- **Saturday, November 14**
 - 9:00 a.m. to 1:00 p.m. – Oxford School tag sale
- **Tuesday, November 17**
 - 9:30 a.m. – FEMA – meeting at Dartmouth Town Hall
- **Thursday, November 19**
 - 8:00 a.m. to 9:30 a.m. – Forum meeting Ashley Room at NB City Hall

- Saturday, **November 21**
 - 9:00 a.m. to 1:00 p.m. – Rogers School tag sale
- Monday, **November 23**
 - 8:30 a.m. – Retirement Board

NEW BEDFORD VOKE ASSESSMENT

Mr. Osuch said that the Town is being assessed for more students than it currently has attending New Bedford Voke. The Town has been paying for the attendance of 216 students at roughly \$10,000 per student, but a review of the student residency has shown that 191 Fairhaven students actually attend NB Voke. Mr. Murphy will follow up on the matter.

INSURANCE RATES

Mr. Osuch said that, due to lower than anticipated claims, the Town would be able to hold a health/dental insurance premium “holiday” for subscribing Town employees. Mr. Osuch said that he anticipated the “holiday” would allow Town employee subscribers to not have to pay their premiums for one or two weeks. He said that he was almost certain it would be two weeks but he would have to check figures to make sure it would be feasible. The premium amnesty will be scheduled for the pay checks dated December 11 and December 18.

Mr. Murphy invoked the Rule of Necessity, stating that he is on the Town health and dental insurance plan. Mr. Haworth did the same disclosure. Mr. Murphy motioned to authorize up to a two week premium amnesty for Town employees subscribing to health and dental insurance for the pay check dates December 11 and December 18. Mr. Espindola seconded. Vote was unanimous. (3-0).

LICENSE RENEWALS

Mr. Osuch said that the renewal date for Selectmen issued licenses was quickly approaching and that there were concerns issued to the office regarding the new site plan requirements for Class I, Class II, and repair license holders. Mr. Haworth added that he had been approached by several businesses that are concerned that they will not be able to meet the new requirements due to time constraints.

Mr. Murphy agreed, stating that he spoke with the Building Commissioner, who suggested instating the new requirement for 2017 renewals. Mr. Haworth requested the placement of the renewal process on the November 23 agenda for discussion.

CUSHMAN PARK DONATION

The Board acknowledged a donation from Allen Days of the Fairhaven Road Race in the amount of \$2,183 for the replacement of fence gates surrounding the track at Cushman Park. The Board expressed its thanks for the generous donation. Mr. Murphy motioned to accept the donation in the aforementioned amount. Mr. Espindola seconded. Vote was unanimous. (3-0).

237 NEW BOSTON ROAD – 61A

The Board reviewed a 61A “Right of First Refusal” from Rita and Joseph Herring for the property located at 237 New Boston Road, Map 35 Lot 001. The Board acknowledged correspondence from the Planning Board stating that they did not see a Town benefit to the land. Mr. Murphy motioned to exercise the Town’s right of first refusal for 237 New Boston Road, Map 35, Lot 001. Mr. Espindola seconded. Vote was unanimous. (3-0). The Selectmen’s Office will submit the necessary notification to the owners.

DOG PARK COMMITTEE DONATION

The Board thanked Kathy Lopes of the Fort Phoenix 5K for her donation to the Dog Park Committee. Mr. Murphy motioned to accept the \$300 donation for the Dog Park Committee. Mr. Espindola seconded. Vote was unanimous. (3-0).

AUDITORIUM USE APPLICATION – DANCE ACADEMY

The Board reviewed an application from the Off Broadway School of Dance for use of the Town Hall Auditorium from December 17 to December 19. Mr. Murphy motioned to approve the auditorium use for those dates. Mr. Espindola seconded. Vote was unanimous. (3-0).

UNION WHARF CHANGE ORDER #10

The Board reviewed a Union Wharf West Bulkhead Change Order #10 in the amount of \$15,995.23. Mr. Murphy motioned to approve in that amount. Mr. Espindola seconded. Vote was unanimous. (3-0).

POLAR PLUNGE

At 7:00 p.m., the Board met with Ted Silva and Carol-Ann Days-Merrell to discuss the annual Polar Plunge. Mr. Silva went over the plans for New Years Day and reviewed the safety provisions that they would again be taking to make sure that the event is a safe one. Mr. Murphy motioned to approve and support the event for January 1, 2016. Mr. Espindola seconded. Vote was unanimous. (3-0).

SPRING STREET AUTO – CONTINUED HEARING

At 7:05 p.m. the Chairman reopened a hearing for consideration of the license held by Spring Street Auto – car repair and dealer. Town Counsel Thomas Crotty was present.

Atty. Crotty said that there were two issues at play: the first issue was the clean-up of the property and the second was the taxes owed in arrears by the owners of the property at 99 Spring Street (the Dussaults). Atty. Crotty acknowledged that the number of vehicles on the lot had diminished greatly since the previous meeting and estimated that there were currently six vehicles remaining, including on old “bookmobile” in the back that was supposed to have been removed by September. There are five unregistered on the lot. Atty. Crotty said that it looked

like there were junk cars being used for parts on the lot and that was not permitted by the terms of their license. The location cannot be used as a salvage yard. Wayne Fostin said that the premises appear to currently not be used by any business. Atty. Crotty said that the newer issue was the taxes in arrears in the amount of \$60,000 +/- . There have been numerous agreements between the Dussaults and the Tax Office to pay these taxes, but the Dussaults are currently two months behind on their actual payment plan. The State and Town statute allowed the Board to consider the suspension or revocation of a license issued based on tax delinquency. Atty. Crotty recommended that the Board offer the chance to the Dussaults to enter into an agreement with the Board of Selectmen (separate from previous agreements made with the Tax Collector) to follow the letter of the law and allow the Dussaults the chance to bring their tax status up to compliance.

Representing the Dussaults was their counsel, Atty. Joseph Michaud. The Dussaults were not present. Atty. Michaud said that the property was greatly improved with a cleaner and neater appearance and removed vehicles. He said that there are still some repairs taking place there, and that the cars that Atty. Crotty mentioned were there for repair. He stated that the Dussaults have an agreement for payment with the Tax Collector and that she had miscalculated a payment, meaning the Dussaults were only one month behind in payments. The Tax Collector was not present to comment. Atty. Michaud cited his client's serious health issues for the tax delinquency and told the Board that his clients wanted to pay the taxes and be in compliance.

Atty. Michaud and Atty. Crotty argued over the vehicles remaining at the location, with Atty. Crotty stating that they were unregistered junk cars, and Atty. Michaud saying that they were there for repair. Atty. Michaud said that he was not aware his clients had agreed to remove the Bookmobile, stating that he thought his clients used it for storage.

Mr. Haworth read a letter from Al Benac into record related to the Spring Street Garage. See Attachment A.

Mr. Haworth went over the Dussault's tax payment history, showing that they have been delinquent on payments for about 10 years and have consistently not followed their payment agreements.

Atty. Michaud said that if the Board pulled the license for the location, it would "result in an absolute failure of the business" and the Board would not see the taxes owed. He said that the Town would eventually see its tax payment at some point, either from the Dussaults or from the transfer of the property.

The Board said that it would like to speak with Finance Director Wendy Graves to get her opinion on the delinquency status of the Dussaults before taking any action. Mr. Espindola said that by November 23, he would like to see all vehicles on the Dussaults lot to be within its permitted use, and he would like to see an accelerated payment plan to see a complete payment of all taxes within five years.

Atty. Crotty will contact Ms. Graves prior to the next meeting. The salvage vehicles need to be removed and no unregistered vehicles may remain on site. Mr. Espindola added that no vehicles may be within eight feet of the road.

Mr. Murphy motioned to continue the hearing to November 23 at 8:00 p.m. Mr. Espindola seconded. Vote was unanimous. (3-0).

TAYLOR SEAFOOD – HATCHERY PROPOSAL

At 7:49 p.m., the Board met with Rod Taylor of Taylor Seafood, Todd Stressenger and Steve Goodman of Washburn Oysters (and West Island LLC), and architect Stephen Kelleher to discuss a proposal for a shellfish hatchery at the current Taylor Seafood building located on Goulart Memorial Drive.

CLE Engineering and Mr. Kelleher have been hired to create a new hatchery at the existing footprint that the building is on, said Mr. Stressenger. He distributed the plans for the existing site and the proposed project. Plans will be submitted to the Planning Board, the Conservation Commission and the Building Commissioner. Some of the project will require approval from the DEP. Mr. Stressenger said that the building would be 4800 square feet, and would be a two-storied shingled building that would be on the ground and not on stilts with a State variance. He described it as a “million dollar project” that Mr. Taylor has had to spend a lot of time on. Mr. Stressenger added that Marion has three hatcheries and Mattapoisett has four. Mr. Stressenger, Mr. Goodman and Mr. Taylor will be partners on the proposed hatchery. The proposed structure would conceal its operations to passersby and be more visually appealing.

Mr. Espindola said that the project sounded like a positive move for the location, but that the MOU signed by Mr. Taylor in 2014 stipulated the payment of a \$50,000 note if the provisions of the MOU were not met by November 1, 2015. The deadline has passed and Mr. Taylor has not cleaned up the Taylor Seafood building as he promised. Mr. Espindola said that the issue of the MOU would have to be settled before the Board could hear plans for the location.

Mr. Haworth read section 6 of the MOU (see Attachment B) and asked the Building Commissioner to go by the building that day to take existing condition pictures. The pictures show a rotted roof and dilapidated building. He said that he wanted to see the \$50,000 assurance put up. He said that he would not go forward without that bond, or the demolition of the building.

Building Commissioner Wayne Fostin was present. He said that the building should have been condemned.

Matthew Thomas was recognized. He said that he was representing the members of the West Island Realty Trust. Mr. Thomas said that there was an agreement with Mr. Taylor and that agreement has been violated. He requested that the building be secured and a hearing be posted for Taylor Seafood’s license on November 23.

Frank Coelho was recognized. He said that he thought the terms of the agreement should be met before any additional plans are made. He said that the Board of Health should address the issue of rodents at the location as well.

Mr. Taylor said that tearing down the building could impact his ability to obtain the building permits he needs, and that is why he has left the structure intact. Mr. Fostin said that he may be able to bypass permit issues by just retaining the foundation.

Mr. Haworth said that he would want to see Mr. Taylor post the \$50,000 bond or demolish the current structure by the next meeting on November 23.

Mr. Murphy motioned to issue notice of non-compliance to Mr. Taylor via certified mail and invite him to a public hearing regarding his non-compliance on November 23, 2015. Mr. Espindola seconded. Vote was unanimous. (3-0).

NFIA LEASE – OXFORD SCHOOL

At 8:38 p.m., the Board met with Bob Cormier and John Medeiros of the North Fairhaven Improvement Association regarding the NFIA's lease for use of the Town's fire station located at Oxford School.

Mr. Cormier confirmed that he was not a Fairhaven resident, but is the president of the NFIA. He said that the NFIA does not agree to a draft lease renewal issued by the Town in 2014. He said that the NFIA wants a longer lease extension (10 years) and objects to the termination provisions proposed. Mr. Cormier cited the various NFIA contributions to the Town.

Atty. Crotty said that the NFIA building is on the school lot and that the termination provision was proposed to allow the Town to accept any offer on the Oxford School. The Town would pay the NFIA for any improvements to the NFIA building.

The Board stated it was agreeable to a 10 year contract renewal.

Gary Lavalette was recognized. He stated that he thought the lot was divided in 1986 and that the NFIA building was not on the school lot.

Mr. Cormier will return to the NFIA membership to consider revisions to the proposed lease.

NORTH STREET PUBLIC ACCESS

At 8:52 p.m., the Board met with Jay Simmons regarding public access at the western end of North Street. Mr. Simmons informed the Board that he and his neighbors were continuing to have conflicts with another neighbor (Lee Miguel) regarding access to the end of North Street. He stated that the neighborhood is suffering harassment from Mr. Miguel over access to the portion of "paper street" that Mr. Miguel contends is his private property. Mr. Simmons said that the "paper street" has always been used by the public and argued it was made a public way by the Planning Board at one point.

Atty. Crotty said that the Planning Board did not have the authority to make a paper street a public way and that there could be proof that it was a historic right-of-way, but if it is, it is maintained by the BPW and not the Board of Selectmen. Mr. Simmons said he had the documentation to make it a public right-of-way and that Mr. Miguel does not pay taxes on that portion of land. Mr. Espindola motioned to have Town Counsel review the documentation that Mr. Simmons had. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Simmons said that he would also pursue having Cherry Street accepted to the water. He distributed a letter from the Harbormaster supporting the need for public access to water in that area.

Anthony Simmons was recognized. He asked who would keep the public way clear if it was indeed public. Jay Simmons responded that it would be the BPW upon the Selectmen's direction.

Karen Marinelli was recognized. She said that the entire neighborhood has been barred from accessing the water via North Street after years of use, due to the conflict with Mr. Miguel.

Eric Simmons was recognized. He said that he would like assurance that he could walk down there without suffering from abuse from Mr. Miguel. Police Chief Michael Myers was present and stated that he could not preemptively force neighbors to be civil, but that the Police Department would have to respond to calls as received.

Dan Doyle was recognized. He stated that he had had altercations with Mr. Miguel and had been threatened. Chief Myers informed him that he would have to file charges through the Police Department and that charges were not automatically filed via a police report.

Atty. Crotty will research the access at North Street to determine if it is public or not. Mr. Espindola said that he would like to see a listing of all public water access points in Town.

Mr. Murphy motioned to enter Executive Session at 9:26 p.m. to discuss the North Street public access, to discuss potential litigation/staffing (Building Department), and Worker's Compensation claims, to reconvene into Open Session following the discussion. Mr. Espindola seconded. Roll call vote: Mr. Espindola in favor. Mr. Haworth in favor. Mr. Murphy in favor. (3-0).

OPEN SESSION

The Board reconvened into Open Session at 10:23 p.m.

UNION WHARF LOBSTER BASIN FEES

The Board reviewed communication from Harbormaster Tim Cox, stating that the Union Wharf lobster basin fees are due for an increase. Mr. Osuch said that he thought an increase was overdue. Mr. Murphy motioned to follow the recommendation of Mr. Cox and increase the

Union Wharf lobster basin lease from \$1,500/year to \$1,575 (five percent increase). Mr. Espindola seconded. Vote was unanimous. (3-0).

The Board also reviewed Mr. Cox' request for guidance in filling the vacancies at Union Wharf. Mr. Murphy motioned to return two displaced vessels to their previous locations at Union Wharf at a prorated amount to reflect their time displaced. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to offer the remaining vacancies to those on the waiting list, offering first to those who have been waiting longest. Mr. Espindola seconded. Vote was unanimous. (3-0).

ROGERS-OXFORD SCHOOL PROPOSALS

Mr. Haworth said that it was getting late and he would postpone a discussion on the Rogers School to a later date. Mr. Murphy read a letter from Town Counsel into record (Attachment C) stating that the Town could seek a follow-up proposal from Northeast Maritime Institute on the Rogers School.

The Board discussed the feedback it has gotten from the community on the Oxford School. Mr. Haworth said that he felt the feedback was "split down the middle" with half of the comments being in favor of the Stratford proposal (senior housing) and half being in favor of the Sherwood proposal (mixed use).

The Board opened up the topic to public comment. Comments were received by Doug Brady, Dan Freitas, Linda Therrien, Kathy Sturtevant, and Gary Lavalette. Discussion included the possibility of stipulating a percentage of veteran housing, the impacts of traffic, and the need for senior housing.

Mr. Osuch asked the Board to prepare a list of questions prior to December 3, 2015, when the Board will meet with the Stratford Group and Sherwood Construction, so the developers will be prepared with answers. The Selectmen's Office will extend an invitation to the two developers for that meeting.

A HEALTHY ME

The Board reviewed a request from Mr. Espindola for deficit spending in the amount of \$100 for employee access to Blue Cross Blue Shield "A Healthy Me" web application, with the intention of reimbursing the deficit spending by the Working on Wellness Grant. Mr. Murphy motioned to approve the request to deficit spend \$100 for A Healthy Me. Mr. Espindola seconded. Vote was unanimous. (3-0).

Mr. Murphy motioned to name Mr. Espindola the "Wellness Sponsor" and Linda Schick the "Wellness Champion" to the Healthy Me program. Mr. Espindola seconded. Vote was unanimous. (3-0).

SOCIAL DAY STAFFING REQUEST

The Board read a letter from Council on Aging director Anne Sylvia requesting the Board appoint Julio Morales to a part-time activity aid for 15 hours a week at Level A, Step 1. The funding for the position would be the Social Day fund. The Board requested a meeting with Ms. Silvia to discuss the request. Ms. Silvia will be invited to the next meeting to discuss the request.

FRIENDLY STREET SIGN

The Board reviewed a request from Janet Elliot to remove a “crosswalk” sign in front of 6 Friendly Street, as school is no longer in session at Rogers and the sign is no longer needed. Mr. Murphy motioned to forward the request to the Safety Officer and to request that all signs surrounding Rogers School be reviewed for ongoing need. If the signs are no longer needed, the Board will consider their removal based on the Safety Officer’s recommendation. Mr. Espindola seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In Other Business:

- Mr. Murphy offered the Board’s condolences to Carolyn Longworth on the passing of her mother.
- Mr. Murphy praised the organizers of the annual COA Veteran Luncheon for another successful event.
- Mr. Espindola thanked the organizers of the Lance Cpl. Rodriguez Walk/Run to Remember for a successful event.
- Mr. Espindola said that he would be attending a SRPEDD meeting on flood plain insurance and CRS applications.
- Mr. Espindola said the next day would be the bid opening for the community aggregation of energy purchasing. The Board will soon know the rates available to the community via the SRPEDD/Good Energy project.
- Mr. Murphy thanked Beth David for being present at the MOLIFE ribbon cutting at their new location on Sconticut Neck Road.

At 11:30 p.m. Mr. Murphy motioned to adjourn. Mr. Espindola seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O’Brien
Administrative Assistant
Minutes approved 11/23/2015

Attachment A

FOR THE BOARD OF SELECTMEN, I ALBERT F. BENAC AM SUBMITTING MY OBJECTIONS TO THIS MATTER.

HOW MUCH LONGER WILL IT TAKE TO CLEAN UP THIS EYE SORE IN A BEAUTIFUL R. A. ZONE? FOR YEARS THE SPRING STREET GARAGE HAS BEEN A DISGRACE TO THE NEIGHBORHOOD .

ON THE EAST SIDE HE HAS PLACED AN ILLEGAL TRAILER CLOSE TO THE EAST BOUNDARY AS A SO-CALLED OFFICE AND HAS BEEN OVERGROWN FOR YEARS.

THE FRONT OF GARAGE WE HAVE CARS DISPLAYED ON THE SIDEWALK , THE REPAIRING OF VEHICLES IN THE DRIVEWAY TO THE GARAGE.

ON THE WEST SIDE YARD, IT WAS A TOTAL JUNK YARD FOR YEARS, UNTIL HE WAS FORCED TO CLEAN UP THE AREA, EXCEPT HE HAS NOT REMOVED THE OLD TOWN BOOK MOBILE. NO EXCUSE! JUST TAKE IT AWAY ON A FLAT BED.

IT IS A DISGRACE TO THE NEIGHBORHOOD, PARTICULARLY LOCATED DIRECTLY ACROSS FROM A SCHOOL.

IT NEEDS TO BE CLOSED FOR NON-PAYMENT OF TAXES ALONG WITH CONTINUED VIOLATIONS. PHOTOS INCLUDED.

THANK YOU, AND MAY YOU ACT FAVORABLY ON MY LETTER.

Albert F. Benac

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding entered into this ___ day of August 2014 between the Town of Fairhaven, by its Board of Selectmen (“the Town”) and Taylor Cultured Seafood, Inc. (“Taylor”).

Whereas:

The Town issued an aquaculture license to Taylor commencing July 1, 2011 and expiring on June 30, 2014; and

Taylor has applied to the Town for a renewal of that license; and

The Town intends to issue that renewal subject to the fulfillment of certain conditions prior to issuance of the renewal, and subject to the fulfillment of certain conditions through the term of the license; and

The parties wish to set forth in this memorandum the terms of their agreement in principal;

Therefore:

1. The Town will issue a renewal of the 2011 aquaculture license upon the report to the Board of Selectmen by the Town’s Marine Resources office and Building Commissioner that Taylor’s property at 53 Goulart Memorial Drive, Fairhaven (the “Property”) has been reasonably cleared of debris and abandoned or unusable material and equipment, and has been made reasonably safe from vandalism, vermin or other threat to public health or safety, including the threat of Environmental Damage. For the purpose hereof the term “Environmental Damage” shall mean any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth, whether caused by Taylor alone

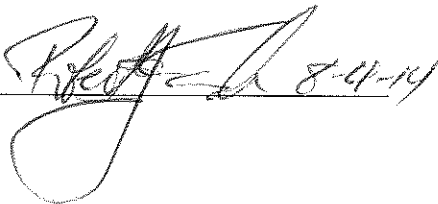
or by Taylor and others acting jointly or severally, including , but not limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds or other water resources, destruction of seashores, dunes, wetlands, open spaces, natural areas, parks or historic districts or sites. Environmental Damage shall not include any insignificant destruction, damage or impairment to such natural resources. The license will be effective commencing on the first day of the month following issuance.

2. The license will be conditioned on Taylor maintaining the Property in the condition described in Paragraph 1, and, as necessary, restoring the Property to that condition upon reasonable notice given by the Town. In the event of Taylor's failure to maintain, or restore, the Property to the condition described in Paragraph 1, the license may be revoked by vote of the Board of Selectmen, at a meeting following at least seven days' notice to Taylor.
3. The term of the renewed license shall be three years from its effective date.
4. The licensed area shall be the same as that subject to the 2011 license.
5. The license fee shall be \$25.00 per acre, or the actual cost to the Town for the issuance of the license and the supervision of the licensed activities, up to but not exceeding the statutory limits applicable during the term of the license.
6. The license shall contain the condition that no later than November 1, 2015 Taylor will secure, raze, repair, or replace the cement block building at the Property so as to prevent it from being open to the weather, and to make it reasonably safe from vandalism, vermin or other threat to public health or safety, including the threat of Environmental Damage ("Secure the Building"). The

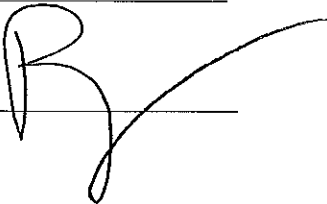
obligation to Secure the Building may be satisfied by the posting, no later than October 31, 2015, of (i) a bond, in a form reasonably satisfactory to the Board of Selectmen, or (ii) a letter of credit payable to the Town on demand on or after November 2, 2015; in either case, in the amount of \$50,000.00, along with the written assent of Taylor authorizing the Town to Secure the Building, and releasing the Town from any resulting claim. In the event of Taylor's failure to either Secure the Building, or to post security, the license may be revoked by vote of the Board of Selectmen at a meeting following at least seven days' notice to Taylor.

7. The terms set forth in this Memorandum shall be in addition to those terms set forth in the 2011 license. Nothing contained herein shall constitute a waiver of the Town's authority otherwise provided by law for the protection of the health, safety and welfare of the public.

Fairhaven Board of Selectmen,
By its chairman



Taylor Cultured Seafood, inc.,
By its _____



THOMAS P. CROTTY & ASSOCIATES, PLLC

LAW OFFICES

388 COUNTY STREET ~ THIRD FLOOR
NEW BEDFORD, MASSACHUSETTS 02740-4992

THOMAS P. CROTTY

SHELLEY D. COELHO
MATTHEW W. SCHUYLER

TELEPHONE 508.990.9101
FACSIMILE 508.990.9108
E-MAIL: info@tcrottylaw.com
www.tcrottylaw.com

October 28, 2015

Board of Selectmen
Town of Fairhaven
40 Centre Street
Fairhaven, MA 02719

Re: Rogers School - Proposals

Gentlemen:

You have asked for my opinion as to your options after the second public solicitation for proposals for the Rogers School.

In the first solicitation the Town received one proposal from Eric Dawicki to pay \$1.00 for the property and probably develop it as part of the Northeast Maritime Institute.

In the second solicitation the Town received no proposals.

You may return to Mr. Dawicki's proposal and negotiate with him.

You may try again for a third time; or you may auction the property. (If you retain the services of an auctioneer you will have to follow the Municipal Procurement Law, c. 30B, in hiring the auctioneer.) The auctioneer will advertise the auction and that will satisfy the public notice requirements for the sale of the property.

For an auction to be successful you will probably have to eliminate most of the historical preservation restrictions that were included in the recent RFPs. That is something you should discuss with the auctioneer.

Please let me now if you have any further questions.

Very truly yours,



Thomas P. Crotty
Town Counsel

TPC/mch

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FAIRHAVEN MASS