



**Fairhaven Select Board & Finance Committee
Joint Meeting Minutes
September 13, 2023**

Select Board Members Present: Chair Leon Correy, Vice-Chair Charles Murphy Sr., Clerk Stasia Powers, member Keith Silvia and Town Administrator Angie Lopes Ellison

Finance Committee Members Present: Chair Padraic Elliot, Robert Grindrod, Claire Millette, Linda Gallant, Stephen Levesque

Finance Committee Members Present via zoom: Pattie Pacella

Mr. Correy called to order the Select Board meeting at 6:34p.m.

Mr. Elliot called to order the Finance Committee meeting at 6:34pm

A moment of silence was observed for Linda Marie Quick, School Superintendent Tara Kohler's mother

MINUTES

Select Board Motion: Mr. Espindola motioned to accept the amended Open Session minutes of August 21, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

Select Board Motion: Mr. Espindola motioned to accept the Executive Session minutes of August 21, 2023. Ms. Powers seconded. The motion passed unanimously (5-0-0).

OPEN MEETING LAW COMPLAINT-SELECT BOARD

Ms. Ellison summarized the Open Meeting Law (OML) complaint received by the Board on August 28, 2023 regarding the timeliness of the Board accepting meeting minutes and actions taken in the office as a result. (*Attachment A*).

Select Board Motion: Mr. Espindola motioned to send the Open Meeting Law response letter regarding OML complaint filed on August 28, 2023 as written. Ms. Powers seconded. The motion passed unanimously (5-0-0).

SPECIAL TOWN MEETING WARRANT

Ms. Ellison explained that a revised draft was printed prior to the meeting and is on the blotters (*Attachment B*) and an additional article from the Community Preservation Committee (CPC) may be added. As other adjustments are made a new draft will be sent and include the date printed for reference. Ms. Ellison outlined the purpose tonight would be to set dates for the next meetings and determine what departments will be asked to attend the next meeting.

Discussion ensued regarding meeting dates, supporting information for articles, source of funds, departments to attend the next meeting, the source of funds and the effect on budget balances. The Select Board and Finance Committee joint meeting dates will be Thursday, September 28, 2023 and Wednesday, October 11, 2023.

Mr. Espindola asked when monthly financial reports with balances will be available. He also asked if Public Works can provide an update on the impact to overall rates with the article for additional funds for the sewer treatment plant. Mr. Grindrod asked for a breakdown of the share Mattapoisett is paying and if Marion is also responsible for a portion. Ms. Ellison advised that the Finance Department is currently certifying free cash and working on the fiscal year turnover. She anticipates an update on Monday, September 18, 2023.

Ms. Ellison reviewed the list of articles in the draft of the Special Town Meeting Warrant (*Attachment B*). Article 7 will be pulled because it was a placeholder and Article 8 has the revised information. Article 12 will be pulled by the Fire Department. Article 18 is a citizen's petition for street acceptance and is in process of being reviewed by Town Departments. An article from CPC may be added to amend the use of funds approved at the June 18, 2022 Annual Town Meeting for the Manjiro House.

Mr. Correy asked everyone to keep the people in Maui, HI and Morocco in their thoughts.

The next joint meeting of the Select Board and the Finance Committee will be on Thursday, September 28, 2023 at 6:30 p.m. at Town Hall.

Finance Committee adjourned at 7:21 p.m.

The Select Board adjourned at 7:21 p.m.

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

ATTACHMENTS:

- A. OML Complaint and Response
- B. Special Town Meeting Warrant – draft 2 dated 9/13/2023

Approved on September 18, 2023



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

Tel: (508) 979-4023 * Fax: (508) 979-4079
selectboard@Fairhaven-MA.gov

September 14, 2023

Patrick Higgins
P.O. Box 290
Northport, AL 35476
patrick@openmeetinglawenforcer.com

RE: Open Meeting Law Complaint regarding August 21, 2023 Select Board Meeting

Dear Mr. Higgins:

Please be advised that the Select Board (SB) has reviewed your Open Meeting Law complaint received on August 28, 2023 regarding the Select Board's meeting from August 21, 2023.

The SB discussed your complaint at their September 13, 2023 meeting and hereby respond accordingly:

Your complaint stated in part that "The Fairhaven Select Board violated the open meeting law as follows: Did not accept or adopt the minutes from their June 20, 2023 meeting in a timely manner. (3 meetings or 30 days whichever is longer, June 20th needed to be accepted on or before July 15, 2023 or the 3rd meeting following June 20th which was held on August 7, 2023.) This public body has been found in violation for this same type of violation in 2023-129, yet violated the open meeting law once again."

The SB acknowledges receipt on August 8, 2023 of the resolution to OML 2023 – 129 from the Commonwealth which stated that the matter was resolved by an "informal action, in accordance with 940 CMR 29.07(2)(a)". Until this time and prior to receipt of the informal action notice on August 8, 2023, the SB Office staff had not counted special meetings or joint meetings when preparing the agenda to approve meeting minutes within 3 meetings or 30 days.

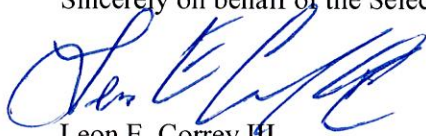
In reviewing 940 CMR 29.07 (2)(a) which describes an informal action to include that "The Attorney General may resolve the investigation with a letter or other appropriate form of written communication that explains the violation and clarifies the subject's obligations under M.G.L. c. 30A, §§ 18 through 25, providing the subject with a reasonable period of time to comply with any outstanding obligations," the SB considers this complaint as falling within the reasonable period of time to comply due to the Board receiving the informal action on August 8, 2023 with the Board's next public meeting being held on August 21, 2023 which this complaint is based on. The Board did not have sufficient opportunity to fully review and implement the guidance outlined by the Commonwealth in the communication of August 8th.

Furthermore, understanding the seriousness of the Open Meeting Law, the Select Board has taken steps to avoid this by reviewing the findings and references in OML 2023 – 129, approving all outstanding meeting minutes between their August 21st and September 13th meetings, sharing the

communication with the SB Office staff and setting clear expectations with staff that meeting minutes are to be placed on the next agenda regardless of the type of public meeting the Board attends to ensure compliance with the OML.

The Select Board hopes that this response has addressed your complaint and has been helpful and appreciates the time since the August 8th notice to comply with outstanding obligations.

Sincerely on behalf of the Select Board,



Leon E. Correy III
Select Board Chair

**OPEN MEETING LAW COMPLAINT FORM**

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:First Name: PatrickLast Name: HigginsAddress: P O Box 290City: NorthportState: ALZip Code: 35476Phone Number: 8662838301

Ext. _____

Email: patrick@openmeetinglawenforcer.comOrganization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual☒ Organization☐ Media**Public Body that is the subject of this complaint:**☒ City/Town☐ County☐ Regional/District☐ StateName of Public Body (including city/
town, county or region, if applicable):Fairhaven Select BoardSpecific person(s), if any, you allege
committed the violation:Leon E. Correy III, Chair

Date of alleged violation:

8/21/23

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fairhaven Board of Selectmen violated the open meeting laws follows:

1. Did not accept or adopt the meeting minutes from their June 20, 2023 meeting in a timely manner. (3 meetings or 30 days whichever is longer, June 20th needed to be accepted on or before July 15, 2023 or the 3rd meeting following June 20th which was held on August 7, 2023.) This public body has been found in violation for this same type of violation in 2023-129, yet violated the open meeting law once again. This being a recurring violation is an intentional violation and this public body needs to be fined the \$1000 penalty as provided for by the open meeting law.

See video of meeting at <https://livestream.com/fairhavenlive/events/7191980/videos/237316277>

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Learn and fully comply with the open meeting law

Make acceptance of meeting minutes a priority of the board

All member MUST attend a formal open meeting law webinar without delay, schedule can be viewed at <https://www.mass.gov/info-details/open-meeting-law-trainings>

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 8/28/23

For Use By Public Body
Date Received by Public Body

For Use By AGO
Date Received by AGO



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

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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

August 8, 2023

OML 2023 – 129

Leon B. Correy III
Select Board Chair
40 Center Street
Fairhaven, MA 02719

By email only: selectboard@Fairhaven-MA.gov

RE: Open Meeting Law Complaint

Dear Mr. Correy:

This office received a complaint from Patrick Higgins on June 21, 2023, alleging that the Fairhaven Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on June 8, 2023, and you responded to the complaint, on behalf of the Board, by letter dated June 21, 2023.¹ The complaint alleges that the Commission failed to accept minutes for the meeting held on April 18 in a timely manner.

We resolve this matter by **informal action**, in accordance with 940 CMR 29.07(2)(a), after reviewing the original complaint, the Board’s response to the complaint, the complaint filed with our office requesting further review, and the notices, minutes, and video recordings of the Board meetings held on April 18, May 1, May 6, May 15, May 31, and June 5.² We find that the Board violated the Open Meeting Law in the way alleged.

The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). The meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). “Timely manner” means “within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay.” See 940 CMR 29.11; OML 2018-48.³ Whenever possible,

¹ Unless otherwise noted, all dates in this letter refer to 2023.

² Video recordings of these meetings may be found at: <https://livestream.com/fairhavenlive/events/7191980>

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

we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133.

The complaint alleges that the Board did not approve the minutes of the meeting held on April 18 within the later of 30 days or three meetings as required by the Open Meeting Law. Here, the Board held meetings on April 18, May 1, May 6, May 15, and June 5. The Board also held a joint meeting with the Finance Committee on May 31. The Board approved the April 18 minutes during the meeting held on June 5. The Board asserts that this approval was timely because the June 5 meeting was its third regular meeting after April 18. The Open Meeting Law defines "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction." G.L. c. 30A, § 18. The Open Meeting Law does not include an exception to the definition of "meeting," for purposes of calculating timely approval of meeting minutes, for meetings that are held jointly by two or more public bodies. See OML 2021-177, n. 4 (finding a public body's joint meeting with other town public bodies was a meeting of the public body for the purpose of calculating timely approval of meeting minutes); see also OML 2019-115 ("single topic" meetings and meetings not "normally scheduled" constitute "meetings" for purposes of calculating timely approval of meeting minutes); OML 2021-169. As such, the Board's approval of the minutes of its April 18 meeting on June 5, which was its fifth meeting and more than 30 days thereafter, was untimely.

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

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

Assisted by Bethany Salah, Legal Intern

cc: Patrick Higgins -- By email only: [REDACTED]
Town Clerk -- By email only: churley@fairhaven-ma.gov

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



FAIRHAVEN SELECT BOARD AGENDA

August 21, 2023, 6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

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

FAIRHAVEN TOWN CLERK
RCUD 2023 AUG 17 AM 9:23

On March 24, 2023, the bill to extend Open Meeting Law regulations governing remote participation has passed MA legislation and been signed by the Governor. This bill will allow remote and hybrid meeting options for public bodies through March 31, 2025.

Pursuant to an amendment to Town Bylaw Chapter 50 § 13, all government meetings are available through web/video conference and are recorded.

A. EXECUTIVE SESSION – JOINT WITH BOARD OF HEALTH – 6:30 p.m.

Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (6 Evergreen Street)

B. MINUTES

1. Approve the minutes of June 20, July 10, July 17 and August 7, 2023 – Open Session
2. Approve the minutes of July 10, July 17 and August 7, 2023 -- Executive Session
3. Approve Select Board Retreat Minutes of July 15, 2023

C. PUBLIC HEARING – 7:30 P.M.

1. Fairhaven Meadows, LLC d/b/a Nasketucket Bay Vineyard: application for a Farmers Series Pouring License Permit

D. TOWN ADMINISTRATOR

1. Staffing Updates: New Planning/Economic Development Director, Building Department Recognition, Finance Department restructuring
2. Board of Health (BOH) resignation: Heidi Hacking
3. Zoning Board of Appeals resignation: Alberto Silva
4. Alliance for Community Media Award presentation: David Fauteux
5. Enhancing Digital Literacy for Older Adults Grant Program: Council on Aging
6. Municipal Vulnerability Preparedness (MVP) FY24-25 Pilot Program Grant Award, \$95,000
7. Temporary Street Closure: Block Party: Laurel Street, Saturday, September 30, 2023
8. Town of Fairhaven and Massachusetts Broadband Institute Residential Internet Survey
9. Zoning Board of Appeals: alleged Open Meeting Law violation
10. Select Board Retreat Summary
11. International City/County Management Association (ICMA) Scholarship
12. Rogers School: National Registry application update
13. Halloween Costume Swap/Exchange-Sustainability Committee

E. ACTION / DISCUSSION

1. Draft Decision: Gary Lavalette
2. Appointment of Planning and Economic Development Director: Paul DiGiuseppe
3. Recognition: Firefighter Jesse Lacerda
4. Transfer of Liquor License: From Elisabeth's Restaurant to OEA Restaurant Group, Corp. d/b/a Olivia's Restaurant
5. Proclamation: Deirdre Healy
6. Proposed changes to name and charge for Bikeways Committee
7. Event Request/Use of Town Hall Auditorium: The Shepherd Center for Performing Arts Film Festival, Friday, August 25, 2023 6:00-9:00 p.m.
8. Declare surplus items for Town Auction on September 16, 2023 at Department of Public Works
9. Revisit the Select Board email process management

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

10. SRPEDD Technical assistant hours for Broadband buildout at Housing Authority
11. Bylaw change: Chapter 50 Meetings § 10-11

F. CORRESPONDENCE

1. Invitation to recognition ceremony for the Fairhaven Acushnet Youth Baseball team
2. Community Preservation Committee FY24 CPA Project Funding Appropriation and Grants
Awarded: Fairhaven Housing Authority and Town Hall Facilities
3. Open Meeting Law Complaint Response 2023 – 129 from Attorney General's Office
4. KIZUNA Magazine: Summer edition

G. COMMITTEE LIAISON REPORTS**H. PUBLIC COMMENT****I. BOARD MEMBER ITEMS****J. NEWS AND ANNOUNCEMENTS**

1. The next regularly scheduled Select Board meeting is *Monday, September 18, 2023* at 6:30 p.m.,
Town Hall Banquet Room

ADJOURNMENT

<https://us06web.zoom.us/j/89485993911?pwd=OFd5MzJvVnBxQkxLZkdQcFRlbnVMQ0Q09>

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



Town of Fairhaven

PRINTED: 9/13/2023

DRAFT 2

WARRANT

On Tuesday, the fourteenth of November, 2023 at 7:00p.m. in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School, then and there, the following articles will be before you for a vote.

The Finance Committee has reviewed and provided their recommendation as customer. Contact the Select Board/Town Administrator's office for more information.

Majority Vote needed unless stated otherwise

ARTICLE 1: BILLS OF PRIOR YEAR-Paid from FY24 funds unless noted otherwise

To see if the Town will vote to pay the unpaid bills of a prior fiscal year. And others that may be brought forward, or take any other action relative thereto

Petitioned by: Town Accountant

<u>Vendor</u>	<u>Amount</u>	<u>Petitioner</u>
Stephenson & Brook	\$ 8,000 from FY2021	Human Resources
Town of Mattapoisett	\$ 6,647 from FY2022	BPW
ASNE	\$ 3,501 from FY2021	BPW

Select Board:

Finance Committee:

Vote Required: Four-Fifths (4/5) Vote

Motion: To approve as listed in the warrant, with funds coming from Surplus Revenue (Free Cash)

ARTICLE 2: FUND SEWER LABOR CONTRACTS-FY23 & FY24

To see if the Town will vote to fund the FY23 and FY24 labor contract for the Sewer Department or take any other action relative thereto.

Petitioned by: Town Administrator

Select Board:

Finance Committee:

Motion: To waive § 50-9 D of the Town Bylaw, Collective Bargaining Agreements Section in accordance with Subsection F

Motion: To adopt the sum of \$75,000 to be transferred from Sewer Enterprise Fund Retained Earnings to Sewer Salaries and Wages

ARTICLE 3: FY24 GENERAL FUND OPERATING BUDGET ADJUSTMENTS

To see if the Town will vote to amend Article 7 of the May 6, 2023 Town Meeting "General Fund Operating Budget-FY24" as follows, or take any action relative thereto:

1. Transfer from Surplus Revenue (Free Cash) as follows:

A. \$95,000 be transferred from Surplus Revenue (Free Cash) to Town Insurance

Petitioned by: Town Accountant

Select Board:

Finance Committee:

ARTICLE 4: SEWER TREATMENT PLANT ADDITIONAL FUNDS

To see if the Town will vote to amend Article 15A of the June 18, 2022 Town Meeting and raise and appropriate, borrow or transfer from available funds the sum of \$20,000,000 for additional charges to supplement the costs for the sewer treatment plant upgrade, or take any action relative thereto.

Petitioned by: Board of Public Works

Select Board:

Finance Committee:

ARTICLE 5: FY24 SEWER FUND ADJUSTMENTS

To see if the Town will vote to transfer from the June 30, 2023 Sewer Retained Earnings of Sewer Capital Fee \$295,959.45 which was generated from the Sewer Capital Fee from FY23 and transfer into the Sewer Capital Improvements Stabilization Fund or take any action relative thereto.

Petitioned by: Board of Public Works

Select Board:

Finance Committee:

ARTICLE 6: RECYCLE CENTER RELOCATION COSTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 470,000 from Surplus Revenue (Free Cash) for costs associated with relocating the existing recycle center to a temporary and/or permanent location as well as purchase equipment for on site brush processing and any other necessary components relative thereto.

Petitioned by: Board of Public Works

Select Board:

Finance Committee:

ARTICLE 7: AMENDMENT TO FY22 TOWN MEETING ARTICLE 14B

To see if the Town will vote to amend Article 14B of the June 18, 2022 Town Meeting for maintenance to the Sconticut Neck Water Tower to reflect that the Town may use RFP for awarding bids.

Petitioned by: Board of Public Works

Select Board:

Finance Committee:

ARTICLE 8: WATER STORAGE TANK MAINTENANCE CONTRACT

To see if the Town will vote pursuant to G.L. Chapter 40 § 62 to authorize the Chief Procurement Officer, in consultation with the Board of Public Works, to enter into a water storage tank maintenance contract to be awarded in accordance with G.L. Chapter 30B § 6, for a maximum term of fifteen years and in an amount not to exceed one million dollars (\$1,000,000) as appropriated under Article 14B of the June 18, 2022 Annual Town Meeting, or take any other action relative thereto.

Petitioned by: Board of Public Works

Select Board:
Finance Committee:

ARTICLE 9: SAFE ROUTES TO SCHOOLS PROPERTY EASEMENT COMPENSATION

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 75,000 from Surplus Revenue (Free Cash) for costs associated with compensation to property owners for the temporary easements on thirteen parcels on Sconticut Neck Road between David Drown Blvd. and Hiller Ave. that was part of securing a State/Federal Safe Routes to School grant or take any other action relative thereto.

Petitioned by: Board of Public Works

Select Board:
Finance Committee:

ARTICLE 10: REPLACE TOWN HALL ALARM PANEL

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 250,000 for costs associated with replacing the fire alarm panel in Town Hall and associated costs for the project or take any other action relative thereto.

Petitioned by: Town Administrator

Select Board:
Finance Committee:

ARTICLE 11: REPLACE MARINE RESOURCE TRAILER

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 4,500 for costs associated with replacing the boat trailer for Marine Resources or take any other action relative thereto.

Petitioned by: Harbor Master

Select Board:
Finance Committee:

ARTICLE 12: ASSESSMENT CENTER EXAM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 5,000 for costs associated with contracting with an exam assessment center to hold Fire Department Captain's and Deputy Chief's exams or take any other action relative thereto.

Petitioned by: Fire Department

Select Board:
Finance Committee:

ARTICLE 13: TOWN CLERK POLL PADS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 12,700 to purchase poll pads for elections and Town Meeting efficiency or take any other action relative thereto.

Petitioned by: Town Clerk's Office

Select Board:
Finance Committee:

ARTICLE 14: SOLAR CANOPY PROJECT: RECREATION CENTER/COUNCIL ON AGING

To see if the Town will vote to authorize the Select Board or its designee to enter into a lease, power purchase, and any energy storage agreement with Solect Energy Development LLC for solar energy projects located in Town and School properties, through the program created by Power Options or take any other action relative thereto.

Petitioned by: Town Administrator

Select Board:
Finance Committee:

ARTICLE 15: REVOLVING FUNDS

To see if the Town will increase the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44, Section 53 E ½:

Revolving Fund	Authorized to Spend	Revenue Source	FY24 Limit
Mooring Fees	Marine Resources	Mooring fees	\$4,000
Mattress Recycling	Board of Health	Fees from mattress disposal	\$4,000

Or take any other action relative thereto.

Petitioned by: Town Administrator

Select Board:
Finance Committee:

ARTICLE 16: APPOINTMENT OF TOWN CLERK

To see if the Town will vote, pursuant to G.L. c. 41, s. 1B, to change the position of Town Clerk from elected to appointed, said change being contingent upon acceptance of such change by the voters at the next Annual Town Election, or take any other action relative thereto.

Petitioned by: Select Board

Select Board:
Finance Committee:

ARTICLE 17: AMEND BYLAWS CHAPTER 40 § 6

To see if the Town will vote to amend the language in Bylaws, Chapter 40 § 6 as recommended by Bond Counsel with the following language:

Change the language from:

No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement has been considered in the Committee's Capital Improvement Plan, or the Committee has submitted a report to the Select Board explaining the omission of the proposed capital improvement from its Plan.

And update the language to:

Every capital improvement request by a department, board or commission shall be considered in the Committee's Capital Improvement Plan unless the Committee shall have provided a report to the Select Board explaining the omission of the proposed capital improvement from its Plan.

Petitioned by: Town Administrator, recommended by Bond Counsel

Select Board:

Finance Committee:

ARTICLE 18: CITIZENS PETITION – STREET ACCEPTANCE: ALVES WAY

To see if the Town will vote to accept as a public street Alves Way, or take any action relative thereto.

Petitioned by: Antonio Alves

Select Board:

Finance Committee:

ARTICLE 19: OTHER BUSINESS

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

And you are hereby directed to serve this warrant by posting an attested copy thereof on or near the front or main entrance of the polling place for all Precincts at the Fairhaven Recreation Center, 227 Huttleston Avenue, seven days at least prior to the date of the meeting.

Appendix