



FAIRHAVEN SELECT BOARD

Agenda

Monday, April 25, 2022

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

RECEIVED
TOWN CLERK

2022 APR 21 P 3:57

FAIRHAVEN,
MASS

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public.

Log on to: <https://us06web.zoom.us/j/82075493865?pwd=Ri9LVm55UG1DNEl2Mmxka0ZuVksWUT09>

or call 1-929-205-6099

Meeting ID: 820 7549 3865

Passcode: 915577

The meeting can also be viewed on Channel 18 or on FairhavenTV.com

A. MINUTES

1. Approve the minutes of March 28, 2022 – Open Session
2. Approve the minutes of March 28, 2022 – Executive Session
3. Approve the minutes of April 11, 2022 – Open Session

B. TOWN ADMINISTRATOR REPORT

1. Meeting Protocols/Planning
2. Financial Policies
3. Rogers School update
4. Goals and Objectives: next steps
5. Committee assignments and attendance
6. Filming of HGTV production
7. Covid related updates
8. Other

C. COMMITTEE LIAISON REPORTS

D. POSSIBLE ACTION/DISCUSSION

1. Use of the Town Hall auditorium: Dollars for Scholars, May 25, 2022, 6:30 pm
2. Appoint to the Commission on Disability: Heidi Piva
3. Appoint to the Bikeway Committee: Amy Roderick
4. Appoint to the Belonging Committee: Laura Barillaro
5. Vote retroactive: West Island 5K Run/Walk – April 24, 2022
6. Resignation on Zoning Board of Appeals: Francis Cox, Jr.
7. Support for the Municipal Vulnerability Preparedness Grant
8. Superintendent Vinnie Furtado: discuss Tree Warden Town Meeting Article and Sewer Treatment Plant Financing
9. Close Annual Town Meeting warrant- June 18, 2022
10. Review/Vote Town Meeting Articles for June 18, 2022 Annual Town Meeting
11. Review Budget

12. Review warrant article votes and future dates

E. PUBLIC COMMENT

F. CORRESPONDENCE

1. Public Hearing notice: Buzzards Bay Coalition, Chapter 91 Waterways License Application

G. NOTES AND ANNOUNCEMENTS

1. The next **regularly** scheduled meeting of the Select Board is **Monday, May 9, 2022** at 6:30 p.m. in the Town Hall Banquet Room

ADJOURNMENT

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

MGL, Ch. 30A, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.



Fairhaven Select Board Meeting Minutes March 28, 2022

Present: Chairman Robert Espindola, Vice-Chairwoman Stasia Powers, Clerk Keith Silvia and Interim Town Administrator Wendy Graves and Administrative Assistant Vicki Oliveira.

Also Present: Harbormaster Tim Cox

Present via Zoom: Town Counsel Tom Crotty

The meeting was videotaped by Cable Access and Zoom meeting application.

Chairman Robert Espindola opened the meeting at 6:33 pm in the Town Hall Banquet Room with a moment of silence for the people of Ukraine.

Minutes

Ms. Powers made a motion to approve the open session minutes of March 14, 2022 as amended. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to approve the executive session minutes of March 14, 2022. Mr. Silvia seconded. Vote was unanimous. (3-0)

Town Administrator Report

Planning Director Paul Foley and Ms. Graves reviewed the Request for Proposals (RFP) for Rogers School.

Ms. Graves said the Department of Revenue (DOR) will be conducting interviews this week.

Ms. Graves said this is her last Select Board meeting as the Interim Town Administrator and she was able to spend some time with the new Town Administrator, Angie Lopes Ellison last week to get Ms. Ellison caught up on the town issues.

The Board thanked Ms. Graves for her time as Interim Town Administrator.

Committee Liaison Reports

Ms. Powers said the Lagoa Friendship Pact Committee has met and are preparing for the display that will arrive in Fairhaven in the summer.

Mr. Silvia said the Library Trustees meeting welcomed a new board member; Robert Grindrod. The Library Trustees also discussed a leak in the roof at the library.

Mr. Espindola said the Broadband Study Committee will continue to meet to prepare for Town Meeting.

Mr. Espindola said SRPEDD has approved the transportation plan and discussed the bipartisan infrastructure bill. SRPEDD will be making some bike racks available for towns, businesses and schools.

Mr. Espindola said the nighttime SRTA bus service may be changing soon.

Mr. Espindola said he has spoken to Representative Bill Strauss regarding the e-bikes. Mr. Espindola also showed a presentation of the proposed bike loop to link Marion to Wareham.

New Repair license for Wall Enterprises Inc

At 7:11 pm, Mr. Espindola opened the public hearing by reading the notice for Wall Enterprises d/b/a Midas Fairhaven and stated that all the documentation was in order and all departments have signed off on this application as approved and all abutters have been notified.

There were no questions or comments from the public.

Ms. Powers made a motion to approve the repair license application for Wall Enterprises d/b/a Midas Fairhaven, 178 Huttleston Ave. Mr. Silvia second. Vote was unanimous. (3-0)

The public hearing notice was closed at 7:14 pm

Transfer of Common Victualer licenses

At 7:15 pm Mr. Espindola opened the public hearing for the transfer of a common victualer license for Friendly Farm Convenience d/b/a Yia Yia's pizza house by reading the public hearing notice. All documentation has been approved by town departments. There were no questions or comments from the public

Ms. Powers made a motion to approve the transfer of a common victualer license to Friendly Farms convenience d/b/a Yia Yia's Pizza. 381 Sconticut Neck Road. Mr. Silvia seconded. Vote was unanimous. (3-0)

There were no questions or comments from the public.

Mr. Espindola read the public hearing notice for Galaxy Pizza house and stated that all documentation has been approved by town departments. There were no comments or concerns from members of the public.

Ms. Powers made a motion to approve the transfer of the common victualer's license to Galaxy Pizza, 342 Main street, Silvia seconded. Vote was unanimous. (3-0)

There were no questions or comments from the public.

Mr. Espindola closed the public hearing at 7:19 pm

Approval of Option to Purchase Agreement for acquisition of property located on Union Wharf

Town Counsel explained that this is the first step in purchasing the 900 sq. ft parcel at Union Wharf. By purchasing the lot, it will unite the property with the town's property. There are still several steps for this purchase, but this agreement will allow the Town to acquire the property through Town Meeting.

Ms. Powers made a motion to enter the following determination in the central register: The Select Board for the town of Fairhaven proposes that the town acquire the property located on Union Wharf, identified as Fairhaven assessors map 7, lot 7. The board has determined that the location of the property is unique. It is located on the north side of Union Wharf, and is bordered on three sides by land of the town, and on the remaining side by the way on Union Wharf. That lot, when combined with the present town owned property on Union Wharf, presents an opportunity for further development of Union Wharf by the town,

for public purposes. The lot is owned by Union Wharf Realty LLC, and is 900 square feet in area. The proposed purchase price is \$80,000. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers made a motion to accept the option to purchase the property at Fairhaven assessors map 7 lot 7 offered by Union Wharf Realty LLC, the final exercise of that option to be subject to the approval of the purchase, and appropriation therefore, by town meeting. Mr. Silvia seconded. Vote was unanimous. (3-0)

ARPA Funds and next steps

Mr. Espindola showed a slide presentation (Attachment A) provided by Special Projects coordinator Mark Rees, on the next steps for the town to take in regards to the ARPA funding. The Board agreed they would like to wait to discuss the options further once the new Town Administrator is onboard and after the election when the full 5-member Board will be at the meeting.

Permission to use Town Property for filming of Finestkind film

Film makers Ryan Cook and Victoria Virtue met with the Board to request permission to use town property to film a movie called "Finestkind," written by a Fairhaven native named Brian Helgeland. Filming is proposed for April 20 & 21, May 18 & 19 at Rasputin's Tavern, May 20 at 1 Hedge Street, May 20 at Church & Main Street, May 23 & 24 at 28 Scott Street, May 24 at Fort Phoenix and May 25 at Union Wharf. The crew will need to use Union Wharf for a day, Fort Phoenix, a portion of the bikepath and other various private resident locations. Harbormaster Tim Cox told the crew he will work with them on the details to use Union wharf. The crew has already been in touch with the Police Chief, Fire Chief and the Public Works Department to coordinate. The Board asked for the crew to return at a later date when the plans have been finalized.

Ms. Powers made a motion to approve the planning for the film "Finestkind" in Fairhaven for the dates mentioned and allow the dates to be amended as required and to coordinate through the Town Administrator's Office and to come back at a future date for approval. Mr. Silvia seconded. Vote was unanimous. (3-0)

Fairhaven Improvement Association's Summer Concert Series

Mr. Espindola read a letter from Fairhaven Improvement Association President Frank Fostin requesting the use of the Town Hall steps and bathrooms for the summer concert series. The summer concerts have been on hold for 2 years due to Covid.

Ms. Powers made a motion to approve the request to hold the summer concert series at Town Hall for July 14, 21 & 28 and August 4 & 11 and to waive any fees. Mr. Silvia seconded. Vote was unanimous. (3-0)

Planning for transition to 5 Board Member- Commissions

Mr. Espindola said he requested this item to begin the process of adding the 3 more Select Board members and dividing up the committee liaison duties. Mr. Espindola handed out a list of the committees that he is currently serving on with some background information relating to each. Ms. Oliveira will compile the information provided by all three board members for the next meeting.

DOR Financial Review

Mr. Espindola said the DOR Financial Management review has been underway and the DOR has conducted some interviews but still have a few more to go before they can begin to put together the information for their final report.

Review of Town Meeting Articles for June 18, 2022 Annual Town Meeting

Ms. Graves briefly reviewed the town meeting articles and stated that she is still working on the town meeting warrant. The Board will hold off on voting on articles until the warrant is closer to being completed.

Mask Mandate update

Mr. Espindola read a memo from Health Agent Dave Flaherty who stated the covid cases in town have remained the same since the last Select board meeting. The Board is favorable that the cases will continue to decline.

Public Comment

There were no questions, comments or concerns at this time.

Correspondence

Mr. Espindola read a memo from the Independence Day Parade Team who will be holding the July 4th parade this year after a 2-year hiatus because of Covid. The Board all stated they are looking forward to getting back to our normal events.

Ms. Powers made a motion to approve the July 4th parade. Mr. Silvia seconded. Vote was unanimous. (3-0)

Ms. Powers thanked the Board and the public for her time served and hopes that the results of the annual election on Monday, April 4, 2022 will have her back at the next meeting.

Mr. Espindola acknowledged Women's History Month and thanked all the women who work for the Town.

Ms. Powers made a motion to adjourn at 8:23 pm to convene to executive session, not to reconvene to open session to discuss:

To investigate charges of criminal misconduct – GL c. 149 sec 52C and c.66 sec. 15

Mr. Silvia seconded. Vote was unanimous. (2-0)

Roll Call vote: Ms. Powers in favor, Mr. Silvia in favor, Mr. Espindola in favor.

Respectfully submitted,



Vicki L. Oliveira
Administrative Assistant

A. ARPA presentation



Fairhaven Select Board Meeting Minutes April 11, 2022

Present: Select Board members Robert Espindola, Stasia Powers, Keith Silvia, Leon Correy, Charles Murphy Sr., Town Administrator Angie Lopes Ellison and Administrative Assistant Vicki Oliveira.

Also Present: Finance Director Wendy Graves, Veterans Services Agent Brad Fish and US Veteran George Brownell

Present via zoom: Planning Director Paul Foley

By vote of Town Meeting in June 2021, the recent Annual Town election resulted in the Select Board going from 3 to 5 members.

The meeting was videotaped by Cable Access and Zoom meeting application.

Chairman Robert Espindola opened the meeting at 6:35 pm in the Town Hall Banquet Room with a moment of silence for the people of Ukraine.

Minutes

The minutes were not ready and will be approved at the next meeting.

Town Administrator's Report

Town Administrator Angie Lopes Ellison thanked the Board and said she has enjoyed her time in Fairhaven so far and is grateful for the opportunity to be onboard.

Ms. Ellison said she met today with Labor Counsel Clifford and Kenney where they discussed the personnel policy. Ms. Ellison would like to incorporate the personnel policy with the employee handbook.

Ms. Graves and Ms. Ellison explained the budget process to the Board and all the steps it takes leading up to Town Meeting.

Ms. Ellison stated there have been no changes in the Covid cases in Fairhaven recently.

Ms. Ellison and Town Planner Paul Foley have discussed the three Request for Proposals (RFP) for Rogers School. Ms. Ellison would like to have a community meeting with the residents of the Rogers School neighborhood and find out their opinions on the RFP's. Ms. Ellison has also spoken with the Assessor's Office in regards to the developers using Tax Increment Financing (TIF) money for the development of the Rogers property. The Assessors advised this is not feasible but Ms. Ellison will review other options.

Ms. Ellison said there has been a settlement in the Opioid litigation and all Massachusetts municipalities will be able to collectively be eligible to receive 40% of funds but the money has to be used for specific uses. (Attachment A)

Ms. Ellison discussed the Goals and Objectives the Board previously voted on and each member chose their top 5 goals they thought should be a priority. Ms. Ellison will compile the lists and start reviewing each item.

Ms. Ellison stated a last-minute request for the Board has come in for the West Island 5K, to be held on Sunday April 24, 2022. Because this is time sensitive and Ms. Ellison asked for the Board permission to grant the request and the Board will retroactively vote on this at their next meeting on April 25, 2022.

Committee Liaison Reports

Mr. Murphy reported that the Lagoa Friendship Pact Committee is preparing for the arrival of pictures of Lagoa that will be displayed in the Town Hall foyer this summer.

Mr. Silvia, Mr. Correy and Ms. Powers had no meetings to report.

Mr. Espindola stated Broadband has met and is discussing their article for the Annual Town Meeting.

Mr. Espindola said at the recent SRTA meeting the FY23 budget was discussed.

Mr. Espindola said there are 2 bills at the Legislature regarding e-bikes. Mr. Espindola spoke to Representative Bill Strauss, who is trying to open the section of the bike path in Mattapoissett that has been closed.

Memorial Day Parade

Veterans Services Agent Brad Fish and US Veteran George Brownell met with the Board to discuss the possibility of holding the annual Memorial Day Parade in May. The parade was canceled due to Covid for the past 2 years. Mr. Fish said all the proper paperwork has been filed with the State. Mr. Fish will also be placing flags on the graves of veterans at the Fairhaven cemeteries on May 21, 2022 at 10:00 am for anyone who would like to join him and participate.

Motion: Ms. Powers motioned to approve the 2022 Memorial Day parade. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Reorganization of the Select Board and seating

Mr. Espindola turned the gavel over to Town Administrator Ellison. Ms. Ellison opened the nominations for Chairperson of the Select Board.

Ms. Ellison opened the nominations for the Chair of the Select Board

Nomination: Mr. Silvia nominated Ms. Powers for Chairperson. Mr. Murphy seconded. There were no other nominations

Motion: Mr. Correy motioned to appoint Ms. Stasia Powers, Chairperson of the Select Board. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Nominations were opened for the Vice-Chair of the Select Board.

Nomination: Mr. Silvia made a nomination for Mr. Correy for Vice- Chairperson of the Select Board. Mr. Murphy seconded. Also, Ms. Powers motioned to nominate Mr. Espindola as Vice-Chairperson of the Select Board. Mr. Murphy seconded.

The Board discussed the two nominations; and Mr. Correy and Mr. Espindola spoke their reasons for accepting the nomination.

Motion: Ms. Powers motioned to appoint Mr. Espindola as Vice-Chairperson of the Select Board. Mr. Murphy seconded. The motion failed.

Motion: Mr. Espindola made the motion to appoint Mr. Correy as the Vice-Chairperson. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Nominations were opened for the Vice-Chair of the Select Board.

Nomination: Mr. Correy nominated Mr. Espindola as Clerk of the Select Board. Mr. Silvia seconded.

Motion: Ms. Powers motioned to appoint Mr. Espindola as Clerk of the Select Board. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

For the seating of the 4 board members, Mr. Murphy, Mr. Correy, Mr. Silvia and Mr. Espindola pulled numbers out of a hat to determine their seating order at the table.

Ms. Ellison handed the gavel back to Chairwoman Powers to resume the rest of the meeting.

Motion: Mr. Correy motioned to take item E3 out of order. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Approval of the Finestkind movie locations

Filmmakers Ryan Cook and Victoria Virtue met with the Board and presented an updated listing of all the locations and times for shooting the movie "Finestkind" (Attachment B) Mr. Cook has already met with Sergeant Sobral at the Fairhaven Police Department for approval and they have also reached out to each neighborhood to notify the residents of what will be happening. The filmmakers will also be working closely with the Mass Department of Transportation in regards to closing the Fairhaven-New Bedford bridge for a day in June.

Motion: Mr. Correy motioned to grant a waiver of the parking ordinance while filming the movie "Finestkind" and allow parking overnight. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Motion: Mr. Murphy motioned to approve the location plans and allow the film crew to work with the Harbormaster and Public Safety to determine any changes if needed. Mr. Correy seconded. Vote was unanimous. (5-0-0)

Reorganization of the Committee Liaison appointments

The Board reviewed the listing of each committee and discussed which ones they would like to serve on.

Motion: Mr. Silvia motioned to relinquish the Contract Compliance Officer position and the Local Emergency Planning Committee from the Committee liaison appointments. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Motion: Mr. Correy motioned for the Select Board Committee appointments to be:

- Ms. Powers: Bristol County Advisory Board, Cable Advisory Committee, Capital Improvement Planning Committee
- Mr. Correy: Belonging Committee, Economic Development Committee, Millicent Library Trustees, SRTA
- Mr. Espindola: Bikeway Committee, Broadband Study Committee, Southcoast Bikeway Alliance, SRPEDD

- Mr. Silvia: Dog Park Study Committee, Historical Commission, Marine Resources Committee, Rogers Reuse Committee
- Mr. Murphy: Fair Housing Coordinator, Lagoa Friendship Pact Committee, Sister City Committee

Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Certificate of appointment/elections

Ms. Ellison told the Board this is a standard appointment and approval to certify the election of the Town Clerk. (Attachment C)

Motion: Mr. Silvia motioned to accept and allow the Select Board chair to sign the election form on behalf of the Select Board. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

FY21 CDBG project- Hedge Street Phase 3

Planning Director Paul Foley told the Board the town was awarded \$686,000 for the Community Development Block Grant (CDBG) for FY21 Hedge Street Phase III Project. The Board of Public Works (BPW) coordinated the procurement of engineering services for Fairhaven's FY21 CDBG project, Hedge Street Phase 3 Improvements, from Main to approximately #70 Hedge Street. A Request for Qualifications (RFQ) with a total value of \$60,000 for Phase 3 bidding, construction administration and resident inspector services was advertised in the Goods & Services Bulletin, Standard Times and Commbuys. One bidder, GCG Associates, responded to the RFQ.

The BPW reviewed GCG's submission and recommended to award the contract to GCG. GCG was responsible for the design of Phase 3, construction administration of Hedge Street Phases 1 and 2, and is familiar with CDBG requirements.

Motion: Mr. Correy motioned to award the FY21 CDBG contract for construction administration and resident inspector services (Hedge Street Phase 3) to GCG Associates, Inc. for the amount of \$60,000 and to authorize the Town Administrator to sign all contract related documents, contingent on grant start-up clearances from Department of Housing and Community Development (DHCD). Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Mr. Foley coordinated the procurement of the FY21 CDBG grant administration services. A Request for Proposal (RFP) with a value up to \$40,500 was advertised in the Goods & Services Bulletin, Standard Times and Commbuys. One bidder, Breezeway Farm Consulting, Inc., responded to the RFP. DHCD approval of grant administrator contracts is required. Mr. Foley is recommending the award to Breezeway Farm Consulting, Inc

Motion: Mr. Murphy motioned to award the FY21 CDBG contract for Grant Administration Services to Breezeway Farm Consulting, Inc., for the amount of \$40,500 and to authorize the Town Administrator to sign all contract related documents, contingent on grant start-up clearances and contract approval by DHCD. Mr. Correy seconded. Vote was unanimous. (5-0-0)

Town Administrator appointments

Due to the hiring of a new Town Administrator, there were position appointments that needed to be reassigned. Ms. Powers read a memo from Ms. Graves resigning from her interim Town Administrator appointments as ADA Coordinator, Affirmative Action Officer and Procurement Officer. These positions are to be assigned to the present Town Administrator.

Motion: Mr. Correy motioned to accept Ms. Graves' resignation of her Interim Town Administrator appointed positions. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Motion: Mr. Silvia motioned to appoint Town Administrator Angie Lopes Ellison to the positions of ADA Coordinator, Affirmative Action Officer and Procurement Officer. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Broadband Grant Application - Community Compact Cabinet Grant

Mr. Espindola reported there is a grant for Broadband geared toward municipal fiber with the deadline of Friday (Attachment D). Mr. Espindola feels the Housing Authority tenants are underserved with Cable TV. The grant proposed grant will help the Housing Authority to gain broadband access. This grant can help and educate those that may not be able to afford internet and cable. Ms. Powers suggested including a letter from the Housing Authority Director Krisanne Sheedy. Mr. Espindola feels this grant could also help get more cameras in the other parts of town that do not currently have then due to not having Wi-Fi.

Motion: Mr. Murphy motioned to allow Mr. Espindola to submit the application for the Community Compact Cabinet Grant Municipal Fiber Grant as funding is described in the grant application and not to exceed the 37,500 of (American Rescue Plan Act) ARPA matching funds. Mr. Correy seconded. Vote was unanimous. (5-0-0)

Flag/Banner policy

The Board discussed their thoughts on reinstating the flag/banner policy. Ms. Powers feels the flag/banner policy is a good idea but realizes that there is a concern over flying other flags on the flagpole and would like to see the flagpole left alone but allow the use of banners at Town Hall. The Board discussed the idea of flying banners over Town Hall, updating the rescinded flag/ banner policy; and having the Belonging Committee review the policy and make recommendations to the Select Board.

Motion: Mr. Espindola motioned to request the Belonging Committee to review the flag/banner policy and make recommendations or changes and to look at other town's policies and report back to the Select Board. Mr. Correy seconded. Vote was unanimous. (5-0-0)

Request to fly Pride Flag

Resident Anne Morton- Smith requested to hang the Pride flag at Town Hall. Resident Ronnie Manzone spoke to the Board in favor of flying the pride flag stating that this is an opportunity to bring people together. Ms. Manzone said the pride flag represents love and showing acceptance.

Motion: Mr. Correy motioned to approve the pride flag for the first 2 weeks in June. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

The Belonging Committee will look at alternate locations to place the banner the last 2 weeks in June.

Fitness in the Park, June 21- August 25, 2022

Ms. Powers read a letter from Sue Grace and Jeff Costa requesting permission to hold the Fitness in the Park at Cushman Park for the summer.

Motion: Mr. Espindola motioned to approve the Fitness in the Park pending proof of insurance and approval of the Board of Public Works. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Town Meeting Articles for June 18, 2022 Annual Town Meeting

Finance Director Wendy Graves reviewed the Town Meeting Articles with the Board and addressed any questions they had regarding the warrant. The Board would like to meet with Public Works

Superintendent Vincent Furtado at the next meeting to discuss the funds the Department of Public Works (DPW) needs for the sewer treatment plant. Ms. Ellison informed the Board; the Town meeting vote is to authorize the borrowing. The Board would also like to discuss the article relating to changing the Tree Warden from elected to appointed.

Motion: Mr. Correy motioned to request DPW Superintendent Mr. Furtado to meet with the Select Board to share the plans for the sewer treatment plant. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

*Ms. Powers recused herself at 9:47 pm due to the Board discussion on the article related to Mill Road.
Ms. Powers returned at 9:48 pm*

Ms. Ellison and the Board discussed the town meeting articles and balancing the town's budget.

Public Comment

There were no comments, questions or concerns from the public.

Correspondence

Mr. Espindola said the MassTrails Program letter of support is a standard letter that the Town sends each year to support Mattapoissett.

Ms. Powers read a letter regarding the Fairhaven Police Grant award of \$2,2012.75 for the Automated External Defibrillator Equipment Program.

Ms. Powers read a memo from Town Clerk Linda Fredette notifying the Board of vacancies on the Finance Committee.

Resignation of the Measurer of Wood and Bark

Ms. Powers read letter of resignation from the Measurer of Wood and Bark.

Motion: Mr. Espindola motioned to accept the resignation of John Farrell as the Measurer of Wood and Bark. Mr. Silvia seconded. Vote was unanimous. (5-0-0)

Vacancy on the Housing Authority: Governor's Appointment

Ms. Powers read a letter from Housing Authority Director Krisanne Sheedy requesting volunteers for the Governor's Appointment on the Housing Authority vacated by the unexpected passing of Jean Rousseau.

Notes and Announcements

Mr. Espindola said the Tree Warden has extended an invitation to the Board to attend the Arbor Day event at Fairhaven High School.

Adjournment

Motion: Mr. Correy motioned to adjourn at 10:15 pm. Mr. Murphy seconded. Vote was unanimous. (5-0-0)

Respectfully submitted
On behalf of the Select Board Clerk,



Vicki L. Oliveira
Administrative Assistant

Attachments: on file with the Town Clerk's Office

- A. Opioid State Settlement
- B. Finestkind movie locations
- C. Certificate of appointment/election
- D. About the Municipal Fiber Grant Program

DRAFT



Town of Fairhaven
Office of the Select Board
40 Center St., Fairhaven, MA 02719

Meeting Protocol

Due to the increase in board members and to run the meetings as efficiently and effectively as possible, the following protocols will be implemented: These protocols are coincide with Parliamentary Procedure to run the meetings.

Please review for the April 25, 2022 meeting. It is a discussion and not an conclusive list. Discussion and additions of other protocols will happen at this meeting. The final document will be voted on May 9th meeting to give you all time to consider them and add others.

Select board meeting protocols

- Treat each member with respect and kindness. We are here to do business and we will be professional.
- Wait until the chair recognizes you to speak. This way everyone has the opportunity to weigh in and let Vicki know who's speaking
- If you would like to address someone not on the board please ask to speak and use the phrase "through the chair to "
- We will refer to each other as "Member ..." or "Chair.." and "Town Administrator Ellison" or Ms. Ellison
- Please keep comments on subject and be as concise as possible, if we drift too far off topic, the chair will interrupt and bring the conversation back to the topic at hand.
- Every action needs a vote.

- Agenda items requested by the public need to be submitted to chair or TA at end of day Monday, a week before our next meeting.
- Board requests for agenda items should be submitted by end of day Wednesday before the next meeting.
- We would like to schedule our meetings the first and third Monday of each month beginning in the new fiscal year.
- Committee Liaison reports, should be submitted in writing end of day Wednesday before the next meeting. Verbal reports should be concise and summary in nature.

The Town Administrator was asked to formalize a retreat to review our roles and responsibilities on the board, and goals.

Town of Fairhaven

Board of Selectmen

FY20-21 Budget Policy Statement

Approved: 11/13/2019

The following policy guidelines are hereby issued to the Town Administrator to provide direction and assistance in developing the Town Administrator's recommended FY20-21 operating and capital budgets.

- Adherence to the Financial Management Policies and Guidelines adopted by the Board of Selectmen on September 19, 2016 including:
 - Maintain a Surplus Revenue (Free Cash) balance of at least 3-5% of the General Fund Operating Budget.
 - Maintain a General Fund Stabilization Fund at minimum of 5% of the General Fund Operating Budget.
 - Should the Capital Stabilization Fund be used to fund capital projects, ensure that financial plans are in place to replenish the fund within 3 years to amount equal to a minimum of 2-3% of the General Fund Operating budget.
 - Maintain a balance in the Health Insurance Trust Fund equal to three months of average costs of Health and Dental Assessments including administrative fees or \$1.6 million dollars whichever is greater.
 - With input from the Board of Assessors, fund the Overlay Reserve for tax abatements and exemptions based on an analysis of historical data and specific circumstances such as a property revaluation project.
 - Continuing the on-going effort of addressing the Other Post-Employment Benefits (OPEB) unfunded liability by increasing the appropriation from the current \$250,000 to a minimum of \$300,000.
 - The General Fund Operating Budget shall be "structurally balanced" defined as prudent and reasonable revenues projections should equal or greater than operating budget appropriations.
 - The use of one time revenues and other financing sources including Surplus Revenue (Free Cash) should be limited to one-time, non-recurring expenses such as capital improvements, property acquisitions, and contributions to various reserves and/or single year appropriations.
- After demonstrating compliance with the Financial Management Policies and Guidelines and to the extent that resources are available, the Town Administrator is referred to the Board of Selectmen's FY21 Policy Goals and Objectives approved on 11/13/2019 with direction to fund those programs, projects and initiatives that will advance the achievement of those goals and objectives. In presenting his budget, the Town Administrator shall specifically identify those

recommended expenditures that are intended to promote the achievement of the Board of Selectmen Policy Goals and Objectives.

- As provided for in the Board of Selectmen FY21 Policy Goals and Objectives, the Town Administrator shall allocate a portion of the Medical Marijuana Host Agreement Revenue in support of the Town's Wellness Program and a portion of the Town's Meals and Room Tax Revenue in support of the Beautification Committee.
- In drafting the Five Year Capital Improvement Plan, the Town Administrator, assisted by the Capital Planning Committee, shall develop and recommend a financing plan for construction of a Public Safety facility
- The May 2016 Town Meeting approved an operating budget for FY16-17 that significantly condensed the number of budget lines in order to improve the efficiency of Town Meeting deliberations and to provide greater flexibility to Town Department Directors to manage their operations. The Town Administrator when presenting his budget for FY20-21 is encouraged to continue further consolidation of budget line items.
- Continue the practice started in the May 2017 Annual Town Meeting of having only one Town Meeting Warrant and not a Special Town Meeting Warrant in addition to the Annual Town Meeting Warrant.



To be
discussed
at Meeting



Goal Setting Priorities - Fairhaven Selectboard

:

25-Apr-22

Please prioritize the letter you would like for each Goal

	Chair Powers	Member Correy	Member Espindola	Member Murphy	Member Silvia
Goal	Objective priority	Objective priority2	Objective priority3	Objective priority4	Objective priority5
Goal 4 (5votes)					
Goal 1 (4votes)					
Goal 3 (4votes)					



Town of Fairhaven

Select Board

FY23 Policy Goals with Objectives

Adopted: February 7, 2022

Goal 1: Human Resources Improvements

To strengthen the Town's Human Resources operation in ways that will enhance employee productivity, create an atmosphere of mutual respect and team work, develop an equitable and competitive compensation and benefits plan, and foster employee accountability for job performance.

FY23 Objectives:

- A) Present Personnel Rules and Regulations for Select Board approval from which an Employee Hand book will be written. All town employees will be provided training on these new personnel documents. (TA/HR)
- B) Continue to work with Department Directors on developing succession and cross training plans for key employees: (TA/HR)
- C) Revamp the Employee Health Insurance program to incentive healthy living or all town employees, retirees and dependents. (TA/HR)
- D) With policy guidance of the Select Board, negotiate collective bargaining agreements with Police/Fire/Clerical Unions. With assistance of the BPW negotiate contracts with Highway/Sewer/Water Unions. All contracts are due to expire on June 30, 2022(TA/HR)
- E) Continue to develop written regulations for eligibility to the town's benefits program (Health, Dental and Life Ins) for both active and retired employees and their spouses/dependents. (TA/HR)
- F) Ensure that the functions of human resources department are fully put into place consistent with town bylaws. (TA)
- G) Develop a training program for employees and volunteers on conflict of interest, sexual harassment, cyber security, official communications, and other laws, policies and regulations as appropriate and necessary. (HR)

Goal 2: Town Committees Collaboration

Recognizing that volunteers, both elected and appointed, play an integral part in improving Town government and enhancing civic engagement establish methods and practices that will enhance collaboration and coordination between various boards, improve interaction with the public, and provide educational resources to ensure compliance with applicable federal, state and local laws and regulations.

FY23 Objectives:

- A) Update current Committee Handbook to reflect the most up to date information, laws policies, and regulations and ensure distribution and acknowledgement to current and new members of town committees/boards/commissions. (TA)
- B) As part of the annual committee report submission process include a questionnaire requesting information as to adequacy of resources, opportunities for collaboration and future projects/work plans (TA)
- C) Continue to improve that effectiveness of Board of Selectmen committees by ensuring that they have written direction as to their purpose, type of membership and term. Meet at least annually with committee chairs to discuss status of committees' mission and work (SB/TA)
- D) Develop a policy regarding attendance at meetings by members of committees appointed by the Select Board including provisions for alternative members and limitations on serving on multiple committees (SB/TA)
- E) Promote training opportunities to town committee members and staff to become informed on laws/regulations/policies and best practices in committees' areas of responsibility. Encourage achievement of relevant certifications and licenses. (SB/TA)

Goal 3: Inter and Intra Governmental Cooperation

Identify and advance opportunities for cooperation between Town departments, Fairhaven Public Schools, neighboring municipalities, non-profit organizations and regional governments as ways to improve services and reduce costs.

FY23 Objectives:

- A) Complete Indirect Cost Allocation Agreement with Fairhaven Public Schools (TA/Finance)
- B) Study the feasibility and necessity of a Revenue Sharing Agreement with Fairhaven Public Schools (TA/Finance)
- C) Pursuant to the Memorandum of Understanding on Cable Access Television with Fairhaven Public Schools and Town of Fairhaven, document necessary current and projected expenses for the purpose of ascertaining the appropriate distribution of franchise fees between the Schools and the Town. (TA/Finance)
- D) Review possible ways that the town and school building maintenance can be made more efficient and effective, by applying for Community Compact Grant to study feasibility of establishing a consolidated facility management operation. (TA/BPW/Schools)
- E) Determine the feasibility of establishing a regional Police/Fire 911 Public Safety Answering Point (PSAP) (Police)
- F) Implement an integrated Town wide GIS system that is user friendly and can combine all department's numerous layers (Building/ IT/ involved Departments)

G) Consistent with state regulations, develop and implement a program of electronic scanning of paper records (or eliminate as appropriate) with the intent to create virtual Town Hall, free up office space and reduce fire risks (Building/Town Clerk)

Goal 4: Financial Sustainability

Establish long term financial sustainability for the Town by adherence to approved financial policies regarding reserve levels, balanced budgets and capital financing, financial forecasting, controlling fixed costs (pension, OPEB, Health Insurance) and augmenting revenues (tax base expansion, grants, user fees).

FY23 Objectives:

A) Department Directors shall annually report on their work to identify and apply for grants that would benefit their departments.

B) Develop a monthly Executive Summary Report of Key Financial Indicators available to the Select Board, Finance committee and the public. (Finance)

C) Construct an informational tool ("calculator") that provides tax payers with graphic information as to what services and functions their tax dollars are being allocated to. (TA/ Finance)

D) Continue to implement best practices for cash management at department level with an emphasis on improving customer service and internal controls. (Finance)

E) Implement requirements of new Other Post-Employment Benefits (OPEB) bylaw. (Finance)

F) Determine the appropriate time period for issuing an RFP for audit services (SB/TA)

G) Develop and implement a comprehensive plan for the use of state and federal covid relief funds consistent with regulations. (TA)

H) Review town's financial policies in consultation with DOR, Auditors and Financial Advisor. (TA/Finance)

I) As part of the FY23 operating budget process review the adequacy of department staffing levels to ensure department mission is accomplished and to leverage grant opportunities. (TA)

Goal 5: Economic Development

Diversify and expand the Town's property tax base by implementing strategies and programs consistent with the Town's Masterplan that will help existing businesses and industries grow and make Fairhaven an attractive place for new businesses and industries to locate within the town. Included in this goal is the redevelopment of underutilized commercial properties along the various retail corridors in Town and the Atlas Tack property.

FY23 Objectives:

A) Complete final design of Phase V, Harbor Dredging Project and complete construction of CAD cell by fall of 2023. (Harbormaster)

B) Present the Property Assessed Clean Energy (PACE) program to the Select Board for approvals. (Planning and Ec. Dev.)

C) Objective: Review/Study tax classification shift (split tax rate) (SB/TA/Assessors)

D) Develop a written strategy including measureable outcomes to redevelop, in a manner consistent with the Town's Master plan, the Atlas Tack Property and the former Park Motors property. (Planning & Econ. Dev.)

E) Create new land use regulations and take other actions consistent with the Town's Master Plan to guide sustainable economic development and build new capacity for growth in appropriate areas. (Planning and Ec. Dev.)

Goal 6: Health Welfare and Safety of Town Residents

A primary responsibility for local government is to promote and ensure the health, welfare and safety of its residents. This is done by providing a variety of services and programs that address public health and safety concerns in a coordinated manner between town departments and between local, state and federal agencies.

FY23 Objectives:

A) Continue to Revise and Improve the Town's Emergency Management Response Plan including training town employees in NIMS incident command protocols. (Fire)

B) Determine the feasibility of having a "pet friendly" emergency shelter. (Recreation)

C) Establish neighborhood resilience hubs/networks (Fire)

D) Re-establish the Local Emergency Response Committee (Fire)

E) Continue to update existing fire program software to include pre-fire planning and hazard assessments. (Fire)

F) Continue to develop protocols and procedures to provide effective and up to date security against cyber threats. (Information Technology)

G) Request the state to install traffic control signals at the intersection of Alden Road and Route 6 (SB/Police)

H) Expand on efforts to recruit volunteers for Emergency Management. Provide training for logistical support and shelter operations to new volunteers (Fire)

I) Continue with COVID response and testing as needed. Continue to work and prepare for future pandemics. (Fire)

J) Begin construction to upgrade main Sewer Treatment Plant at Arsene Street to reduce nitrogen levels discharged from the plant in compliance with an EPA consent order including ancillary requirements such as moving the recycling operations. (BPW)

K) Enhance/expand recreational opportunities for town residents including effective messaging to the public to promote these activities. (Recreation)

Goal 7: Civic Engagement

Recognizing that what makes a municipality a community is the degree of civic engagement by its residents, implement methods and programs to improve communication and involvement between the Town government and residents with a focus of volunteer recruitment, transparency of information, timely response to citizen concerns, and use of modern communication technology, including public access television and social media.

FY23 Objectives:

A) Develop and Implement a standardized reporting system where by Departments report regularly on their activities to the Town Administrator which is then presented to the Board of Selectmen and posted on the Towns Website. (TA)

B) Promote expanded programming by volunteers and community organization on the Public Access Channel (Community TV)

C) Develop ways and means, including review of town bylaws and best practices to effectively enforce town bylaws governing zoning violations, sign regulations, dog behavior, littering, excessive noise etc. Building/Police/TA)

D) Study the pros and cons of creating a non-profit organization to operate the Town's Government and Public Access Channels. (Cable Advisory Committee)

E) Produce Public Service Announcement (PSA) and Frequently Asked Questions (FAQ) videos for town departments to assist them in their public messaging efforts. (Community Television)

F) Study feasibility of implementing civic engagement software that will allow town residents to easily and effectively communicate with the town to access services, register concerns and become informed on governmental activities. (TA)

Goal 8: Long Term Planning

There are number of dynamic changes that will be impacting Fairhaven now and into the future, including the condition of the town's aging infrastructure, sea-level rising, community demographics, energy consumption, and federal/state environmental regulations. To begin addressing these matters, an emphasis must be placed on long-term planning, including work on the Town's Master Plan, Hazard Mitigation Plan, Open Space and Recreation Plan and Capital Improvement Plan.

FY23 Objectives:

A) Expend an action grant of \$516,000 through the Complete Street Program to begin the infrastructure modifications necessary to advance the objectives of the program. (BPW/Planning & Ec. Dev.)

B) Begin implementation of the Facility Improvement Plan by commencing the planning and preparation for the construction of a new Public Safety Complex and reviewing other aspects of the Facilities Improvement Plan to see if modifications are necessary due to changing circumstances. (Police/Fire/TA/SB)

C) Re-establish the Open Space and Recreation Committee and develop a web based inventory of conservation, recreation and open space assets. (Recreation/Planning & Ec. Dev/Conservation & Sustainability)

D) Monitor progress and provide assistance, as necessary, for the rehabilitation and re-purposing of the Rogers School properties. (SB/Planning and Ec. Dev.)

E) Promote flood risk education and awareness including possible mitigation measures to residents and businesses who may be at risk of flooding. (Building/Conservation & Sustainability)

F) Ensure that the town continue to maintain Green Community Status so as to continue to be eligible to apply for additional energy saving grants (Conservation & Sustainability)

G) Develop a 40 R Overlay Bylaw that guides sustainable economic development and builds new capacity for growth in appropriate areas through new zoning which will allow for higher density residential above commercial. This objective would also explore using other planning tools such as Transient Orientated Development (TOD), Transfer of Development Rights (TDR) and Form Based Codes. (Planning and Economic Development)

H) Conduct a comprehensive Street Tree inventory and develop an Urban Management Plan and local Public Tree Bylaw. Development of the inventory and plan will add to the local bylaw, help develop a tree care manual, enable better decision making and preserve historic trees as long as possible and potentially lead to a full time certified arborist position and designation as a Tree City USA (Planning and Ec. Dev.)

I) Update the Hazard Mitigation Plan which is due to be updated in 2023. Apply for grants as appropriate (Conservation & Sustainability/ Planning and Ec. Dev.)

J) Review Capital Planning Committee bylaw in regards to membership composition and project review process. (SB/TA)

GOAL 9: Improve Municipal Services:

The Town is in the business of delivering services to residents and businesses and, as such, departments should continually strive to improve municipal services in the most, consumer friendly, efficient and effective manner possible.

FY23 Objectives

A) Assess/Repair Sidewalks on Walnut and William Streets (BPW)

B) Continue to improve access and facilities at Livesey Park and Town Beach by revamping the skate park, construct pickle ball courts, and install handicap accessible mats at Town beach. (BPW)

C) Develop intergenerational programs in the areas of photography, dining, recreation and student interaction with elders. COA/Recreation

- D) Determine most suitable site for a dog park and apply for grant funding for construction. (TA)
- E) Continue to expand the use of the land use permitting software to include Conservation/Sustainability and the Harbormaster's mooring software by the end of FY22. Request funding for ZBA component in the FY23 Budget. (Building/Conservation/Harbormaster)
- F) Provide sufficient resources for the BPW to enhance and improve the attractiveness of the Town through street scape improvements including weed control, welcoming signs and flowers/shrubs. (BPW)
- G) Develop an implementation strategy starting with approval of municipal light plant legislation, to advance the building of a municipally owned fiber optic utility for residents and businesses. SB
- H) Proceed with the West Island dredging project now that the feasibility study is complete. Apply for grants as appropriate. (Harbormaster)
- I) Begin planning for reconstruction of Union Wharf's North Side, Apply for grants as appropriate (Harbormaster)
- J) Purchase and install a fiber optic based town/school telephone system that will significantly improve reliability and standardize telephone services throughout the town, subject to CIP funding approval (information Technology)
- K) Address historical signage/markings in town by replacing outdated sign in front of town hall and installing monument and/or signage recognizing Herman Melville's departure on the Whaling Ship Acushnet from Fairhaven. (Historical Commission)

B5

To be
discussed
at Meeting





LAANC:
https://www.faa.gov/uas/programs_partnerships/data_exchange/

LOCATION	ADDRESS
Fairhaven Town Hall	40 Center St, Fairhaven, MA 02719
Fairhaven Library	45 Center St, Fairhaven, MA 02719
Unitarian Memorial Church	102 Green St, Fairhaven, MA 02719
"Welcome to Fairhaven" road sign	TBC
Fairhaven Harbor	
Tabitha Inn / Our Lady's Haven	71 Center St, Fairhaven, MA 02719
Atlas Tack Factory	81 Pleasant St, Fairhaven, MA 02719



Town of Fairhaven Board of Health

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone: (508) 979-4023 ext. 125 • Fax: (508) 979-4079

Michael Ristuccia, Chair
Kevin Gallagher, Vice-Chair
Heidi Hacking, Clerk
David D. Flaherty Jr, RS, Health Agent

MEMO

DATE: April 22, 2022
TO: Fairhaven's Select Board
FROM: David D. Flaherty Jr., RS
Health Agent
RE: COVID 19 Update

Dear Chairperson Powers,

Fairhaven's Select Board has maintained a policy of "Strongly Advising" shields or masks for visitors and staff at all Fairhaven municipal buildings. This policy has been an integral aspect to attempting reduction of cases and positivity for COVID-19 virus occurrence in Fairhaven. Since last week the Town of Fairhaven has moved from 2.46% positivity up to 4.17%; our total case count has gone from 19 up to 35. This is an upward trend that reflects the situation across the Commonwealth and the Country. In light of this data, I would suggest that your Board continue to maintain the policy of a "Strong Advisory" for mask wearing in municipal buildings. The public seems to be well aware of masking protocols which suit their own comfort level. Many State, County, School and local jurisdictions are suspending mask mandates. I will continue to be involved with Public Service Announcements to help the residents of Fairhaven better understand what these numbers mean and how they can better protect themselves.

Fairhaven Municipal buildings may need to return to masking but until then we need to remain vigilant.

Respectfully,

David D. Flaherty Jr., RS
Health Agent

Cc: BOH



TOWN OF FAIRHAVEN

40 CENTER STREET
FAIRHAVEN, MA 02719

D1

APPLICANT FOR THE USE OF TOWN HALL AUDITORIUM

Name of Organization Fairhaven Dollars for Scholars
Responsible Officer Sherry Lopes Tel. No. [REDACTED]
Address c/o [REDACTED] Fairhaven
Purpose of Use Scholarship Awards Ceremony
Date Requested May 25, 2022 Begin Time 6:30 End Time 8:30

REQUESTED USE APPROVED TO AVAILABILITY:

Conditions:

Select Board

Police Chief/Representative

Date

Fire Department Inspection
(if applicable)

Board of Health
(if applicable)

Building Department Inspection
(if applicable)

FEES (To be completed by the Office of the Select Board)

Rental Fee x 3 hrs. at \$ 50.⁰⁰ hr. = \$ 150.⁰⁰

Plus refundable security deposit in the amount of the rental fee = \$ _____

_____ Custodian x _____ hrs. at \$ 30.89 hr = \$ _____

_____ Police x _____ hrs. at \$ _____ hr = \$ _____

TOTAL FEES = \$ _____

Office Use only

I have received \$ _____ in fees and security deposit for the use of the Town Hall Auditorium on behalf of
Town of Fairhaven from _____
Organization

Date: _____ Signed: _____
Select Board

(Security Deposit will be returned after inspection of the premises by the Select Board or its deignee, less any charge for clean up or repair.)

Rev: 7/21



Gmail

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

[fairhavenma] Fairhaven Dollars for Scholars request venue (Sent by Sherry Lopes, [REDACTED])

Contact form at fairhavenma <cmsmailer@civicplus.com>

Fri, Apr 8, 2022 at 9:40 AM

Reply-To: [REDACTED]

To: VIOliveira <VIOliveira@fairhaven-ma.gov>

Hello VIOliveira,

Sherry Lopes ([REDACTED]) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/33/contact>) at fairhavenma.

If you don't want to receive such e-mails, you can change your settings at <https://www.fairhaven-ma.gov/user/33/edit>.

Message:

Hi Vicki,

Didn't know if this is needed for application approval.

Selectboard,

Fairhaven Dollars for Scholars is requesting use of the Town Hall auditorium for our annual scholarship awards ceremony.

As a non-profit, volunteer run organization we administer scholarships on behalf of local organizations and benefactors.

Our focus is helping students achieve educational goals, provide assistance with college readiness and the financial aid process and distributing scholarships. We have been a local chapter since 2008 and have awarded over \$250,000 in scholarships.

Our awards ceremony typically has 75-100 attendees, lasts 2 hours and we serve lights refreshments (cookies/punch).

It is an wonderful opportunity for organizations and benefactors to meet the recipients of their scholarships and see the future leaders in the making.

Thank you for your consideration.

Sherry Lopes

President - Fairhaven Dollars for Scholars



• TOWN OF FAIRHAVEN •

FAIRHAVEN TOWN HALL AUDITORIUM RULES AND REGULATIONS

The Fairhaven Town Hall Auditorium (the “Auditorium”) is available to non-profit, civic, charitable and governmental organizations for cultural or educational purposes, and for private events¹, but not for the purpose of partisan use to influence elections for office or ballot questions. However, Town government’s (the “Town”) programs and functions will have first priority in the scheduling of events in the Auditorium. Otherwise, the Auditorium will be reserved on a first come first served basis.

The following rules and regulations must be observed in the use of the Auditorium:

1. All requests for use of the Auditorium must be submitted to the Board of Selectmen (the “Selectmen”) on the Application for Auditorium Use form at least 45 days in advance of the requested event date.
2. The applicant is required to sign and complete the Auditorium License Application ,the Release and Indemnification Agreement, and an acknowledgement that they have read, understood and agreed to comply with these rules and regulations
3. Nothing shall be sold, given, exhibited, advertised or displayed without prior permission of the Selectmen.
4. Use of the Auditorium shall be limited to the hours of 8:00a.m. to midnight and no event may extend beyond 12 midnight or be held on any other day unless permission is granted by the Selectmen.
5. No scenery shall be installed that is nailed or otherwise attached to any floors or walls of the stage or Auditorium. Set pieces, platforms, etc. must be free-standing or hung from overhead grid. No decorations may be stapled, tacked or tied to any Auditorium walls or fixtures. No walls or floors of the stage may be painted or otherwise altered. No scenery shall be installed that blocks safe access to stage or Auditorium doors or fire exits. If scenery or backdrop curtains, teasers, side legs, etc. are hung from overhead grid, all such materials must be removed following the production, and the Auditorium’s drops, curtains, etc. must be re-hung in the correct positions. All scenery materials, curtain fabrics and decorations must meet fireproof or flame retardancy regulations of Massachusetts and/or Federal and/or local code. All such materials may be subject to inspection and approval, and any such installation may be subject to inspection. Under no circumstances shall scenery or other property of a using organization be stored in the Auditorium without

¹ Private Events are defined as those functions that are closed to the general public and an admission fee is not charged. It includes such events as weddings, reunions, and birthday/anniversary parties. Use of the auditorium by private parties for the purpose of selling services and/or products is not permitted.

express permission, and in no event when such storage will interfere in the use of the Auditorium by the Town. All scenery and electrical equipment and any equipment supplying light, sound, atmospheric, i.e., water based fog machines, or similar effects must be inspected and approved by the Chief of the Fire Department and the Building Inspector or their designees prior to the use of the stage or Auditorium. Pyrotechnic displays or artificial smoke of any sort are strictly prohibited.

6. The applicant shall be held responsible for the preservation of order and shall secure all licenses and permits require for public performances, including the provision for a police detail if required by the Selectmen or the Chief of Police and food preparation and serving licenses as required by the Board of Health. Unless waived by the Board of Selectmen, Police details shall be required at all events to be attended by two hundred or more persons, all events serving alcoholic beverages, and any other events which the Selectmen determine to require a police officer to maintain public order and safety. The applicant is responsible for the cost of police security. The applicant shall be required to provide liability insurance coverage and rented property insurance coverage, each in the amount of not less than \$1,000,000, naming the town as additional insured. Proof of coverage must be provided to the Town Administrator at least seven days prior to the date of the scheduled event.
7. Consumption of Alcoholic Beverages in the Auditorium may be allowed by the Board of Selectmen under the following provisions: If the applicant intends to sell alcoholic beverages at the event, the applicant must apply for and be granted a Special "one day" license pursuant to M.G.L. Chapter 138, Section 14 and the Rules and Regulations for Special "one day" licenses of the Board of Selectmen's, acting in their capacity as the Local Licensing Authority. If the applicant intends to serve alcoholic beverages but not charge for them, the applicant must obtain a special events insurance policy that provides for liquor liability coverage in the amount of not less than \$1,000,000 and that names the Town as an additional insured. Proof of coverage must be provided to the Town Administrator at least seven days prior to the date of the scheduled event.
8. Consumption of Marijuana in any form or manner is prohibited.
9. A custodian will be required to be on duty during the event and thirty minutes prior to and following the event. The applicant is responsible for the cost of custodial services at the prevailing rate.)
10. Unless waived by the Board of Selectmen, the applicant is responsible for paying in advance at least seven days prior to the event, an Auditorium Use Fee at a rate of \$50 per hour with a minimum of three (3) hours per event for non-profit, civic, charitable and governmental organizations for cultural or educational purposes and \$150 per hour with a minimum of three hours per event for private events, plus the cost of custodial services as determined by the Town Administrator
11. A refundable security deposit in the form of a certified check made out the Town of Fairhaven and in the amount of the total rental fee shall be submitted at least seven days prior to event. (if the rental fee is waived by the Town, the security deposit shall be equal to the amount of the rental fee if the fee had not been waived) The Town, at its sole discretion, may deduct from this security deposit any and all funds necessary to make repairs or clean the facility including the cost of custodial services not paid for by the

applicant. The providing of a security deposit does not reduce, lessen or remove any obligation the applicant may have under the Release and Indemnification Agreement.

12. Applicant is responsible for delivery, pick-up and rental of additional chairs and tables if required. The Auditorium is to be swept clean and all trash removed after use. The set-up and break-down of chairs and tables and clean-up by the custodian will be an additional charge at a rate of \$10 per hour (in addition the prevailing rate provided for in Section 7) and must be pre-arranged at least 48 hours in advance of the event. Restrooms are to be left clean after use.
13. No smoking is permitted within the Town Hall or within 15 ft. of the primary entrance of the building.
14. The event is limited to the occupancy limit as determined by the event and as approved by the Building Commissioner.
15. Only the preparation of light refreshments involving no cooking will be permitted in Auditorium area. Water is available for use in preparing coffee or tea. Any group serving refreshments must provide their own dishes, utensils, linens, etc.
16. The custodian is responsible for the opening and closing of the Town Hall.
17. The Board of Selectmen reserves the right to revoke permission to use the Auditorium for an applicant's non-compliance with the Rules and Regulations. The Selectmen reserve the right to waive any or all fees under these Rules and Regulations when it is in the public interest to do so.

ADOPTED BY THE FAIRHAVEN BOARD OF SELECTMEN – January 9, 2017

^{PIVA}
Heidi Paiva

[REDACTED]
Fairhaven, Ma 02719
[REDACTED]

To Fairhaven Select-Board
42 Center Street
Fairhaven, Ma 02719

My name is Heidi ^{PIVA}Paiva and I live at Anthony Haven, which is part of
Fairhaven Housing

Authority. I am legally blind and Hearing impaired. In the past I have served in
New Bedford on "The
Commission of the Blind".

I am very interested in being on the Fairhaven Commission for Disability.
I feel that I can

Contribute I respectfully request consideration to be appointed to the
commission.

Thank you ahead of time for your consideration, and ^{thank}that you Marcus
and Sarah for your

Encouragement and endorsement.

Sincerely
^{PIVA}
Heidi Paiva

Heidi Piva

BOARDS AND COMMITTEES

Board/Committees	Name	Title
Commission on Disability		
	Pamela Whynot	
not less than Five(5) nor more than Thirteen (13) members	Marcus Ferro	elected official
Majority shall be persons with disabilities	Donna Lavallee	
one (1) may be a family member	Vacant	
One (1) MUST Be an elected or appointed municipal official	Glenn Gabbard	
Three year terms	Brian Rego	
	Diane Rocha	
	Eleanor Chew	
	Jenna Benoit	
	Sue Makepeace	
	Sarah Buck	
	Pamela Ferro	
	Janice Alves Jellerson	



Re: Fw: Bikeway Committee

Bob Espindola <selectmanbobespindola@gmail.com>

Fri, Apr 15, 2022 at 6:35 PM

To: Amy Roderick <[REDACTED]>, Angie Lopes Ellison <alopesellison@fairhaven-ma.gov>, Stasia Powers <spowers@fairhaven-ma.gov>, Vicki Paquette <vloliveira@fairhaven-ma.gov>

Amy,

Thanks for the follow-up and your interest.

By way of this email I am asking that we place an agenda item on our next Select Board meeting or as soon as possible to consider appointing you to the Fairhaven Bikeway Committee.

Bob

On Fri, Apr 15, 2022 at 1:30 PM Amy Roderick <a[REDACTED]> wrote:

Hi Bob - thank you for reaching out.

I am interested in joining the Bikeway Committee.

Feel free to contact me at this email address or on my cell at [REDACTED] 6.

Thank you,

Amy Roderick

----- Forwarded message -----

From: **Bernard Roderick** <d[REDACTED]>

Date: Thu, Apr 14, 2022 at 7:31 PM

Subject: Fw: Bikeway Committee

To: Amy Roderick <a[REDACTED]>

From: Bernard Roderick <[REDACTED]>**Sent:** Thursday, April 14, 2022 7:28 PM**To:** Bernard Roderick <[REDACTED]>**Subject:** Fw: Bikeway Committee

From: Bob Espindola <selectmanbobespindola@gmail.com>**Sent:** Wednesday, April 13, 2022 2:30 PM**To:** Bernie Roderick <[REDACTED]>**Subject:** Bikeway Committee

Bernie,

If your daughter is still interested in joining the Fairhaven Bikeway Committee, please ask her to reach out to me by this email or by phone [REDACTED].

I had another person express interest yesterday and will be submitting a letter and we could really use a couple new

BOARDS AND COMMITTEES

Board/Committees	Name	Title
Bikeway Committee	Chip Hawthorne	
	Mike Rotondo	
1 Year Term	Robert Espindola	Ex Officio
no charge	James Anderson	
	Justin Gledhil	
	Tim Garcia	



D4

Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fwd:

1 message

Leon Correy III <lcorrey@fairhaven-ma.gov>
To: Vicki Oliveira <vicki@fairhaven-ma.gov>

Sat, Apr 16, 2022 at 9:06 AM

----- Forwarded message -----

From: **laura barillaro** [REDACTED]
Date: Sat, Apr 16, 2022 at 8:55 AM
Subject:
To: lcorrey@fairhaven-ma.gov <lcorrey@fairhaven-ma.gov>

Good Morning,

I am interested in joining the belonging committee in our town and would to attend the upcoming meetings.

Sincerely,

Laura Barillaro
[REDACTED] Fairhaven, MA 02719.

BOARDS AND COMMITTEES

Board/Committees	Name	Title
Belonging Committee	Vacant	
	Greg Weider	
	Vacant	
	Vacant	
7 voting members	Kylie Bateman	
SB, Police, Fire, school have advisory seats	Geoffrey Haworth II	
	Jessica Fidalgo	
	Jerome Pehha	Police Dept Advisory Rep
	Vacant	Fire Dept Advisory Rep
	Jill Sullivan	School Dept Advisory Rep
	Leon Correy	Select Board Advisory Rep

9th Annual West Island 5K Run/Walk & Kids Mile Fun Run

West Island 5K
193 Cottonwood St.
Fairhaven, MA 02719

Dear Board of Selectman,

I am writing to obtain approval for the 9th Annual West Island 5K Run/Walk & Kids Mile Fun Run from the Board of Selectman. My request is for the date of April 24, 2022 and for the no-fee use of Hoppy's Landing for parking on race day.

After seven years, we have raised \$75,000 for the Fairhaven High School cross country program, the 501(c)3 non-profit, Strive and Achieve, Corp and the West Island Improvement Association. To date we have provided 56 graduating seniors scholarships and other support to the FHS Cross Country program. Furthermore, Strive and Achieve raises awareness and provides opportunities for young Americans to pursue skilled labor careers throughout New England. Finally, we now fund a \$1,000 scholarship in support of the West Island Improvement Association scholarship fund.

I have cleared the race date with the West Island Improvement Association and will again work with the Fairhaven Police Department and Fairhaven Emergency Management team to ensure we conduct a well-organized and safe event. We are excited to bring this event back to our community event and look forward to your support of the 9th Annual West Island 5K Run/Walk & Kids Mile Fun Run and the no-fee use of Hoppy's Landing on April 24, 2022.

If you have any questions, please contact me at (571) 765-0910 or westisland5k@yahoo.com.

LYLE K. DREW

Race Director, West Island 5K
FHS Class of 1990

Francis J. Cox Jr.
[REDACTED]
Fairhaven, MA 02719

04/14/2022

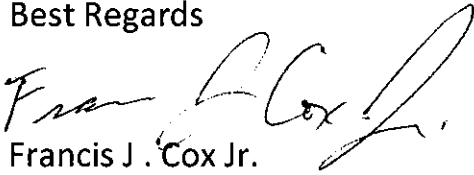
Dear Fairhaven Selectmen

I'm Resigning my position as Vice Chairman of the Board of Appeals.

I would like to take this opportunity the experience has been positive for what I'm grateful.

I wish thank the Board of Appeals Members, it has been a pleasure working with you.

Best Regards


Francis J. Cox Jr.



Angie Lopes Ellison
Town Administrator

Town of Fairhaven
Massachusetts
Office of the Town Administrator
40 Center Street
Fairhaven, MA 02719

Tel: (508) 979-4023
alopesellison@fairhaven-ma.gov

May 1, 2022

Kara Runsten, Municipal Vulnerability Preparedness Manager
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114
kara.runsten@mass.gov
617-312-1594

Dear Ms. Runsten,

The Town of Fairhaven Select Board is writing to express support for the Town's application and participation in the Massachusetts Executive Office of Energy & Environmental Affairs (EEA) Municipal Vulnerability Preparedness Action Grant Program FY23. We are concerned about the potential impacts of climate change on our community, as outlined in our MVP Community Workshop summary published in April 2022, and understand the importance of evaluating vulnerabilities to these climate change impacts so that steps can be taken to reduce vulnerability and build resilience in our community.

The Top Priority Actions adopted at our MVP Workshop surrounded the topic of assessing and addressing vulnerability of Town infrastructure and natural resources to sea level rise and storms. The Town is ultimately focused on building resilience to climate change through a variety of engineering, policy, and societal adaptations. I understand that this project will assess vulnerability to coastal flooding (a top hazard for the Town of Fairhaven) from the combined effects of sea level rise and storm surge for our community's infrastructural assets and natural resources, and then develop some preliminary adaptation concepts for high-risk features.

With predictions of rising sea levels and increased storm intensity due to climate change, Fairhaven is very concerned that coastal erosion and flooding will increase in the coming years. Being a relatively small town with limited financial resources, Fairhaven is concerned that it will not have the capacity to deal with the resulting damage and disruption. As such, the Town is interested in funding to identify areas most vulnerable to the effects of rising sea levels and extreme storm events.

As Town Administrator, I would like to express my full support for the Town's pursuit of an MVP Action Grant to fund the "Climate Change Vulnerability Assessment" to address these challenges. My department will bring local knowledge to the planning and assessment process to prepare a detailed risk-based vulnerability assessment.

We look forward to participating in the MVP Action Grant Program.

Thank you very much for your consideration of our project.

Sincerely,

Angie Lopes Ellison
Town Administrator



Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Fwd: Letter of Support Request for MVP Grant Application

Angeline Lopes Ellison <alopesellison@fairhaven-ma.gov>

Wed, Apr 20, 2022 at 2:52 PM

To: Vicki Oliveira <vloliveira@fairhaven-ma.gov>

Cc: Stasia Powers <spowers@fairhaven-ma.gov>

Vicki-

Can you add to the agenda under action item?

Thanks,
Angie

----- Forwarded message -----

From: **Stasia Powers** <spowers@fairhaven-ma.gov>

Date: Wed, Apr 20, 2022 at 11:23 AM

Subject: Fwd: Letter of Support Request for MVP Grant Application

To: Angeline Lopes Ellison <alopesellison@fairhaven-ma.gov>

We should probably add this to the agenda next to get a vote of support from the select board.

Thanks
Stasia

----- Forwarded message -----

From: **Whitney McClees** <wmcclees@fairhaven-ma.gov>

Date: Wed, Apr 20, 2022 at 11:05 AM

Subject: Letter of Support Request for MVP Grant Application

To: Whitney McClees <conservation@fairhaven-ma.gov>

Good morning,

I am in the process of submitting an action grant application to the Municipal Vulnerability Preparedness program to fund a town-wide climate change vulnerability assessment for municipal infrastructure and natural resources. I have attached the scope of work from Woods Hole Group for your reference. The application is due May 5.

I am seeking letters of support for this endeavor and have included a template letter. Since you or a representative from your committee or organization participated in our MVP Planning Grant process, I am writing to ask you to consider supporting this next step for climate change preparedness for our town. If you would like to write a letter of support, please return it to me no later than April 29. You can use the template I provided or write your own letter. If you choose to write your own letter, please be sure to mention the title of the project, "Climate Change Vulnerability Assessment".

Let me know if you have any questions.

Thank you,
Whitney

Whitney McClees

Conservation Agent and Sustainability Coordinator

Town of Fairhaven

40 Center Street

Fairhaven, MA 02719

508-979-4022 ext. 128

January 25, 2022

Whitney McClees
Conservation Agent and Sustainability Coordinator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Scope of Work for Climate Change Vulnerability Assessment

Dear Whitney:

Woods Hole Group is pleased to submit the following planning-level scope of work (SOW) and estimated budget for conducting a detailed coastal vulnerability and risk assessment of municipal infrastructure and natural resources considering exposure to sea level rise and coastal storms. The goal of the project is to provide the Town of Fairhaven (the Town) with data on likely scenarios and degrees of potential impact in vulnerable areas, and to assist in the prioritization of assets for future adaptation planning and design. The proposed approach will include key cooperative review points with Town staff and stakeholders to review findings and determine next steps.

This SOW and estimated budget may be used as a guide for planning to apply for state grant funding (either CZM or MVP may be appropriate), and for reserving appropriate funds for the cash match. Final budget and scope will be determined in coordination with the Town at the time of grant application.

Task 1. Data Collection & Establish Study Parameters

The initial project phase will set study parameters and develop a preliminary screening-level exposure assessment. During this phase, Woods Hole Group will work with Town staff to develop an understanding of project approach, study parameters, and geographic scope. The study will include an assessment of the best available science, currently being the latest probabilistic sea level rise and storm surge projections (Present, 2030, 2050, and 2070) from MassDOT's Massachusetts Coast Flood Risk Model (MC-FRM). Woods Hole Group will work with Town staff to gather existing geographic location data for infrastructure in the study area, identify needs to document additional infrastructure in the study area, collect background information on historical flooding, and plan public outreach. Woods Hole Group will work with the Town to source the most up to date GIS based asset data. Such sources include the Town's GIS databases, Southeast Regional Planning & Economic Development District, MassGIS, and the MORIS CZM Online Mapping Tool.

Task 1 includes two meetings with the Town's steering committee, a technical memorandum summarizing Task 1 findings (including a screening-level exposure assessment), and a presentation to the Town Select Board (or other public forum).

Task 1. Planning-Level Budget: \$10,000 + In-Kind Match

Task 2. Perform Vulnerability Assessment

In this task, Woods Hole Group will perform a detailed vulnerability and risk assessment of Town-wide potentially exposed infrastructure and natural resources to inform prioritization and future adaptation planning. Working with Town staff, Woods Hole Group will augment and refine the existing GIS asset inventory with an in-field survey of infrastructure and critical elevations, and develop consequence scores for all potentially exposed assets to inform the risk assessment. Using



MC-FRM water surface elevation projections (2030, 2050, and 2070), site specific documentation, and asset consequence scoring, Woods Hole Group will conduct the vulnerability and risk assessment for Town infrastructure. In parallel, Woods Hole Group will use projected tidal benchmarks to assess potential nuisance flooding impacts. Using MA CZM Sea Level Affecting Marshes Model (SLAMM) projections, Woods Hole Group will calculate potential habitat change over time. Woods Hole Group will develop Town-wide maps of MC-FRM projections, maps and tables of SLAMM analyses, and maps and tables of infrastructure risk. A natural outcome of this risk assessment will be a comprehensive list of assets and their vulnerability. The assessment will highlight the most vulnerable assets and areas, to assist the Town in choosing priority assets for adaptation planning.

Task 2 includes up to three field assessments to document infrastructure and critical elevations, two meetings with the Town's steering committee, a technical memorandum summarizing Task 2 findings (vulnerability and risk assessment), and a presentation to the Town Select Board (or other public forum).

Task 2. Planning-Level Budget: \$40,000 + In-Kind Match

Town of Fairhaven Climate Change Vulnerability Assessment

Total Planning-Level Budget:	\$53,500
Grant Funding:	\$40,000
Cash Match:	\$10,000
In-Kind Match:	\$ 3,500 (minimum to achieve required 25%)

Assumptions

- No out of scope work will be completed without prior approval and authorization from the Town.
- Invoices will be submitted monthly and/or upon completion of tasks, and will be based upon percent complete.
- The Town will provide all available and relevant data such as GIS files to support work, and meet with Woods Hole Group staff as needed for on-site facility assessments.
- Deliverables will include technical memorandums for each task and a Geodatabase with final results. If the Town wishes to include a formal report or other final deliverable (such as an online map viewer or ArcGIS StoryMap, additional scope will be needed.
- All public meetings will be arranged by the Town, with the consulting team providing presentation and supporting materials.
- This vulnerability assessment will be conducted with standard EEA MC-FRM data (0.1% - 5% annual coastal flood exceedance probabilities); if the Town wishes to **add higher probability events (10%, 20%, 100%)** to the vulnerability assessment, Woods Hole Group must process these data (**this would add ~\$15K to the budget**).

We look forward to supporting you on your grant application. Please reach out if you have any additional questions.

Regards,

Joseph J. Famely
Climate & Sustainability Team Lead

Mr. Furtado will be present to
discuss
Tree Warden Article
And
Sewer Treatment Plant
Financing



WARRANT

**Town Meeting to Act on Articles in the Warrant
Saturday, June 18, 2022 at 9:00 a.m. in the
Walter Silveira Auditorium at the
Elizabeth I. Hastings Middle School.**

ARTICLE 1: MEASURER OF WOOD AND BARK

To see if the Town will vote to instruct the Select Board to appoint a Measurer of Wood and Bark.

Petitioned by: Select Board

ARTICLE 2: TOWN REPORT

To receive the Annual Report of Town Officers.

Petitioned by: Select Board

ARTICLE 3: REPORT OF COMMITTEES

To hear and act upon the reports of any committees, or committee appointed in Town Meeting and to choose any committees or committee the Town may think proper and to raise and appropriate a sum of money for the expense of same, or to take any other action with relation to either of said matters, as the Town may deem necessary and proper.

Petitioned by: Select Board

ARTICLE 4: SETTING SALARIES OF TOWN OFFICERS-FY23

To see if the Town will vote to fix the compensation of the Town's Elected Officers and that said compensation be effective July 1, 2023

A. Select Board	\$25,000.00
B. Town Clerk	\$66,961.00
C. Moderator	\$1,000.00
D. Tree Warden	\$7,321.00
E. Board of Health	\$5,170.00

Or take any other action relative thereto.

Petitioned by: Select Board

ARTICLE 5: BILLS OF PRIOR YEAR – Paid from FY23 funds

To see if the Town will vote to pay the bills of prior year.

A. Stryker	\$680.00
B. Corvel Corporation	\$6.85

and others that may be brought forward.

Petitioned by: Town Administrator

ARTICLE 6: FY22 GENERAL FUND OPERATING BUDGET ADJUSTMENTS

To see if the town will vote to amend Article 9 of the June 12, 2021 Town Meeting “General Fund Operating budget-FY22” as follows:

- A. \$7,321.00 be transferred from Surplus Revenue (Free Cash) to the Bristol County Agricultural
- B. \$111,177.00 be transferred from Surplus Revenue (Free Cash) to NBRVT High School

Petitioned by: Finance Director

ARTICLE 7: SEWER CAPITAL IMPROVEMENTS REVENUE FY21 TO STABILIZATION FUND

To see if the Town will vote to transfer from the Sewer Retained Earnings of June 30, 2020 Sewer Capital Fee \$302,073 to the Sewer Capital Improvements Stabilization Fund or to take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 8: GENERAL FUND OPERATING BUDGET – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY23 General Fund Operating Budget or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 9: WATER ENTERPRISE FUND OPERATING BUDGET – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY23 Water Enterprise Fund Operating Budget or take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 10: SEWER ENTERPRISE FUND OPERATING BUDGET – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY23 Sewer Enterprise Fund Operating Budget or take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 11: TOWN CABLE ENTERPRISE FUND OPERATING BUDGET – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY23 Town Cable Television Enterprise Fund Operating Budget or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 12: SCHOOL CABLE ENTERPRISE FUND OPERATING BUDGET – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY23 School Cable Television Enterprise Fund Operating Budget or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 13: GENERAL FUND CAPITAL PLAN - FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund Capital Equipment/Projects in the General Fund or take any other action relative thereto:

A. Fire Engine 2 Tool Project	\$35,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
B. Replace Voting Machines	\$38,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
C. Ambulance / Stretcher Replacement	\$325,000.00*
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
D. Police Cruiser Replacements	\$134,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
E. High School-Repair and Replace Southeast & Southwest Gables	\$2,275,000.00**
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
F. Computer Hardware Equipment Replacement	\$30,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
G. Life Pak 15 Replacement (3 Units)	\$96,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
H. Replace Loader	\$220,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
I. Computer Server for offsite electronic storage	\$24,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
J. Beach Mat to provide for handicap access to Town Beach	\$25,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
K. Replace Boiler at Town Hall	\$125,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
L. COA/Rec Building Roof Replacement (design & construction)	\$54,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
M. Replacement of Engines on Harbormaster Boat	\$51,000.00***
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
N. Hydraulic Rescue Tools	\$41,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
O. Upgrade Town/School Phone System	\$223,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	
P. Replace window blinds/shades at Town Hall	\$21,000.00
<i>Petitioned by:</i> Select Board and Capital Planning Committee	

Q. Control Desk Radio Upgrade \$48,000.00

Petitioned by: Select Board and Capital Planning Committee
Or other project that may be presented at Town Meeting.

And to meet this appropriation \$1,165,000.00 be transferred from Surplus Revenue (Free Cash), \$300,000.00 transferred from Ambulance RRA to partially fund “C. Ambulance/Stretcher Replacement”, and \$25,000.00 transferred from the Waterways Fund to partially fund “M. Replacement of Engines on Harbormaster Boat”, and borrow \$2,275,000.00 for “E. High School-Repair and Replace Southeast & Southwest Gables”.

ARTICLE 14: WATER ENTERPRISE CAPITAL PLAN – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Water Enterprise account to fund Capital Equipment/Projects or take any other action relative thereto:

A. Utility Truck with Plow	\$73,000.00
B. Repainting Sconticut Neck Water Tower	\$1,000,000.00
C. Water Gate Valve Maintenance	\$75,000.00

Petitioned by: Board of Public Works

ARTICLE 15: SEWER ENTERPRISE CAPITAL PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Sewer Enterprise account to fund Capital Equipment/Projects or take any other action relative thereto:

A. Sewer Treatment Plant Upgrade	\$50,000,000.00
B. Inflow and Infiltration Prevention	\$250,000.00
C. Sunset Beach Sewer Extension	\$1,000,000.00
D. South St Taber St Force Main Upgrades	\$3,500,000.00
E. Blower Building Roof Replacement-Treatment Plant	\$75,000.00

Petitioned by: Board of Public Works

ARTICLE 16: ROADWORK – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$425,000 in the aggregate without regards to individual line items to do the following roadwork, in the order of priority as determined by the Board of Public Works or take any other action relative thereto:

A. Bayview Avenue - Highland Ave to Manhattan Ave, reconstruct, hard-surface, install drainage, curbing and sidewalks a distance of approximately 1325 feet, more or less.

Petitioned by Board of Public Works

- B. Farmfield Street - Green St to Pleasant St - reconstruct, hard-surface, install drainage, curbing and sidewalks a distance of approximately 1000 feet, more or less

Petitioned by Board of Public Works

- C. Bonney Street - Reconstruct, hard-surface and install drainage on Bonney Street from #45 Bonney westerly to the end a distance of approximately 200 feet, more or less.

Petitioned by: Board of Public Works & Sheri Bettencourt

ARTICLE 17: – STATE AID TO HIGHWAYS – FY23

- A. To see if the Town will vote to authorize the Board of Public Works to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts for the construction, reconstruction and improvements of Town roads, or take any other action relative thereto.
- B. To see if the Town will vote to appropriate and transfer from available funds a sum of money for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to the MGLS and Transportation Department's Chapter 90 Guidelines, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 18: FUNDING CAPITAL STABILIZATION FUND – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, including surplus revenue (Free Cash) and reimbursement from the state for school capital projects, to be deposited in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws, or take any other action relative thereto

Petitioned by: Town Administrator

ARTICLE 19: AMBULANCE STABILIZATION – FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$70,000 to be deposited in an Ambulance Stabilization Fund as authorized by Chapter 40 Section 5B of the General Laws, or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 20: SOCIAL DAY CARE CENTER – FY23

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2023 a sum of money not to cumulatively exceed \$175,000.00 from the Grant Account known as "Receipts Reserved for Appropriation for Fairhaven Supportive Social Day Program"

for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

Petitioned by: Council on Aging

ARTICLE 21: PROPAGATION OF SHELLFISH-FY23

To see if the Town will vote to raise and appropriate, borrow or transfer an amount not to exceed \$18,000.00 from available funds for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Harbormaster/Shellfish Warden

ARTICLE 22: COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS-FY23

To see if the Town will vote to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee to expend or reserve, from the Community Preservation Fund available funds and FY23 Estimated Receipts as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:

PROPOSED FISCAL YEAR 2023 COMMUNITY PRESERVATION BUDGET	
APPROPRIATIONS	
Purpose	Recommended Amounts
Reserve for Appropriation	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration (FY23 Estimated Receipts)	\$65,000.00
B. Acquisition, creation, and preservation of Historic Resources, and its rehabilitation and restoration (FY23 Estimated Receipts)	\$65,000.00
C. Acquisition, creation, and preservation of Community Housing, and its rehabilitation and restoration (FY23 Estimated Receipts)	\$65,000.00
Spending Appropriations	
D. DPW – Library Sidewalks (Undesignated Balance)	\$93,000.00
E. FHC – Spring St Firehouse Renovations (Undesignated Balance)	\$18,000.00
F. FH PBA – Pickleball Courts at Livesey Park (Open Space Reserved \$90k & Undesignated Balance \$90k)	\$180,000.00

G. WMFS – Whitfield Manjiro Cultural Center (Historic Resources Reserved)	\$60,000.00
Administrative Spending Appropriation	
E. To fund the Community Preservation Committee’s annual expenses as follows: Personal Service –\$2,600; Purchase of Services – \$3,400; Supplies – \$500; Other charges/expenders – \$2,000.	\$8,500.00
Total Recommended Appropriations	\$554,500.00

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the existing reserves and recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund Estimated Receipts.

And, whereas Town Meeting may vote to delete any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2023 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$65,000) for open space, not less than 10% (\$65,000) for historic preservation, and not less than 10% (\$65,000) for community housing.

, or take any other action relative thereto.

Petitioned by: Community Preservation Committee

ARTICLE 23: REVOLVING FUNDS – FY23

To see if the Town will authorize and / or re-authorize the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

Revolving Fund	Authorized to Spend	Revenue Source	FY23 Limit
Hazardous Materials	Fire Chief	Disposal fees/charges	\$ 100,000
Sustainability	Sustainability/ Green Committee	Fees/charges	\$ 10,000
Hoppy's Landing	Select Board and/or Town Administrator	Fees/charges from users of Hoppy's Landing	\$ 25,000

Town Hall Auditorium	Town Administrator	Town Hall auditorium rental fees	\$ 2,000
Park Utilities	Board of Public Works	User fees	\$ 2,000
Mooring Fees	Marine Resources	Mooring Fees	\$ 2,000
Mattress Recycling	Board of Health	Revenue from textile recovery boxes	\$ 1,000
Hoarding Remediation	Board of Health	Revenue from textile recovery boxes	\$ 1,000
Wellness	Wellness Committee	Fees, BCBS reimbursements, vendors	\$ 2,500

Or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 24: FUND LABOR CONTRACTS-FY23

To see if the town will vote to fund contracts for the clerical, police, dispatchers, fire, highway, water and sewer unions or take any other action relative thereto:

- A. Clerical Union
- B. Police Union
- C. Dispatchers Union
- D. Fire Union
- E. Highway Union
- F. Water Union
- G. Sewer Union

Petitioned by: TA/Select Board

ARTICLE 25: SENIOR WORK-OFF PROGRAM – FY23

To see if the Town will vote to continue the provisions of MGL, Chapter 59, Section 5C-Senior Work for a total authorization of \$10,000 or take any other action relative thereto:

Petitioned by: Council on Aging

ARTICLE 26: RETIREMENT COLA-FY23

To see if the Town will vote to accept an increase of the COLA base for retirees beginning July 1, 2022 from \$14,000.00 to \$15,000.00 consistent with the provision of Chapter 188, Section 19, of the Acts of 2010. For a total authorization of \$64,041.00 or take any other action relative action thereto.

Petitioned by: Retirement Board

ARTICLE 27: ADDITIONAL FUNDS TO SUPPLEMENT ARTICLE 16B FROM THE OCTOBER 20, 2020 MEETING-WATER DEPT VAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$12,500.00 from the Water Enterprise account to fund Water Department Van, or take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 28: AMEND CHAPTER 194 STORM MANAGEMENT - EROSION AND SEDIMENT-FY23

Article (XXX): BY-LAW

To see if the Town will vote to amend Chapter 194 Storm water Management, Illicit Discharge, Soil Erosion, Sediment Control or take any other action relative thereto:

**CHAPTER 194
STORMWATER MANAGEMENT, ILLICIT DISCHARGE, SOIL EROSION,
SEDIMENT CONTROL BY-LAW**

GENERAL REFERENCES

Wetlands – See Ch. 192

Subdivision of Land – See Ch. 322 Zoning By-Law – See
Ch. 198

§194-1 Authority.

This By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

§194-2 Purpose.

A. The purpose of this bylaw is to provide for the public health, safety, and general welfare of the residents of the Town of Fairhaven, the protection of Fairhaven’s water bodies and groundwater, and the protection of Fairhaven’s natural resources through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

B. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater. The harmful impacts of illicit discharge, soil erosion, and sedimentation are:

(1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater, and drinking water supplies;

(2) Contamination of drinking water supplies;

(3) Erosion of stream channels and downstream coastal areas;

- (4) Alteration or destruction of aquatic and wildlife habitat;
- (5) Flooding;
- (6) Overloading or clogging of municipal stormwater management systems.

C. The objectives of this By-Law are to:

1. Regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
2. Prohibit illicit connections and unauthorized discharges to the municipal separate storm sewer system and require their removal;
3. Protect water resources;
4. Require practices that eliminate soil erosion and sedimentation;
5. Control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
6. Require practices to manage and treat stormwater runoff generated from new development and redevelopment;
7. Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
8. Protect groundwater and surface water from degradation;
9. Promote infiltration and the recharge of groundwater
10. Maximize recharge of groundwater in the Fairhaven Aquifer Protection District
11. Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing users;
12. Ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
13. Ensure adequate long-term operation and maintenance of structural stormwater best management practices;
14. Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
15. Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
16. Establish the Town of Fairhaven's legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring and enforcement; and

17. Support Chapter 198 §31 (Earth removal regulations), Chapter 198 §31.1 and Chapter 322 § 26 (Stormwater management)

§194-3 Definitions.

For the purposes of this By-Law, the following shall mean:

ABUTTER: The owner(s) of land abutting the lot or lots on which activity regulated by this bylaw is occurring or proposed.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquaculture use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any "person" as defined below requesting a soil erosion and sediment control permit for proposed land-disturbance activity or a permit relating to or involving stormwater management

BEST MANAGEMENT PRACTICES (BMPs): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity of or improve the quality of stormwater runoff. Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BOARD OF PUBLIC WORKS: The Board of Public Works for the Town of Fairhaven and its employees, agents or others designated by that Board to enforce this Bylaw

CLEAN WATER ACT: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CLEARING: Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

CONSTRUCTION ACTIVITY: The erection or placement of a building or other structure, or the placement of any impervious surface, in or on the ground, or site preparation for such activities, including, but not limited to, activities subject to NPDES Construction Permits as laid out in the eligibility conditions of the permit.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or commonwealth from any source.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR: A Registered Professional Engineer or other trained professional selected by the Conservation Commission and retained by the holder of a Minor Land Disturbance Permit or a Full Land Disturbance Permit to periodically inspect the work and report to the Conservation Commission and/or Planning Board

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a registered professional engineer (PE), registered professional land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC) which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

EROSION CONTROL: The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:

Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

FLOODING: A local and temporary inundation or rise in the surface of a body of water, such that it covers land not usually under water.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging or grinding up roots and stumps.

HAZARDOUS OR TOXIC MATERIAL OR WASTE: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, corrosive, flammable, reactive, toxic, radioactive, or infectious characteristics, either separately or in combination with any substance or substances, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, welfare, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLEGAL DISCHARGE: Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this bylaw.

ILLICIT CONNECTION: An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal or illicit discharge into the municipal storm drain system, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, sinks or toilets, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency before the effective date of this bylaw OR,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except for projects exempted by this Bylaw or by Regulations issued there under. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFEASIBLE: Not technologically possible, or not economically practicable and achievable in light of best industry practices.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

INDUSTRIAL ACTIVITY: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b) (14).

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including without limitation: clearing, grubbing, grading, digging, cutting, excavation of soil, placement of fill, and construction that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL): Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances or marinas.

LOAD ALLOCATION or WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway non-point sources without causing a violation of surface water quality standards as established in an applicable Total Maximum Daily Load (TMDL).

LOT: A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed on a recorded plan.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Standards issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 23-56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Fairhaven.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

STORMWATER DISCHARGE PERMIT: A permit issued by the United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined, and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by the Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERMITTEE: The person who holds a land disturbance permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete means of conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is considered toxic or detrimental to humans or the environment and is or may be introduced into the municipal storm drain system or any sewage treatment works, or into any water, watercourse or waters of the Commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations, and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform, and pathogens;
- H. Dissolved and particulate metals;

- I. Animal wastes;
- J. Rock; sand; salt; soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

PRE-CONSTRUCTION: All activity in preparation for construction.

PREMISES: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

RESPONSIBLE PARTIES: owner(s), persons with financial responsibility, persons with operational responsibility, and persons with administrative responsibility.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a registered professional engineer (PE), a registered professional land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC) which includes structural and non-structural best management practices and activities to identify sources of pollution or contamination and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable, and to manage and treat stormwater runoff generated from regulated development

activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TOTAL MAXIMUM DAILY LOAD or TMDL: A plan required under the Clean Water Act for a pollutant which causes or contributes to a violation of state surface water quality standards in a specific geographic area, and which establishes the maximum amount of that pollutant (referred to as the load allocation and waste load allocation) which may be discharged to the affected waters of the Commonwealth by one or more categories of users without violating state surface water quality standards.

TOTAL SUSPENDED SOLIDS or TSS: Material, including but not limited to trash, debris, and sand, suspended in stormwater runoff.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning, or processing comes into direct contact with or results from the production or use of any material, intermediate product, finished product, by-product, or waste product.

WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, stream, underground stream, pond or lake.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLAND RESOURCE AREA: Area specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and in the Town of Fairhaven Wetlands Protection By-law.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs. Freshwater wetland, marsh, bog, wet meadow and swamp are defined in M.G.L. Chapter 131, Section 40, and are collectively known as vegetated wetlands. Credible evidence as to wetland affinities of other vegetation in an area shall be considered in making wetland determinations.

§194-4 Applicability.

This By-Law shall apply to land-disturbing activities on any developed and undeveloped land within the jurisdiction of the Town of Fairhaven and water and other materials entering the Town of Fairhaven municipal storm drain system. Land disturbance of 40,000 square feet or more in area is hereby prohibited except in compliance with this Bylaw. The discharge of any substance other than storm water into the municipal storm water system is hereby prohibited except in compliance with this Bylaw.

A. Regulated Land Disturbance Activities –

1. Regulated activities shall include, but not be limited to:

(a) Land disturbance of greater than 40,000 square feet, associated with construction or reconstruction of structures.

- (b) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land,
- (c) Paving, repaving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff
- (d) Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 40,000 square feet,
- (e) Any other activity altering the surface of an area exceeding 40,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system, or
- (f) Construction or reconstruction of a structure or structures with more than 40,000 square feet of roof drainage, or combined roof and surface drainage.

2. Erosion and Sedimentation Control Requirement - A project which includes land disturbance of less than 40,000 square feet shall be considered to be in conformance with this By-Law if soils or other eroded matter have been or will be prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse. The design, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards specified in the Regulations to this By-Law.

3. Exempted Projects – Notwithstanding the provisions of paragraph A, above, the procedural requirements of this Bylaw shall not apply to activities which have been approved by the Planning Board or the Conservation Commission provided that the applicant has submitted to the Board of Public Works a written determination from the Planning Board or the Conservation Commission that the project complies with the performance standards otherwise required by this Bylaw.

B. Discharge Prohibitions

1. Prohibition of Illegal Discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this bylaw if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) Water line flushing;
- (b) Flow from other potable water sources;
- (c) Landscape irrigation or lawn watering;

- (d) Diverted stream flows;
- (e) Rising ground water;
- (f) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20);
- (g) Uncontaminated pumped groundwater (e.g. sump pump) provided that where a pump intake exists inside a structure, the operator seeks a permit from the Board of Public Works prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations;
- (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (i) Non-commercial washing of vehicles;
- (j) Springs, natural riparian habitat or wetland flows;
- (k) Discharge from swimming pool water (if dechlorinated - typically less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (l) Discharge from street sweeping;
- (m) Firefighting activities;
- (n) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test;
- (o) Discharges specified in writing by the Board of Public Works as being necessary to protect public health, safety, welfare, or the environment; and
- (p) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

2. Suspension of MS4 Access

- (a) Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this bylaw may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. Suspension due to Illicit Discharges in Emergency Situations. The violator may petition the authorized enforcement agency for a reconsideration and hearing. Any person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.
- (b) The Authorized Enforcement Agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge

which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

3. Industrial or Construction Activity Discharges: Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the authorized enforcement agency prior to the allowing of discharges to the MS4.

C. Exempt Activities - The following activities are exempt from the requirements of this By-Law:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act (M.G.L Chapter 131 §40) and its associated Regulations (310 CMR 10.00).

2. Repair of septic systems when required by the Board of Health for the protection of public health and compliance with Section 4, Paragraph B.

3. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 50 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns.

4. The construction of fencing that will not alter existing terrain or drainage patterns.

5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.

§194-5 Administration.

The Board of Public Works shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Board of Public Works through this By-Law may be delegated in writing by the Board of Public Works to its employees or agents.

§194-6 Regulations.

The Board of Public Works may adopt, and periodically amend rules, regulations, and/or written guidance to effectuate the purposes of this By-Law. Failure by the Board of Public Works to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this By-Law.

Such regulations, rules or guidance may include without limitation, provisions for the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Board of Public Works, without the requirement for a public hearing as detailed in this bylaw. Administrative review approval shall comply with all other provisions of this Bylaw.

§194-7 Land Disturbance Permits.

Permit issuance is required prior to any activity disturbing 40,000 or more square feet of land. The site owner or his agent shall apply for the permit with the Conservation Commission. While application may be made by a representative, the permitted must be the owner of the site.

A. Applications - An application shall be made to the Conservation Commission in a form and containing information as specified in this By-Law and in the Regulations adopted by the Conservation Commission and shall be accompanied by payment of the appropriate application and review fees.

B. Fees - Fees shall be established by the Conservation Commission to cover expenses connected with public notice, application review, and monitoring permit compliance. The fee shall be sufficient to also cover professional review. The Conservation Commission is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Conservation Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

C. Information Requests - The Conservation Commission may request such additional information as is necessary to enable the Conservation Commission to determine whether the proposed land disturbance activity will protect water resources and comply with the requirements of this By-Law.

D. Determination of Completeness - The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.

E. Coordination with Other Boards - On receipt of a complete application for a Land Disturbance Permit the Conservation Commission shall distribute one copy each to the Planning Board, Department of Public Works, Board of Health, and the Building Inspector for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations to the Conservation Commission. The Conservation Commission shall not hold a hearing on the Land Disturbance Permit until it has received reports from said agencies or until said agencies have allowed forty-five (45) days to elapse after receipt of the application materials without submission of a report thereon.

F. Entry - Filing an application for a land disturbance permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, to the extent permitted by law.

G. Hearing – Once in receipt of a complete application for a Land Disturbance Permit, the Conservation Commission shall hold a public hearing and shall take final action within ninety (90) days from the close of the hearing unless such time is extended by agreement between the applicant and the Conservation Commission. Notice of the public hearing shall, at least seven (7) business days prior to said hearing, be given by publication in a local paper of general circulation, and by posting. The Conservation Commission shall be responsible for publishing the notice in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and posting the notice at the Town Hall. The Conservation Commission shall make the application available for inspection by the public during business hours at their Town of Fairhaven Office.

H. Action - The Conservation Commission may:

6. Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and complies with the requirements of this By-Law;

7. Approve the Application and issue a permit with conditions, modifications or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and complies with the requirements of this By-Law; or

8. Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives of and to comply with the requirements of this By-Law. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit

I. Project Changes - The permittee, or his or her agent, must notify the agent of the Conservation Commission in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the agent of the Conservation Commission determines that the change or alteration is significant, the agent of the Conservation Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Land Disturbance Permit occurs during land disturbing activities, the agent of the Conservation Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration

J. Waivers

9. Following a public hearing on a waiver request, the Conservation Commission may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where:

- (a) Such action is allowed by federal, state, and local statutes and/or regulations; and
- (b) Is in the public interest; and
- (c) Is not inconsistent with the purpose and intent of this bylaw.

Any applicant must submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.

All waiver requests shall be discussed and voted on at the public hearing for the project.

If in the Conservation Commission's opinion, additional time or information is required for review of a waiver request, the Conservation Commission may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

§194-8 Erosion and Sedimentation Control Plan.

A. The erosion and sediment control plan should include a written description of the plan as well as an emergency response outline (including response phone numbers) and a maintenance schedule. The plan shall meet the following objectives and criteria:

1. Keep disturbed areas small: No more than 60 feet in width and 100 feet in length of a single lot, or five acres of the overall tract at one time. Said plan shall identify design issues and methods employed to address such items as; topography, soils, vegetation, steep slopes, wetlands and waterbodies;
2. Stabilize and protect disturbed areas quickly: Exposed areas and stockpiles shall be re-vegetated within 40 days of being exposed. The Conservation Commission, depending on weather conditions, may require slope and stockpile stabilization sooner. Methods for stabilizing disturbed areas include mechanical, structural, and vegetative. In some cases, some or all of these methods should be combined in order to retard erosion. These methods shall be identified in the erosion and sedimentation control plan.
3. Keep stormwater runoff velocities low: Velocities of runoff should be in the range of two to 10 feet per second. The removal of the existing vegetative cover during the development and the resulting increase in impermeable surface area after development will increase both the volume and velocity of runoff. These increases must be taken into account when providing for erosion control.
4. Protect disturbed areas from stormwater runoff: Conservation measures can be utilized to prevent water from entering and running over the disturbed area. Diversions and other control practices to intercept runoff from higher elevations, store or divert it away from vulnerable areas, and direct it towards stabilized outlets should be utilized. Selected measures should be identified on the plan and in text.
5. Retain sediment within site area: The best way to control sediment is to prevent erosion; however, sediment can be retained by two methods:
 - (a) Filtering runoff as it flows and detaining sediment; or
 - (b) Detain runoff for a period of time so that the soil particles settle out.

§194-9 Stormwater Management Plan.

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbook. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. The applicant shall submit such material as is required for the administration of this By-Law.

- A. The Plan shall meet the standards defined in Bylaw 198-31.1.A and Bylaw 322-26.

- B. The Plan shall utilize the 24-hour rainfall data taken from the NOAA Atlas 14 (or most current data from NOAA) and type III storm.

§194-10 Operation and Maintenance Plans.

A. An Operation and Maintenance Plan - (O&M Plan) for the permanent storm water management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with this By-Law and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance plan shall include any requirements deemed necessary by the Conservation Commission to insure compliance with said plan, including without limitation a covenant. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. Once approved by the Conservation Commission the Operation and Maintenance Plan shall be recorded at the Bristol County Registry of Deeds by the permittee, shall run with the land, shall remain on file with the Conservation Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall conform to the requirements listed in the Regulations adopted by the Conservation Commission for the administration of this By-Law. Stormwater management easements shall be provided by the property owner(s) in areas and as necessary to carry out the required maintenance.

B. Changes to Operation and Maintenance Plans

10. The owner(s) of the stormwater management system must notify the Conservation Commission or its agent of changes in ownership or assignment of financial responsibility.

11. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this By-Law by mutual agreement of the Conservation Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties

§194-11 Inspection and Site Supervision.

A. Preconstruction Meeting - Prior to clearing, excavation, construction, or any land disturbing activity requiring a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Conservation Commission or its designated agent to review the permitted plans and proposed implementation.

B. Commission Inspection - The Conservation Commission or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval. One copy of the approved plans and conditions of approval, signed by the Conservation Commission shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Agent of the Conservation Commission at least three (3) working days before each of the following events:

12. Erosion and sediment control measures are in place and stabilized;
13. Rough Grading has been substantially completed;
14. Final Grading has been substantially completed;
15. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
16. Close of the Construction Season; and
17. Final landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections - The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Conservation Commission or designated agent in a format approved by the Conservation Commission. The Conservation Commission may require, as a condition of approval, that an Environmental Site Monitor, approved by the Conservation Commission, be retained by the applicant to conduct such inspections and prepare and submit such reports to the Conservation Commission or its designated agent.

D. Access Permission - To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Conservation Commission, its agents, officers, and employees upon privately owned property for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary to determine compliance with the permit.

§194-12 Surety.

The Conservation Commission may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Conservation Commission to insure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Conservation Commission has received the final report as required by Section 13 and issued a certificate of completion.

§194-13 Final Reports.

No later than two (2) years upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Registered Professional Engineer (P.E.), Registered Professional Land Surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC) certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Land Disturbance permit. Any discrepancies should be noted in the cover letter. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction

stormwater management). The final report shall also include documentation to verify the stormwater management system has been properly operated and maintained in accordance with the approved O&M Plan.

§194-14 Certificate of Completion.

The Conservation Commission will issue a Certificate of Completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the Land Disturbance permit has been satisfactorily completed in conformance with this By-Law. The Certificate of Completion shall be recorded at the Registry of Deeds by the Owner(s).

§194-15 Monitoring of Discharges.

A. Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

18. The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a storm water discharge permit and of this bylaw. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this bylaw.

If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this bylaw, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this bylaw or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

§194-16 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.

The authorized enforcement agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

§194-17 Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§194-18 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the

discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§194-19 Enforcement.

A. The Board of Public Works or an authorized agent of the Board of Public Works shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. The Conservation Commission or an authorized agent of the Conservation Commission shall enforce the provisions of this By-Law, regulations, orders, violation notices, and enforcement orders under its control, and may pursue all civil and criminal remedies for such violations.

B. Orders.

19. The Board of Public Works or an authorized agent of the Board of Public Works or the Conservation Commission or an authorized agent of the Conservation Commission may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include:

- a. A requirement to cease and desist from the violating activity until there is compliance with the By-Law and any existing permits
- b. Maintenance, installation or performance of additional erosion and sedimentation control measures;
- c. Monitoring, analyses, and reporting
- d. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity
- e. The elimination of illicit connections or discharges
- f. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property

20. If the enforcing person determines that abatement or remediation of erosion and sedimentation, stormwater pollution or contamination hazards is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Fairhaven may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

21. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Fairhaven, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the enforcing agency within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the enforcing agency affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against

the property owner and shall constitute a lien on the owner's property for the amount of said costs.

C. Criminal Penalty - Any person who violates any provision of this By-Law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 300.00 for each offense. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition - As an alternative to criminal prosecution or civil action, the Town of Fairhaven may elect to utilize the non-criminal disposition procedure in which case the enforcing agency or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals - All decisions or orders of the enforcing agency shall be final. Further relief shall be to a court of competent jurisdiction.

F. Remedies Not Exclusive - The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

§194-20 Compliance with the provisions of EPAs General Permit for MS4s in Massachusetts.

This bylaw shall be implemented by the Board of Public Works or other enforcing agencies in accordance with the requirements of EPAs most recent General Permit for MS4s in Massachusetts relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management. The Board of Public Works shall include these requirements in any Regulations that it issues. The Board of Public Works or other enforcing agency may establish additional requirements by Regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

§194-21 Severability.

If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment or circumstance shall be held invalid for any reason, all other provisions shall continue in full force and effect to the extent permitted by law.

Petitioned by: Board of Public Works

ARTICLE 29: TREE WARDEN FROM ELECTED TO APPOINTED-FY23

To see if the Town will vote to amend the Town of Fairhaven By-Laws by adding the following section:

The tree warden shall be appointed by the Select Board, and shall exercise the duties of Tree warden and of insect pest control. Such tree warden shall be qualified by training and experience in the field of arboriculture and licensed with the Department of Food and Agriculture in accordance with the provisions of section ten of chapter one hundred and thirty-two B of the general laws. The term of such appointment shall be for three years.

Petitioned by: Board of Public Works

ARTICLE 30: AMEND BPW BY-LAW SOLID WASTE & RECYCLING-FY23

To see if the town will vote to add a section to the Town of Fairhaven By-laws or to take any other action relative thereto:

- a. Customers shall place solid waste and recycling curbside prior to 7:00 am on the designated collection day but no earlier than 5:00 pm on the day prior to the designated collection day.
- b. Customers shall remove all acceptable solid waste containers from the public layout (street or sidewalk) as soon as practicable or, in any event, no later than 5:00 pm on the designated collection day for the area.

Petitioned by: Board of Public Works

ARTICLE 31: SAFE ROUTE TO SCHOOLS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to do the following project, or take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 32: TOWN HALL A/C SPLITS-FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a \$16,600.00 to equip the Banquet Room and the East Room with A/C Splits, or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 33: TOWN HALL REPAIRS-FY23

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to do the following projects, or take any other action relative thereto:

- A. Replace Curved Windows \$8,000.00
- B. Repair Clock Gears \$8,000.00

Petitioned by: Select Board

ARTICLE 34: MUNICIPAL LIGHT PLANT

To see if the town will vote pursuant to M.G.L. C.164 sec.36 to acquire a municipal light plant and to authorize such plant to construct, purchase or lease, and maintain such facilities as may be necessary for the distribution or the operation of a telecommunications system for municipal use or for the use of its customers, pursuant to M.G.L. C.164 sec.47E, or as otherwise authorized by law, or to take any other action thereto:

Petitioned by: Broadband Study Committee

ARTICLE 35: PROPAGATION OF SHELLFISH – DISTURBED BY DREDGING-FY23

To see if the Town will vote transfer an amount not to exceed \$23,396.00 from Shellfish Mitigation Fees for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Harbormaster/Shellfish Warden

ARTICLE 36: UPDATE GENERAL PROVISIONS OF BYLAW, SECTION 1-6, NONCRIMINAL DISPOSITION OF VIOLATIONS-FY23

Add the below language in red to Chapter 1 General Provisions Section 1-6 Noncriminal disposition of violations D. In addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the following officers of the Town shall be enforcing persons with respect to the following enumerated bylaws, rules and regulations. The penalties set forth shall apply to a violation of each of the enumerated bylaws, rules and regulations. (12) Wetlands (Chapter 192).

- A. Enforcing person(s): the Chair of the Conservation Commission or the Commission's Agent
- B. Fines: \$300 for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

Petitioned by: Conservation Commission

ARTICLE 37: CLIMATE CHANGE VULNERABILITY ASSESSMENT GRANT MATCH-FY23

To see if the Town will vote to appropriate \$10,000 as a local match for a state grant to conduct a town-wide coastal vulnerability and risk assessment of municipal infrastructure and natural resources considering exposure to sea level rise and coastal storms.

Petitioned by: Conservation Commission

ARTICLE 38: WETLANDS BYLAW UPDATES-FY23

[HISTORY: Adopted by the Annual Town Meeting of the Town of Fairhaven 5-10-1988 by Art. 58 (Ch. XXIX of the 1934 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission – See Ch. 8

Subdivision of land – See Ch. 322

§ 192-1. Purpose.

The purpose of this chapter is to protect the wetlands, related water resources and adjoining land areas in the Town of Fairhaven by controlling activities deemed by the Fairhaven Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, land containing shellfish, wildlife

habitat, recreation, aesthetics, agriculture values, and the ability of resource areas to mitigate impacts from climate change (collectively, the "wetland values protected by this chapter").

§ 192-2. Regulated activities.

[Amended 5-1-2010 STM by Art. 13]

Except as permitted by the Fairhaven Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas:

- A. Any freshwater or coastal wetland, marsh, wet meadow, bog, or swamp; or within 100 feet of these resource areas.
- B. Any bank, beach, creek, dune, lake, river, pond, stream, estuary, or ocean; or within 100 feet of these resource areas.
- C. Any land under lakes, rivers, ponds, streams, estuaries or the ocean.
- D. Lands subject to flooding or inundation by groundwater or surface water, lands subject to tidal action, coastal storm flowage, or flooding
- E. The Coastal Resilience Zone (CRZ)
- F. Land in the Nasketucket River Basin Overlay District.

§ 192-3. Exceptions.

- A. The permit and application required by this chapter shall not be required for maintaining, repairing or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged.
- B. The permit and application required by this chapter shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that:
 - 1) The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof.
 - 2) Advance notice, oral or written, has been given to the Commission or its agent prior to commencement of work or within 24 hours after commencement.
 - 3) For any work proposed to the north of the eastern terminus of the hurricane barrier, and within one hundred (100) feet of a wetland resource are protected under the Massachusetts Wetlands Protection Act and corresponding regulations and this Bylaw and corresponding regulations, notice shall also be provided to the United States Environmental Protection Agency (EPA), which is implementing the cleanup of the New Bedford Harbor Superfund Site.
 - 4) The Commission or its agent certifies the work as an emergency project.
 - 5) The work is performed only for the time and place so certified for the limited purposes necessary to abate the emergency.
 - 6) Within 21 days of commencement of an emergency project a permit application shall be filed with the Conservation Commission for review as provided by this chapter.
- C. Upon failure to meet these requirements and any other requirements imposed by the Commission pursuant to this chapter, the Commission may, after notice and a public hearing, revoke or modify an emergency project certification and order restoration and mitigation measures.

§ 192-4. Permit application and requests for determination.

- A. Written application shall be filed with the Conservation Commission to perform regulated activities regulated as defined in § 192-2. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.
- B. In its discretion the Commission may accept the notice of intent and plans filed under MGL c. 31, § 40 (the Wetlands Protection Act) as the application and plans under this chapter. Any person desiring to know whether or not the proposed activity of an area is subject to this chapter may request a determination for the Commission in writing. Such a request for determination shall contain data and plans specified by the regulations of the Commission.
- C. At the time of an application or request, the applicant shall pay a filing fee specified in the regulation of the Commission, said fee to be in addition to any fee required by MGL c. 131, § 40 (the Wetlands Protection Act). The Commission may establish filing fees in amounts reasonably designed to recover the cost to the Town of processing such application, including the cost to the Town of professional services for design review, site inspection and testing and related services. The Commission may waive the filing fee for an application or request filed by a government agency and shall waive all fees, costs and expenses for a request for determination filed by a person who is not the owner or a person acting on behalf of the owner.

§ 192-5. Notice and hearings.

- A. At the same time any person files an application or request for determination with the Conservation Commission, he/she shall give written notice thereof, by certificate of mailing, certified mail, or hand delivery to all abutters according to the most recent records of the Assessors, including those across a traveled way, a body of water or a Town line. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined by abutters. When a person requesting a determination is other than the owner or a person acting on behalf of the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner(s) as well as the person making the request. For any work proposed to the north of the eastern terminus of the hurricane barrier, and within one hundred feet (100) feet of a wetland resource area protected under the Massachusetts Wetlands Protection Act and corresponding regulations and this Bylaw and corresponding regulations, notice shall also be provided to the United States Environmental Protection Agency (EPA), which is implementing the cleanup of the New Bedford Harbor Superfund Site. This notice to EPA shall enclose a copy of the application or request, with plans.
- B. The Commission shall conduct a public hearing on any application or request for determination, with written notice given, at the expense of the applicant, in a newspaper of general circulation in the Town at least five working days prior to the hearing.
- C. The Commission shall commence the public hearing within 21 days from receipt of a completed application or request for determination and shall issue its permit, denial or determination in writing within 21 days of the close of said public hearing. In its discretion, the Commission may combine this hearing under this chapter with a hearing conducted under MGL c. 131, § 40 (the Wetlands Protection Act).
- D. The Commission shall have the authority to continue any hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion or comments and recommendations of

other Town boards and officials. If the applicant objects to a continuance or postponement, the hearing shall be closed, and the Commission shall take action on the information then available to it.

§ 192-6. Permits; determinations and conditions.

- A. If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are not likely to have a significant or cumulative effect upon the wetlands values protected by this chapter, the Commission shall, within 21 days of the close of the hearing, issue a permit for the activities requested. Such permit shall be without conditions. If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon any or all of the wetlands values protected by this chapter, the Commission shall, within 21 days of the close of the hearing, issue a permit for the activities requested, in which case the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions, or deny a permit.
- B. The Commission may deny a permit for the following reasons:
 - 1) Failure to meet the requirement of this chapter.
 - 2) Failure to submit necessary information and/or plans requested by the Commission.
 - 3) Failure to meet the design specifications, performance standards and other requirements in regulations of the Commission.
 - 4) Failure to avoid or prevent unacceptable significant or cumulative effects upon any or all of the wetland values protected by this chapter.
- C. A permit shall expire three years from the date of issue. Any permit may be renewed once for an additional period, up to three years, provided that a written request for renewal is received by the Commission prior to expiration and that the Commission may grant such extension as it finds necessary to allow completion of the permitted work.
- D. Any permit issued under this chapter may be revoked or modified by the Commission after public notice and notice to the holder of the permit and a public hearing thereon, upon a finding of the existence of circumstances which would justify the denial of or imposition of conditions on a permit.
- E. In its discretion, the Commission may combine the permit or other action on an application issued under this chapter with the order of conditions issued under the Wetlands Protection Act.

§ 192-7. Regulations.

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to achieve the purposes of this chapter. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

§ 192-8. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

AESTHETICS

Includes, without limitation, the relevant qualities to be protected under the bylaw which are due to those natural and natively scenic impressions of all resource areas protected under this Bylaw, including but not limited to our shores, ponds, lakes, streams, rivers, harbors, and the lands bordering them. The aesthetic trust of the Commission shall be the preservation of a perception of the land which is most conducive to a natural aquatic system, a wildlife habitat, and a protective buffer between wetland resources and human development activities.

ALTER

Includes, without limitation, the following activities when undertaken to, upon, within or effecting resource areas protected by this chapter:

- A. Removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind.
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics.
- C. Drainage or other disturbance of water level or water table.
- D. Dumping, discharging or filling with any material which may degrade water quality.
- E. Placing of fill or removal of material which would alter elevation.
- F. Driving of piles, erection, alteration or repair of buildings or structures of any kind.
- G. Placing of obstructions or objects in water.
- H. Destruction of plant life, including cutting of trees.
- I. Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water.
- J. Any activities, changes or work which may cause or tend to contribute to pollution or any body of water or groundwater.

CUMULATIVE EFFECT

An effect that is significant when considered in combination with other activities that have occurred, that are occurring simultaneously, or that are reasonably foreseeable, whether such other activities are contemplated as a separate phase of the same project, or arise from unrelated but reasonably foreseeable future projects. Future effects of sea level rise, coastal or inland flooding, or other future climate change effects are included among cumulative effects.

COASTAL FLOOD RISK AREA

Any land which is subject to any inundation caused by coastal storms up to and including that predicted to be caused by the 1% annual storm for the Target Year, as defined by the best available coastal flooding model.

COASTAL RESILIENCE ZONE (CRZ)

Shall include the following resource areas: (a) any Land Subject to Coastal Storm Flowage; (b) any Coastal Flood Risk Area; and (c) the buffer zone of any Other Coastal Wetland Resource located in whole or in part within (a) or (b). The CRZ may include within its boundaries one or more of the following subareas: Velocity (V) Zone; Moderate Wave Action Area (MoWA); Highly Developed Area; and Special Transitional Area.

HIGHLY DEVELOPED AREA

As defined in the DEP Regulations, and to be applied for the purposes of this Bylaw to any applicable subareas within the CRZ.

MODERATE WAVE ACTION AREA (MoWA)

A subarea of LSCSF, with wave heights between 1.5 – 3 feet, as defined in the DEP Regulations or by FEMA. If the best available coastal flooding model projects a broader extent of the MoWA than that defined in the DEP Regulations, the Conservation Commission may adopt such modified projection by Local Regulation.

PERSON

Any individual, group of individuals, association, partnership, corporation company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Fairhaven and any other legal entity, its legal representatives, agents or assigns.

SPECIAL TRANSITIONAL AREA

Subareas within the CRZ that are located immediately landward of coastal beaches, coastal dunes, barrier beaches, coastal banks, or salt marshes, and extending in a direction perpendicular from the nearest adjoining land under water to the interior boundary of the CRZ.

TARGET YEAR

The year specified by the Conservation Commission for projections of sea level rise and flood risk. If the Best Available Coastal Flooding model is based on a single target year, then the Conservation Commission shall adopt that year as the Target Year. If the model includes multiple target years, then the Conservation Commission shall adopt, by Local Regulation, the Target Year for the Best Available Coastal Flooding model.

§ 192-9. Security.

As part of a permit issued under this chapter, in addition to any security required by any other Town or state board, agency or official, the Conservation Commission may require that the performance and observance of any conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility in an amount sufficient in the opinion of the Commission.
- B. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Fairhaven requiring the permit conditions to be performed before any interest may be conveyed other than a mortgage interest.

§ 192-10. Enforcement.

- A. The Conservation Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and make or cause to be made such examinations, surveys or samplings as the Commission deems necessary.
- B. The Commission shall have authority to enforce this chapter, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.

- C. Upon request of the Commission, the Selectboard and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
- D. Town boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

§ 192-11. Violations and penalties.

- A. Any person who violates any provision of this chapter, regulations thereunder or permits issued thereunder shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw regulations or permit violated shall constitute a separate offense.
- B. In the alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D.

§ 192-12. Burden of proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this chapter.

§ 192-13. Relation to Wetland Protection Act.

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of MGL c. 131, § 40 (the Wetlands Protection Act) and regulations thereunder.

§ 192-14. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof nor shall it invalidate any permit or determination which previously has been issued.

Petitioned by: Conservation Commission

ARTICLE 39: HAZARD MITIGATION PLAN GRANT MATCH-FY23

To see if the Town will vote to appropriate \$5,000 as a local match for a MEMA Hazard Mitigation Grant Program grant to update our Hazard Mitigation Plan by 2023 as required.

Petitioned by: Conservation Commission

ARTICLE 40: PUBLIC SHADE TREE BYLAW-FY23

Chapter 88 – Fairhaven Public Tree Bylaw

Purpose:

- 1) The Town finds that the preservation of existing trees, the promotion of new tree planting and the maintenance of the community forest is a public purpose that

protects the public health, welfare, environment, aesthetics and quality of life of the Town and its citizens. The purpose of this bylaw is to promote a diverse, healthy and sustainable community forest in order to maintain the historic character of Fairhaven, to provide for the general welfare and enhance the appearance and land values of the Town. The Town has invested substantial resources for many years to plant and maintain trees and these trees belong to the citizens of the Town. The Town also recognizes the need for a highly reliable network of public utilities to supply businesses, homes, hospitals and other services in an area subject to storms and high winds and therefore includes rules for emergency work and tree removal when necessary.

§ 88-2. Definitions:

- 1) Certified Arborist – An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.
- 2) Diameter at Breast Height (DBH) – The standard measure of tree having at least four (4) inches in diameter at a height of four and one-half (4.5) feet above the existing grade at the base of the tree. If the tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.
- 3) Drip line – A vertical line running through the outermost portion of the crown (outer branch tips) of a tree and extending to the ground.
- 4) Emergency - When one or more portions of a tree or a whole tree falls, or is likely to fall, onto or dangerously close to property, vehicles or power lines with the likelihood of causing property damage or personal injury.
- 5) Hazard Tree –A tree that has structural defects in the roots, stem, or branches that may cause the tree or parts of the tree to imminently fail, where such failure may cause property damage or personal injury.
- 6) Pruning– The selective removal of plant parts, such as branches, buds, or roots to meet specific goals and objectives such as improving the tree's structure, removing dead limbs or directing new, healthy growth.
- 7) Public Shade Tree – Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town other than a State Highway, and all trees, shrubs, bushes, and as further defined in Massachusetts General Laws Chapter 87, §1. Public shade trees are commonly called Street trees. When it appears in any proceeding in which the ownership of or rights in a tree are material to the issue, that, from length of time or otherwise, the boundaries of the highway cannot be made certain by records or monuments, and that for that reason it is doubtful whether the tree is within the highway or a park or on land surrounding a public building, it shall be taken to be public property until the contrary is shown.

- 8) Remove (including removing and tree removal) – The cutting down of any Public Shade Tree or Town Tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning, or other direct or indirect actions resulting in the death of a public tree, including, but not limited to, excessive or improper pruning.
- 9) Standard, ANSI A300 – The generally accepted industry standards for tree care practices developed by the Tree Care Industry Association (TCIA) and written by the Accredited Standards Committee (ASC) A300.
- 10) Top or Topping – The cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- 11) Town Trees – All trees, other than public shade trees, located on Town lands, including parks, schoolyards, conservation lands, and any other land owned by the Town.
- 12) Tree Warden – The agent of the Town having primary enforcement responsibilities under this chapter and MGL c. 87 and charged with the responsibility for review, notification and record keeping required pursuant to this chapter.

§ 88-3. Protection of Public Shade Trees and Town Trees:

1) Tree Warden:

- A. The Tree Warden shall have the primary care and control of all public shade trees, shrubs and growths in the town. This includes public shade trees in the Right of Way of streets, except those within a state highway. The Tree Warden shall also have the primary care and control of town trees if so requested in writing by the town board or department with authority over that Town land.
- B. The Tree Warden shall enforce all the provisions of law for the care and preservation of such trees, shrubs and growths.
- C. The Tree Warden shall keep detailed records of requests, complaints, public hearings and actions taken such as planting, pruning and removing public shade trees and town trees. Such records shall include the date, location, species and a narrative detailing the action taken and the reason.
- D. These Tree Warden records shall be continually updated, and shall be filed with the Department of Planning annually. These records shall be provided upon request by the public and maintained by the Tree Warden as Keeper of the Record.
- E. The Tree Warden shall adhere to the regulations for the care, preservation, maintenance and removal of public shade trees, or other trees under their control, as established in this bylaw.

- F. The Tree Warden may designate a qualified Deputy Tree Warden with the approval of the Town Administrator who should have the following training as recommended by the Massachusetts Tree Wardens' & Foresters' Association, the Massachusetts Department of Conservation and Recreation (DCR), and the USDA Center for Urban & Community Forestry:
- 1) Three (3) years supervisory experience in commercial or municipal tree care;
 - 2) Be a Certified Arborist (preferred but not required);
 - 3) Have a Massachusetts Pesticide License within 90 days of employment (preferred but not required);
 - 4) Associate of Science Degree in Arboriculture / Urban Forestry or a related degree (preferred but not required).
- G. All employees of the Town performing tree work shall have specialized training in the care and maintenance of public shade trees. This shall include training in the proper use of the required equipment, planting, pruning and landscaping (including grass cutting) around trees without harming the tree.

2) Permitting:

- A. Public Shade Trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the Tree Warden or their deputy, even if he be the owner of the fee in the land on which such tree is situated, except upon a permit in writing from said Tree Warden after a public hearing, in which no objection was submitted in writing within 14 days of the public hearing. Public Shade Tree public hearings shall be conducted during meetings of another Town Board, such as the Planning Board, Park Commission or Select Board as determined by the Town Administrator. The Tree Warden or their deputy shall cause a notice, stamped by the Town Clerk, of the time and place of such hearing thereof, which shall identify the size, type and location of the shade tree or trees to be cut down or removed and why, to be posted in two or more public places in the town and upon the tree at least seven days before such hearing and published in a newspaper of general circulation in the town once in each of two successive weeks. The first publication to be not less than seven days before the day of the hearing. The posting on the tree shall be done in a manner that will not cause harm to the tree.
- B. Tree wardens shall not cut down or remove or grant a permit for the cutting down or removal of a Public Shade Tree if before, at, or within 14 days of the public hearing as provided in the preceding section, objection in writing is made by one or more persons. If no such objection is made the tree warden shall report to the Town Administrator, and may proceed with the proposed work upon receipt of written approval from the Town Administrator. If such an objection in writing is made and the Tree Warden believes the tree(s) should be cut, trimmed or removed, then the Tree Warden may advertise a

second duly noticed public hearing at a Select Board Meeting. The Tree Warden may proceed with the proposed work upon receipt of written approval from the Select Board filed with the Town Clerk.

- C. The Massachusetts Department of Transportation has the care and control of all trees, shrubs and growths within state highways.
- D. In addition to the procedural requirements set forth above, no public shade tree or town tree shall be removed for the purpose of, or during the construction of, streetscape improvements unless approved in writing by the Planning Board. Except as otherwise required by state or federal law for roadway design, the Planning Board subdivision regulation regarding trees shall apply to all streetscape improvements.
- E. The Planning Director, Conservation Agent, Superintendent of Public Works and Town Administrator shall be notified at the time of advertisement when any tree removal public hearings are scheduled.
- F. A valid tree work permit from the Tree Warden shall be obtained, prior to doing any of the following work:
 - 1) Pruning of a Public Shade Tree or Town Tree.
 - 2) Removal of a Public Shade Tree or Town Tree.
 - 3) Excavation within or adjacent to the public right-of-way or Town property which may disturb roots of any Public Shade Tree or Town Tree, including, but not limited to, the installation of utilities, curb cut permits, or work on the sidewalks.
 - 4) Application for a tree work permit shall be made to the Tree Warden a minimum of 30 business days prior to commencement of the planned work, except in an unforeseen emergency. Application for work on Town lands shall also be submitted to the town board or department with authority over that Town land.
 - 5) It is the obligation of the contractor to positively verify that trees to be trimmed or removed are growing within the public right-of-way, or on other town land, and require a work permit.
 - 6) All work by a Utility Company on Public Shade Trees shall be supervised in the field by an attending Massachusetts certified arborist, who shall be responsible for the work performed, and shall maintain regular contact with the Town's Tree Warden. All work shall be done according to the approved Utility Annual Vegetation Management Plan and/or the Utility Annual Hazard Tree Removal for that year and in accordance with the accepted standards.
 - 7) Both the contractor and the utility shall be responsible for ensuring that the bucket operators are trained and knowledgeable of the

standards of this chapter, including the latest American National Standards Institute (ANSI) Standard and National Arborist Association (NAA) Pruning Standards.

- G. Violations of any provision of this bylaw maybe punished by forfeiture of up to five hundred dollars per tree to the use of the Town.

3) **Utility Vegetation Management Plan:** Publication, Notification and Review of a Utility Annual Vegetation Management Plan

- A. Any Annual Vegetation Management Plan shall include, but not be limited to, a map (hardcopy and digital) of the circuits where the maintenance work will be performed, a detailed narrative describing the work to be performed, the tree maintenance standards that will be followed and any foreseeable variance from those standards.
- B. Any Annual Vegetation Management Plan shall conform to the most current and relevant standards of the American National Standard Institute (ANSI); National Electric Safety Code 218 Tree Trimming; and OSHA 29 CFR Part 1910 Line Clearance Tree Trimming Operations.
- C. Upon receipt of an Annual Vegetation Management Plan the Tree Warden shall send the plan and notice of the public hearing to the Planning Director, Conservation Agent, Superintendent of Public Works and Town Administrator to be distributed to their Board or Commission. Notice of the public hearing shall be published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication may not be less than 14 days before the day of the hearing and posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing. The public hearing shall be held with the Planning Board within 45 days of receipt of the Annual Vegetation Management Plan.
- D. The Tree Warden may approve the Annual Vegetation Management Plan only with the consent of the Planning Board which may instruct the Tree Warden to approve the plan, approve the plan with conditions, or deny the plan.

4) **Utility Annual Hazard Tree Removal Plan:** Publication, Notification and Review of Utility Annual Hazard Tree Removal Plan

- A. Any Annual Hazard Tree Removal Plan shall include, but not be limited to, the specific trees that the utility has identified as a hazard and proposes to remove.
- B. Any Annual Hazard Tree Removal Plan shall comply with local ordinances and regulations.
- C. Any Annual Hazard Tree Removal Plan shall be submitted not less than 90 days prior to the date a utility proposes to begin tree removal.

- D. Upon receipt of an Annual Hazard Tree Removal Plan the Tree Warden shall send the plan and notice of the public hearing to the Planning Director, Conservation Agent, Superintendent of Public Works and Town Administrator to be distributed to their Board or Commission. Notice of the public hearing shall be published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication may not be less than 14 days before the day of the hearing and posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing. The public hearing shall be held with the Planning Board within 45 days of receipt of the Annual Hazard Tree Removal Plan.
- E. The Tree Warden may approve the Annual Hazard Tree Plan only with the consent of the Planning Board which may instruct the Tree Warden to approve the plan, approve the plan with conditions, or deny the plan.
- F. Upon receipt of the Annual Hazard Tree Removal Plan, the Tree Warden, or a designee thereof, shall notify the utility in writing within 60 days whether or not the plan has been approved, approved with modifications and/or conditions or denied.

§ 88-4. Planting:

- A. No public shade tree or town tree shall be planted for the purpose of, or during the construction of, streetscape improvements unless approved in writing by the planning board. Except as otherwise required by state or federal law for roadway design, the planning board subdivision regulation regarding trees shall apply to all streetscape improvements.
- B. The Tree Warden with the Planning Board or Board, Committee or Commission so authorized, shall develop and maintain an up-to-date listing of trees considered most desirable for new plantings along streets with locations.

§ 88-5. Maintenance:

- 1) **Pruning Standards:** In order to minimize adverse impacts of pruning on the Town's public trees, all work performed shall comply with the following requirements and standards.
 - A. Pruning shall be done in such a manner as to protect current tree health with all possible regard for future growth and development
 - B. All work will be performed in compliance with the current ANSI standard and National Arborist Association (NAA) pruning standards.
 - C. No major limb or a limb with a diameter greater than 15 % of the tree diameter at breast height (dbh) shall be removed unless approved by the Tree Warden, prior to the commencement of pruning.
 - D. Climbing irons shall not be used by employees on any tree, except when in the process of complete tree removal
 - E. Unless otherwise authorized by the Tree Warden in writing, it shall be unlawful as a normal practice for any person or firm to top any Town tree. Trees severely damaged by storms or other causes, or

certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the Tree Warden.

- F. A reasonable attempt shall be made to trim dead wood from the area being worked.

Petitioned by: Select Board

ARTICLE 41: UPPER NARRAGANSETT AVENUE REZONE-FY23

To amend the Zoning Map as follows: Narragansett Boulevard north of Progress Avenue (Paper Street).

Rezone the following described lots from Business District (B) to the Single Residence District (RA) and comprised of the following Assessor's Map-Lots:

30a Lots 198-207, 30a Lots 209-213, 30a Lots 215-220, 30a Lots 306-328.

Petitioned by: Planning Board

ARTICLE 42: PUBLIC FACILITIES SETBACK-FY23

To amend the Zoning Bylaw [§ 198-29.5 Wind Energy facilities \(WEF\)](#) as follows:

To add to § 198-29.5.B, the Wind Energy Facilities (WEF) Applicability section. The bylaw currently reads "Applicability. This section applies to all municipal and private utility-scale, on-site WEF, and small wind energy systems proposed to be constructed after the effective date of this section, but not to facilities fully constructed prior to the adoption of this section." Add the following sentence "... with the exception that no new residential structures shall be constructed within the setbacks established in § 198-29.H (5) for new or existing Wind Energy Facilities."

Petitioned by: Planning Board

ARTICLE 43: BRIDGE STREET ENGINEERING DESIGN-FY23

To see if the Town will transfer from the Capital Stabilization Fund \$5,000,000.00 for site preparation, engineer and architect design work, and any other expenses related to the new public safety facility, or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 44: UNION WHARF PURCHASE 900 SQ FT PARCEL-FY23

To see if the Town will vote to purchase, and to raise or appropriate from available funds the parcel on Union Wharf shown on Fairhaven Assessors' Map 7 Lot 7, containing 900 square feet

more or less, for general municipal purposes, and to appropriate for that purpose the sum of \$80,000.00 or to take any other action relative thereto.

Petitioned by: Select Board

ARTICLE 45: MATTIPOISETT RIVER VALLEY WATER DISTRICT BORROWING-FY23

To see if the town will vote to raise and appropriate, borrow or transfer from available funds a sum of money \$4,200,000 to do the following upgrades: new filtration system and disinfection at the Mattapoissett River Valley Water Treatment Plant, or take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 46: SEAPORT ECONOMIC COUNCIL GRANT - WEST ISLAND DREDGING \$200,000 WITH 20% MATCH OF \$40,000-FY23

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$40,000 for the required 20% matching funds associated with the Seaport Economic Council Dredging Design and Permitting Grant for the West Island Dredging Project \$200,000 or to take any other action relative thereto:

Petitioned by: Harbormaster

ARTICLE 47: SEAPORT ECONOMIC COUNCIL GRANT - UNION WHARF NORTH SIDE \$1,000,000 WITH 25% MATCH OF \$250,000-FY23

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$250,000 for the required 25% matching funds associated with the Seaport Economic Council to start fixing the north side of Union Wharf \$1,000,000 or to take any other action relative thereto:

Petitioned by: Harbormaster

ARTICLE 48: ROGER'S SCHOOL-FY23

Petitioned by: TA/Select Board

ARTICLE 49: FEMA GRANT-HYDRAULIC RESCUE EQUIP \$26,000 WITH 5% MATCH OF \$1,893.00-FY23

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$1,893 for the required 5% matching funds associated with FEMA Grant for Hydraulic Rescue Equipment \$26,000 or to take any other action relative thereto:

Petitioned by: Fire Chief

ARTICLE 50: FEMA GRANT-NEW AMBULANCE \$285,715 WITH 5% MATCH OF \$14,286-FY23

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$14-286 for the required 5% matching funds associated with FEMA Grant for a new ambulance \$285,715 or to take any other action relative thereto:

Petitioned by: Fire Chief

ARTICLE 51: SEWER RESERVE FOR FUTURE DEBT-FY22

Transfer from Sconticut Neck Sewer Betterment Stabilization to Sewer Reserve for future Sewer debt, or take any other action relative thereto.

Petitioned by: Finance Director

ARTICLE 52: CITIZENS PETITION - REZONING 114 SCONTICUT NECK ROAD-FY23

To see if the Town will vote to rezone 114 Sconticut Neck Road from existing zoning Business District to proposed zoning Mixed Use District, or take any other action relative thereto.

Petitioned by: Ronald Oliveira

ARTICLE 53: CITIZENS PETITION - STREET ACCEPTANCE MILL ROAD FROM 291-312-FY23

To see if the Town will accept as a public street Mill Road from 291 to 312, or take any other action relative thereto.

Petitioned by: Brian Lopes

ARTICLE 54: CITIZENS PETITION - STREET ACCEPTANCE YANKEE LANE FROM MILL ROAD TO 20 YANKEE LANE

To see if the Town will accept as a public street Yankee Lane from Mill Road to 20 Yankee Lane, or take any other action relative thereto.

Petitioned by: Brian Lopes

ARTICLE 55: CITIZENS PETITION - STREET LIGHT REQUESTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the installation and maintenance of the following street light, or take any other action relative thereto:

Welcome Street (area 24 to cul de sac) - already installed

Petitioned by: Ivan Ketchum

ARTICLE 56: CITIZENS PETITION – HARD SURFACE

To see if the Town will vote to_ Reconstruct, hard-surface and install drainage of Mill Road from 291 to 312 Mill Road a distance of approximately 2,000 feet, more or less.

Petitioned by: Brian Lopes

ARTICLE 57: CITIZENS PETITION – HARD SURFACE

To see if the Town will vote to reconstruct hard-surface and install drainage of Yankee Lane from Mill Road to 20 Yankee Lane a distance of approximately 1,200 feet, more or less.

Petitioned by: Brian Lopes

ARTICLE 58: CITIZENS PETITION – HARD SUFACE

To see if the Town will vote to reconstruct hard-surface and install drainage of Ebony Street from Fisherman Road to Gull Island Road a distance of approximately _____feet, more or less.

Petitioned by: Janet Pittman

ARTICLE 59: CITIZENS PETITION – HARD SURFACE

To see if the Town will vote to reconstruct hard-surface and install drainage of Reservation Road from Smith Street to Bernese Street a distance of approximately 600 feet, more or less.

Petitioned by: Natalie Caetano

ARTICLE 60: CITIZENS PETITION – HARD SURFACE

To see if the Town will vote to reconstruct hard-surface and install drainage of Chase Road from Crescent Drive to Raymond Street a distance of approximately 140 feet, more or less.

Petitioned by: Rick Spoor

ARTICLE 61: CITIZENS PETITION – LOCAL ACCEPACNE OF MGL PART 1, TITLE IX, CH. 59, SECTION 5, CLAUSES 42 & 43

To see if the Town will vote to accept MGL, Part 1, Title IX, Chapter 59, Section 5, clauses 42 & 43.

Petitioned by: Joyce Horn

ARTICLE 62: REGIONAL DISPATCH-FY23

Petitioned by: Select Board

ARTICLE 63: RESCIND BORROWING FIRE ENGINE 2-FY23

To see is the Town will vote to rescind the borrowing of the Fire Engine which was voted at the June 12, 2021 Town meeting article 14F, or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 64: TRANSFER FROM SURPLUS REVENUE-FY23

To see is the Town will vote to transfer a sum of money from Surplus Revenue for the reduction of the tax levy, or take any other action relative thereto:

Petitioned by: Select Board

ARTICLE 65: OTHER BUSINESS

To act upon any other business which may legally come before this meeting.

**Board of Selectmen Recommended FY22
General Fund Operating Budget**

D11

REVENUES & Other Financing Sources	FY21 Actual	FY22 Budgeted	FY23 Available for Appropriation
PROPERTY TAXES			
Prior Year Levy	\$28,484,856	\$29,496,977	\$30,567,401
Add 2 1/2%	\$712,121	\$737,424	\$764,185
Add New Growth	\$300,000	\$333,000	\$300,000
TOTAL LEVY (not including Debt Excl Levy)	\$29,496,977	\$30,567,401	\$31,631,586
Prop. 2 1/2 Debt Exclusion	\$946,163	\$922,770	\$897,044
TOTAL LEVY	\$30,443,140	\$31,490,171	\$32,468,630
STATE AID			
Chapter 70 & Charter Tuition Reimbursement	\$8,294,230	\$8,400,000	\$9,031,913
General Government Aid	\$2,394,527	\$2,400,000	\$2,545,230
Veterans Benefits	\$491,133	\$500,000	\$415,041
Exemptions, VBS and Elderly	\$96,320	\$90,000	\$88,043
State Owned Land	\$165,297	\$160,000	\$198,772
TOTAL STATE AID (not including SBA)	\$11,441,507	\$11,550,000	\$12,278,999
LOCAL RECEIPTS			
Motor Vehicle Excise	\$1,852,253	\$2,000,000	\$1,900,000
Other Excise			
a. Meals	\$315,888	\$300,000	\$400,000
b. Room	\$229,610	\$300,000	\$400,000
c. Other	\$97,530	\$0	\$50,000
d. Cannabis	\$26,321	\$200,000	\$350,000
Penalties and Interest on Taxes	\$343,709	\$290,000	\$325,000
Payments in Lieu of Taxes	\$88,804	\$10,000	\$10,000
Charges for Services-Solid Waste Fees	\$184,785	\$175,000	\$175,000
Other Charges for Services	\$66,221	\$60,000	\$60,000
Fees	\$269,974	\$241,000	\$241,000
a. Cannabis Impact Fee	\$94,755	\$450,000	\$450,000
b. Community Impact Fee Short Term Rentals	\$0	\$0	\$0
Rentals	\$49,834	\$37,000	\$37,000
Dept Revenue-Schools	\$2,708,021	\$2,500,000	\$2,684,547
Dept Revenue-Recreation	\$84,503	\$140,000	\$100,000
Other Dept. Revenue	\$774,837	\$900,000	\$800,000
Licenses and Permits	\$641,971	\$550,000	\$650,000
Fines and Forfeits	\$10,514	\$10,000	\$10,000
Investment Income	\$55,397	\$80,000	\$25,000
Medicaid Reimbursement	\$98,241	\$90,000	\$90,000
Misc. Recurring	\$49,420	\$0	\$0
Misc. Non-Recurring	\$350,392	\$0	\$0
TOTAL LOCAL RECEIPTS	\$8,392,980	\$8,333,000	\$8,757,547
REVENUE APPROPRIATED FOR SPECIFIC PURPOSES			
Waterway Funds	\$50,000	\$50,000	\$50,000
Ambulance Funds	\$1,200,000	\$1,200,000	\$1,200,000
Title 5 Receipts	\$4,000	\$0	\$0
Wetland Protection Fund	\$6,000	\$7,500	\$7,500
Council on Aging-Social Day Program	\$18,000	\$18,000	\$18,000
Animal Control Gift Account	\$6,000	\$8,000	\$8,000
Storm Water Subdivision Fees	\$10,000	\$10,000	\$10,000
TOTAL REVENUE APPROPRIATED FOR SPECIFIC PURPOSES	\$1,294,000	\$1,293,500	\$1,293,500
ENTERPRISE FUND INDIRECT COSTS CHARGES			
Water Enterprise Fund	\$474,759	\$503,591	\$518,699
Sewer Enterprise Fund	\$650,677	\$693,571	\$714,378
School Cable TV Enterprise Fund	\$29,973	\$28,154	\$50
Town Cable TV Enterprise Fund	\$29,973	\$27,391	\$15,150
TOTAL ENTERPRISE FUND INDIRECT COSTS CHARGES	\$1,185,382	\$1,252,707	\$1,248,277
Overlay Surplus	\$0	\$150,000	\$0
Surplus Revenue (Free Cash)	\$19,450	\$285,200	\$0
Stabilization	\$0	\$0	\$0
TOTAL OPERATING REVENUES	\$52,776,459	\$54,354,578	\$56,046,953

**Board of Selectmen Recommended
FY23 General Fund Operating Budget**

	Operating Expenses and Transfers	FY21 Actual	FY22 Budgeted	FY23 Requested	FY23 Recommended
	GENERAL GOVERNMENT				
114	MODERATOR				
	Salaries & Wages	\$ 800	\$ 1,000	\$ 1,000	\$ 1,000
122,195,405	SELECTMEN/TOWN ADMINISTRATOR				
	Salaries & Wages	\$ 296,181	\$ 301,747	\$ 312,316	\$ 312,316
	Operating Expenses	\$ 39,970	\$ 33,699	\$ 34,820	\$ 27,470
	S/T	\$ 336,151	\$ 335,446	\$ 347,136	\$ 339,786
153	HUMAN RESOURCES				
	Salary & Wages	\$ 94,406	\$ 91,535	\$ 127,836	\$ 127,836
	Operating Expenses	\$ 13,423	\$ 21,300	\$ 18,570	\$ 12,370
	S/T	\$ 107,829	\$ 112,835	\$ 146,406	\$ 140,206
135	ACCOUNTING				
	Salary & Wages	\$ 140,420	\$ 144,656	\$ 148,354	\$ 148,354
	Operating Expenses	\$ 43,954	\$ 50,213	\$ 59,153	\$ 58,953
	S/T	\$ 184,374	\$ 194,869	\$ 207,507	\$ 207,307
145	FINANCE DIRECTOR (TREASURER/COLLECTOR)				
	Salaries & Wages	\$ 373,260	\$ 375,842	\$ 385,514	\$ 385,514
	Operating Expenses	\$ 81,578	\$ 126,141	\$ 135,360	\$ 126,160
	S/T	\$ 454,838	\$ 501,983	\$ 520,874	\$ 511,674
161, 163	TOWN CLERK/ELECTIONS				
	Salaries & Wages	\$ 152,327	\$ 124,972	\$ 161,175	\$ 156,175
	Operating Expenses	\$ 28,950	\$ 29,425	\$ 33,797	\$ 32,797
	S/T	\$ 181,277	\$ 154,397	\$ 194,972	\$ 188,972
141	ASSESSORS				
	Salaries & Wages	\$ 184,496	\$ 188,248	\$ 204,232	\$ 204,232
	Operating Expenses	\$ 53,243	\$ 88,668	\$ 47,624	\$ 45,643
	S/T	\$ 237,739	\$ 276,916	\$ 251,856	\$ 249,875
192	TOWN HALL				
	Salaries & Wages	\$ 45,236	\$ 48,894	\$ 73,799	\$ 54,826
	Operating Expenses	\$ 109,315	\$ 60,515	\$ 67,743	\$ 64,713
	S/T	\$ 154,551	\$ 109,409	\$ 141,542	\$ 119,539
113, 131	TOWN MEETING/FINANCE COMMITTEE				
	Salaries & Wages	\$ 146	\$ 400	\$ 1,500	\$ 1,500
	Operating Expenses	\$ 7,265	\$ 7,745	\$ 7,945	\$ 7,945
	S/T	\$ 7,411	\$ 8,145	\$ 9,445	\$ 9,445
175-00	PLANNING BOARD				
	Salaries & Wages	\$ 3,720	\$ 3,200	\$ 3,200	\$ 3,200
	Operating Expenses	\$ 1,873	\$ 3,990	\$ 3,990	\$ 3,990
	S/T	\$ 5,593	\$ 7,190	\$ 7,190	\$ 7,190
175-01	PLANNING AND ECONOMIC DEVELOPMENT				
	Salaries & Wages	\$ 114,647	\$ 124,436	\$ 125,944	\$ 125,944
	Operating Expenses	\$ 4,965	\$ 16,173	\$ 15,700	\$ 9,500
		\$ 119,612	\$ 140,609	\$ 141,644	\$ 135,444
175-01	ECONOMIC DEVELOPMENT COMMITTEE	\$ 1,905	\$ 8,000	\$ 8,000	\$ 8,000
176	BOARD OF APPEALS				
	Salaries & Wages	\$ 1,600	\$ 2,196	\$ 3,200	\$ 3,200
	Operating Expenses	\$ 3,722	\$ 3,528	\$ 18,920	\$ 18,920

**Board of Selectmen Recommended
FY23 General Fund Operating Budget**

	Operating Expenses and Transfers	FY21 Actual	FY22 Budgeted	FY23 Requested	FY23 Recommended
	S/T	\$ 5,322	\$ 5,724	\$ 22,120	\$ 22,120
151	LEGAL EXPENSE	\$ 191,811	\$ 170,000	\$ 180,000	\$ 180,000
171	CONSERVATION COMM/SUSTAINABILITY				
	Salaries & Wages	\$ 80,948	\$ 80,859	\$ 120,461	\$ 97,840
	Operating Expenses	\$ 9,060	\$ 20,754	\$ 11,152	\$ 10,069
	S/T	\$ 90,008	\$ 101,613	\$ 131,613	\$ 107,909
122	BUZZARD'S BAY ACTION COMM.	\$ 1,520	\$ 1,520	\$ 1,800	\$ 1,800
	TOTAL GENERAL GOVERNMENT	\$ 2,080,741	\$ 2,129,656	\$ 2,313,105	\$ 2,230,267
	PUBLIC SAFETY				
210,292	POLICE DEPARTMENT/ANIMAL CONTROL				
	Salaries & Wages	\$ 3,787,167	\$ 4,027,623	\$ 4,261,966	\$ 4,164,484
	Operating Expenses	\$ 379,985	\$ 390,865	\$ 448,677	\$ 434,477
	S/T	\$ 4,167,152	\$ 4,418,488	\$ 4,710,643	\$ 4,598,961
220,225,291	FIRE DEPARTMENT/EMERGENCY MANAGEMENT				
	Salaries & Wages	\$ 2,657,121	\$ 2,858,310	\$ 3,058,863	\$ 2,795,486
	Operating Expenses	\$ 294,209	\$ 345,315	\$ 422,861	\$ 397,561
	S/T	\$ 2,951,330	\$ 3,203,625	\$ 3,481,724	\$ 3,193,047
241	BUILDING DEPARTMENT				
	Salaries & Wages	\$ 164,201	\$ 180,796	\$ 196,104	\$ 178,381
	Operating Expenses	\$ 4,072	\$ 6,300	\$ 11,750	\$ 6,850
	S/T	\$ 168,273	\$ 187,096	\$ 207,854	\$ 185,231
298	MARINE RESOURCES				
	Salaries & Wages	\$ 163,319	\$ 165,083	\$ 171,557	\$ 171,557
	Operating Expenses	\$ 32,440	\$ 36,431	\$ 52,795	\$ 52,145
	S/T	\$ 195,759	\$ 201,514	\$ 224,352	\$ 223,702
244	WEIGHTS AND MEASURES				
	Salaries & Wages	\$ 1,190	\$ 7,140	\$ 7,140	\$ 7,140
	Operating Expenses	\$ 611	\$ -	\$ 200	\$ 200
	S/T	\$ 1,801	\$ 7,140	\$ 7,340	\$ 7,340
424	STREET LIGHTING	\$ 66,551	\$ 60,000	\$ 61,000	\$ 61,000
	TOTAL PUBLIC SAFETY	\$ 7,550,866	\$ 8,077,863	\$ 8,692,913	\$ 8,269,281
	EDUCATION				
300	FAIRHAVEN PUBLIC SCHOOLS	\$ 20,459,480	\$ 22,179,843	\$ 23,052,638	\$ 22,910,638
301	GNBRVT HIGH SCHOOL	\$ 1,880,290	\$ 2,080,413	\$ 2,217,552	\$ 2,217,552
302	BRISTOL COUNTY AGGIE HS	\$ 53,174	\$ 168,335	\$ 181,000	\$ 181,000
	TOTAL EDUCATION	\$ 22,392,944	\$ 24,428,591	\$ 25,451,190	\$ 25,309,190
	PUBLIC WORKS				
421	ADMINISTRATION				
	Salaries & Wages	\$ 197,034	\$ 204,944	\$ 209,455	\$ 209,455
	Operating Expenses	\$ 4,978	\$ 9,977	\$ 12,425	\$ 9,925
	S/T	\$ 202,012	\$ 214,921	\$ 221,880	\$ 219,380
403,420	HIGHWAY DIVISION				

**Board of Selectmen Recommended
FY23 General Fund Operating Budget**

	Operating Expenses and Transfers	FY21 Actual	FY22 Budgeted	FY23 Requested	FY23 Recommended
	Salaries & Wages	\$ 1,169,129	\$ 1,215,054	\$ 1,305,604	\$ 1,305,604
	Operating Expenses	\$ 578,636	\$ 642,922	\$ 653,122	\$ 650,722
	Snow and Ice Removal	\$ 58,244	\$ 60,000	\$ 60,000	\$ 60,000
	S/T	\$ 1,806,009	\$ 1,917,976	\$ 2,018,726	\$ 2,016,326
294,295	TREE DEPARTMENT				
	Salaries & Wages	\$ 22,155	\$ 42,023	\$ 45,321	\$ 45,321
	Operating Expenses	\$ 23,014	\$ 14,309	\$ 22,430	\$ 19,280
	S/T	\$ 45,169	\$ 56,332	\$ 67,751	\$ 64,601
431	SANITATION (Recycling & Waste Disposal)				
	Operating Expenses	\$ 1,386,398	\$ 1,516,469	\$ 1,601,056	\$ 1,601,056
	S/T	\$ 1,386,398	\$ 1,516,469	\$ 1,601,056	\$ 1,601,056
	TOTAL PUBLIC WORKS	\$ 3,439,588	\$ 3,705,698	\$ 3,909,413	\$ 3,901,863
	HEALTH AND HUMAN SERVICES				
510	BOARD OF HEALTH				
	Salaries & Wages	\$ 104,907	\$ 151,764	\$ 155,211	\$ 155,211
	Operating Expenses	\$ 18,231	\$ 24,502	\$ 24,910	\$ 24,210
	S/T	\$ 123,138	\$ 176,266	\$ 180,121	\$ 179,421
541	COUNCIL ON AGING				
	Salaries & Wages	\$ 156,755	\$ 179,910	\$ 166,609	\$ 166,609
	Operating Expenses	\$ 25,669	\$ 32,278	\$ 33,915	\$ 33,335
	S/T	\$ 182,424	\$ 212,188	\$ 200,524	\$ 199,944
543	VETERANS SERVICES				
	Salaries & Wages	\$ 79,276	\$ 81,972	\$ 88,545	\$ 88,545
	Operating Expenses	\$ 531,759	\$ 681,800	\$ 741,400	\$ 581,200
	S/T	\$ 611,035	\$ 763,772	\$ 829,945	\$ 669,745
190	COMMISSION ON DISABILITY	\$ -	\$ 1,000	\$ 1,000	\$ 1,000
122	RAPE CRISIS PROJECT	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
	TOTAL HEALTH & HUMAN SERVICES	\$ 918,597	\$ 1,155,226	\$ 1,213,590	\$ 1,052,110
	CULTURE AND RECREATION				
611	MILLCENT LIBRARY	\$ 718,696	\$ 703,601	\$ 714,291	\$ 714,291
640	RECREATION				
	Salaries & Wages	\$ 181,516	\$ 198,803	\$ 205,350	\$ 205,350
	Operating Expenses	\$ 55,737	\$ 125,700	\$ 134,850	\$ 134,650
	S/T	\$ 237,253	\$ 324,503	\$ 340,200	\$ 340,000
650	PARK DIVISION				
	Salaries & Wages	\$ 82,249	\$ 119,612	\$ 130,891	\$ 130,891
	Operating Expenses	\$ 45,840	\$ 40,129	\$ 43,529	\$ 43,029
	S/T	\$ 128,089	\$ 159,741	\$ 174,420	\$ 173,920
189	TOURISM				
	Salaries & Wages	\$ 73,248	\$ 75,523	\$ 77,410	\$ 77,410
	Operating Expenses	\$ 19,692	\$ 21,532	\$ 22,025	\$ 21,825
	S/T	\$ 92,940	\$ 97,055	\$ 99,435	\$ 99,235
691	FINE ARTS	\$ -	\$ 200	\$ 1,200	\$ 1,200
670	HISTORICAL COMMISSION	\$ 16,997	\$ 16,750	\$ 18,500	\$ 18,500

**Board of Selectmen Recommended
FY23 General Fund Operating Budget**

	Operating Expenses and Transfers	FY21 Actual	FY22 Budgeted	FY23 Requested	FY23 Recommended
692	MEMORIAL/VETERANS DAY	\$ 2,185	\$ 2,500	\$ 3,000	\$ 3,000
122	CULTURAL COUNCIL	\$ 2,750	\$ 2,750	\$ 2,750	\$ 2,750
	TOTAL CULTURE AND RECREATION	\$ 1,198,910	\$ 1,307,100	\$ 1,353,796	\$ 1,352,896
155	CONSOLIDATED INFORMATION TECHNOLOGY	\$ 479,298	\$ 497,261	\$ 493,267	\$ 489,767
	NON-DEPARTMENTAL				
911	CONTRIBUTORY RETIREMENT	\$ 3,388,344	\$ 3,691,389	\$ 3,726,735	\$ 3,726,735
924	GROUP INSURANCE	\$ 4,342,000	\$ 4,776,200	\$ 4,600,000	\$ 4,600,000
913	MA EMPLOYMENT SECURITY	\$ 225,000	\$ 75,000	\$ 78,000	\$ 78,000
925	TOWN INSURANCE	\$ 900,000	\$ 850,000	\$ 905,000	\$ 905,000
918	MEDICARE ASSESSMENT (EMPLOYER SHARE)	\$ 420,000	\$ 430,000	\$ 440,000	\$ 440,000
122	WINDTURBINE ELECTRIC EXPENSE	\$ 633,045	\$ 775,000	\$ 700,000	\$ 700,000
	TOTAL NON-DEPARTMENTAL	\$ 9,908,389	\$ 10,597,589	\$ 10,449,735	\$ 10,449,735
		\$ -			
710	DEBT SERVICE				
	Principal	\$ 798,848	\$ 787,000	\$ 767,479	\$ 767,479
	Interest	\$ 273,413	\$ 252,320	\$ 181,625	\$ 181,625
	Principal Authorized but not issued	\$ 4,784	\$ 36,625	\$ 60,100	\$ 60,100
	Interest Authorized but not issued	\$ 4,416	\$ 40,453	\$ 16,000	\$ 16,000
	Interest on Temp Loans	\$ 27,852	\$ 4,000	\$ 4,000	\$ 4,000
	TOTAL DEBT SERVICE	\$ 1,109,313	\$ 1,120,398	\$ 1,029,204	\$ 1,029,204
820	ASSESSMENTS (Cherry sheet charges)				
	County Tax	\$ 238,936	\$ 248,980	\$ 255,205	\$ 255,205
	Mosquito Control District	\$ 48,836	\$ 50,604	\$ 51,872	\$ 51,872
	Air Pollution District	\$ 4,923	\$ 5,049	\$ 5,090	\$ 5,090
	RMV Non-Renewal Surcharge	\$ 15,460	\$ 15,460	\$ 9,760	\$ 9,760
	Regional Transit	\$ 36,358	\$ 37,267	\$ 38,199	\$ 38,199
	Special Education Charges	\$ -	\$ -	\$ -	\$ -
	School Choice Sending Tuition	\$ 181,288	\$ 305,894	\$ 314,593	\$ 314,593
	Charter School Sending Tuition	\$ 79,638	\$ 13,791	\$ 20,421	\$ 20,421
	TOTAL ASSESSMENTS	\$ 605,439	\$ 677,045	\$ 695,140	\$ 695,140
	TOTAL GENERAL FUND OPERATING BUDGET	\$ 49,684,085	\$ 53,696,427	\$ 55,601,353	\$ 54,778,953
	APPROPRIATIONS TO RESERVES				
	OVERLAY RESERVE (ABATEMENTS & REFUNDS)	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
131	RESERVE FUND	\$ 75,000	\$ 100,000	\$ 100,000	\$ 100,000
122	O(ther) P(ost) E(mployment) B(enefits) RESERVE	\$ 300,000	\$ 200,000	\$ 350,000	\$ 350,000
122	WAGE AND SALARY RESERVE	\$ -	\$ 2,645	\$ 500,000	\$ 500,000
	TOTAL APPROPRIATIONS TO RESERVES	\$ 675,000	\$ 602,645	\$ 1,250,000	\$ 1,250,000
	Total General Fund and Reserves	\$ 50,359,085	\$ 54,299,072	\$ 56,851,353	\$ 56,028,953
	FINANCIAL ARTICLES	\$ 15,000	\$ 15,000	\$ 18,000	\$ 18,000
	GRAND GENERAL FUND TOTALS	\$ 50,374,085	\$ 54,314,072	\$ 56,869,353	\$ 56,046,953

**Board of Selectmen Recommended
FY23 General Fund Operating Budget**

	Operating Expenses and Transfers	FY21 Actual	FY22 Budgeted	FY23 Requested	FY23 Recommended
	Revenue	\$ 52,776,459	\$ 54,354,578	\$ 56,046,953	\$ 56,046,953
	Surplus Revenue/Free Cash	\$ (428,273)	\$ (285,200)	\$	\$
	SURPLUS (DEFICIT)	\$1,974,101	(\$244,694)	(\$822,400)	(\$0)

D12

To be
discussed
at Meeting



DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM

Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number 21-WW01-0013-APP
Buzzards Bay Coalition

NOTIFICATION DATE: April 7, 2022

Public notice is hereby given of the waterways application by Buzzards Bay Coalition to excavate previously filled saltmarsh, construct and maintain tidal creeks, an earthen berm, pedestrian bridge with associated rip rap, and coir logs at 0 Taber Street, in the municipality of Fairhaven, in and over filled tidelands of the Acushnet River. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the 10 residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2873. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: Carlos T. B. Fragata, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

BOARD OF SELECTMAN
FAIRHAVEN, MASS

2022 APR - 7 P 4: 26

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