



TOWN OF FAIRHAVEN

FAIRHAVEN TOWN CLERK
RCUD 2023 SEP 26 AM11:14

JOINT meeting of the SELECT BOARD and FINANCE COMMITTEE

Agenda

September 28, 2023

6:30 p.m.

Town Hall – 40 Center Street – Fairhaven

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. SPECIAL TOWN MEETING WARRANT

1. Special Town Meeting Warrant review

B. NEWS AND ANNOUNCEMENTS

1. The next joint meeting of the Select Board and Finance Committee is *Wednesday, October 11, 2023* at 6:30 p.m. in the Town Hall Banquet Room

ADJOURNMENT

Subject matter listed in the agenda consists of those items that are 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.

<https://us06web.zoom.us/j/89485993911?pwd=OFd5MzJvVnBxQkIxLzdQcFRlbVM0QT09>

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

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- 1. Article 1: Bills of Prior Year**
Bills received after fiscal year closed without an encumbrance.
- 2. Article 2: Funding Sewer Labor Contracts FY23 and FY24**
Sewer contract negotiations pending, \$75,000.00 to be taken from Sewer Enterprise Fund Retained Earnings.
- 3. Article 3: Sewer Treatment Plant Upgrade: Additional funds, Amend Article 15A of Town Meeting 6/18/2022**
Due to increase in pricing, the additional cost was \$20 million higher than anticipated. Fairhaven is the borrower and the Town of Mattapoisett pays a portion per an intermunicipal agreement. New rate impact has not yet been determined. Mr. Furtado will address.
- 4. Article 4: Capital Fee Transfer**
To transfer the fee collected biannually from sewer utility users and transfer that to sewer capital improvements stabilization fund.
- 5. Article 5: Water Storage Tank Maintenance Contract**
Amend Article 14B of the June 18, 2022 Annual Town Meeting for the legal authorization needed by Town Meeting to enter a contract for this service.
- 6. Article 6: Safe Route to Schools, Property Easement Compensation**
To pay for the appraisal of 13 parcels on Sconticut Neck Road (between David Drown Blvd. and Hiller Ave.) and compensation to the property owners for use under an easement to secure a State/Federal Safe Routes to School grant.
- 7. Article 7: Funding for Town Hall Fire Alarm Panel**
Fire Alarm panel in the Town Hall is approximately 25 years old, parts cannot be obtained to repair and in the current location it is malfunctioning and obsolete.
- 8. Article 8: Funding for Town Clerk/Elections: Poll Pads**
As part of election modernization and with more demands on election workers; having these iPads will expedite the process and help with the four upcoming elections in 2024. Currently there are six poll pads used by the election workers; purchasing eight additional will provide two per precinct (six precincts x 2 = 12) plus two for check in and verification (grand total of fourteen poll pads).
- 9. Article 9: Amend FY23 CPC Appropriation: Manjiro House, use of funds to include exterior also.**
CPC is requesting a language change to a previously approved article from June 18, 2022 ATM (Article 22G). This will update the language to include exterior renovations, no additional funds.
- 10. Article 10: Solar Canopy Project: Recreation Center/Council on Aging**
Asking for Town Meeting to approve the Select Board 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. This project is at the Rec Center and COA property.

11. Article 11: Increase Revolving Fund Accounts: Mattress Recycling Account and Mooring Fees Account.

Due to increasing costs for bills paid out of the respective funds, the current fund limits are not sufficient.

12. Article 12: Bylaw Change: Town Clerk, Appointed Position

Asking for Town Meeting to change the Town Clerk from an elected position to an appointed position, aligning with the other Town Hall departments.

13. Article 13: Bylaw Change: Capital Improvement Plan (Bond Counsel recommendation to language)

Bond Counsel recommended a language change to clarify timelines and align the dates in conjunction with the budget process.

14. Article 14: Citizen's Petition: Street Acceptance: Alves Way

At present the petition and details have been forwarded to Town Departments (BPW, Planning, Police, Fire, Building, Conservation) to be reviewed for commentary and a Public Hearing will be held by the Select Board (target date is October 23, 2023).

15. Article 15: Citizen's Petition: Reconsider Adoption of Article 22, May 6, 2023 ATM prohibiting sale of "nips"

The petition was reviewed by Town Counsel, as written and submitted the ask is not for Town Meeting to take action but to ask the Sustainability Committee to reconsider the amendment to the bylaw banning the sale of "nips". Based on Town Counsel the petition is an invalid request, the Select Board acknowledged it at their September 18th meeting and it was sent to the Sustainability Committee to do the same at a future meeting.

16. Article 16: OTHER BUSINESS



Town of Fairhaven

PRINTED: 9/27/2023

DRAFT 5

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 custom. 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>Funded From</u>
Stephenson & Brook	\$ 8,000 from FY2021	Surplus Revenue (Free Cash)
Standard Marine Outfitters	\$ 35.98 from FY2023	Surplus Revenue (Free Cash)
Town of Mattapoissett	\$ 6,647 from FY2022	Water Retained Earnings
ASNE	\$ 3,501 from FY2021	Sewer Retained Earnings

Select Board:

Finance Committee:

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

Motion: To approve as listed in the warrant

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: 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 an additional sum of \$20,000,000.00 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:

Motion: To amend Article 15A of the June 18, 2022 Annual Town Meeting and to move that an additional sum of \$20,000,000 is appropriated along with the previously approved \$50,000,000 to pay costs for Sewer Treatment Plant Upgrade, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$20,000,000 pursuant to G.L. c. 44, §8(14) or any other enabling authority, and to issue bonds or notes of the Town therefore.

ARTICLE 4: CAPITAL FEE TRANSFER

To see if the Town will vote to transfer from the June 30, 2023 Sewer Retained Earnings the Sewer Capital Fee Revenue of \$295,959.45 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:

Motion: To transfer from the June 30, 2023 Sewer Retained Earnings the Sewer Capital Fee Revenue of \$295,959.45 and transfer into the Sewer Capital Improvements Stabilization Fund.

ARTICLE 5: 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:

Motion: To authorize the Chief Procurement Officer, in consultation with the Board of Public Works, to enter into a water storage tank maintenance contract 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.

ARTICLE 6: 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:

Motion: To 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.

ARTICLE 7: 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:

Motion: To transfer from Surplus Revenue (Free Cash) the sum of \$250,000 for costs associated with replacing the fire alarm panel in Town Hall and associated costs for the project.

ARTICLE 8: 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:

Motion: To move that the Town vote to raise and appropriate, borrow or transfer from available funds the sum of \$12,700 for costs associated with the purchase of poll pads or take any action relative thereto.

ARTICLE 9: AMEND FY23 COMMUNITY PRESERVATION COMMITTEE APPROPRIATION: WHITFIELD MANJIRO FRIENDSHIP SOCIETY

To see if the Town will vote to amend previously approved FY23 Whitfield Manjiro Friendship Society – Whitfield Manjiro Cultural Center project (Article 22G of the June 18, 2022 Annual Town Meeting) to include exterior renovations, with no additional funding requested.

Petitioned by: Community Preservation Committee

Select Board:
Finance Committee:

Motion: To amend Article 22G of the June 18, 2022 Annual Town Meeting to include exterior renovations.

ARTICLE 10: 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:

Motion: To move that the Town 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 action relative thereto.

ARTICLE 11: REVOLVING FUNDS

To see if the Town will increase the following Revolving Accounts' spending limits 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/Sanitation	Fees from mattress disposal	\$4,000

Or take any other action relative thereto.

Petitioned by: Town Administrator

Select Board:
Finance Committee:

Motion: To adopt as written in the warrant.

ARTICLE 12: 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:

Motion: To adopt as written in the warrant.

ARTICLE 13: AMEND BYLAWS CHAPTER 40 § 2-7

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 updates reflected below with changes listed below:

§ 40-2. Committee established.

The Select Board shall appoint a Capital Planning Committee ("Committee") consisting of seven ~~six~~ voting members, and three or more nonvoting ex officio members, to assist and advise the Town Administrator in preparing a five-year Capital Improvement Plan. The voting members shall serve terms of three years. Initially two voting members shall serve for one year, two for two years, and three for three years, and they may be reappointed. The Committee shall be comprised as follows:

A. Voting members:

- (1) One member of the Board of Public Works or an appointee thereof;
- (2) A person who is a member of the Fairhaven local School Committee or an appointee thereof;
- (3) A resident of Fairhaven who represents the business, financial, or banking community;
- (4) A resident of Fairhaven with experience in the management of construction activities;
- (5) A resident of Fairhaven knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;
- (6) The Finance Director/Treasurer/Collector; **Designee of a financial staff member, acting as Chair; and**
- (7) ~~The Town Administrator;~~ and **One resident member appointed by the Select Board**
- (8) Such other nonvoting ex officio members as the Select Board deems appropriate from time to time.

§ 40-3. Duties of Committee.

~~B.~~ Work with Town departments and officers to compile an inventory of the Town's facilities, equipment, machinery and other capital assets;

~~C.~~ **B.** Consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town of Fairhaven;

~~D.~~ **C.** Prepare an annual report recommending a Capital Improvement ~~Budget~~ **Projects/Plan** for the next fiscal year and a Capital Improvement Program Plan, including capital improvements for the next five years. The report shall be submitted to the **Town Administrator with the budget presented to the** Select Board ~~on or before December 31 of~~ **prior to** each year for consideration and approval; [Amended 6-14-2021 ATM by Art. 46]

~~E.~~ **D.** Present the **The** Capital Improvement Plan **is to be presented at** the Annual Town Meeting for its approval of fiscal year expenditures;

~~F.~~ Monitor the execution of projects authorized;

~~G.~~ Explain and defend to the Town Meeting any deviation which the Committee proposes from the Capital Improvement Plan.

§ 40-4. Report of anticipated capital outlays to Committee.

~~By October 15 of e~~Each year, each department, board, committee and commission shall provide to the Committee information concerning all anticipated capital outlays requiring Town Meeting appropriation for the ensuing five-year period.

§ 40-5. Public hearing on Capital Improvement Plan. [Amended 6-14-2021 ATM by Art. 46]

After the annual presentation of the Capital Improvement Plan by the Committee to the Select Board, the Select Board shall, within 30 days of the receipt of the plan, hold a public hearing to present the plan for public comment.

§ 40-65. Appropriation for capital improvements. [Amended 6-14-2021 ATM by Art. 46]

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 **vetted the request/project.**

§ 40-7. Expenditures in preparation for capital improvements.

Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects

included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Notwithstanding the provisions of this section, the Town may appropriate and expend funds for the purchase of land regardless of when improvements to, or use of, the land by the Town is anticipated.

Petitioned by: Town Administrator, recommended by Bond Counsel

Select Board:
Finance Committee:

Motion: To adopt as written in the warrant.

ARTICLE 14: 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:

Motion: To be provided by petitioner

ARTICLE 15: CITIZENS PETITION – RECONSIDER ADOPTION OF ARTICLE 22, MAY 6, 2023 ANNUAL TOWN MEETING

To see if the Town will vote to request that the Sustainability Committee reconsider adoption of previously approved Article 22 of the May 6, 2023 Annual Town Meeting which stated: Amend Bylaws, Chapter 83 Alcoholic Beverages and Drugs, add a new section §5, Prohibit Sale of Alcohol “Nip” Bottles. The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Fairhaven effective January 1, 2024 or take any action relative thereto.

Petitioned by: The eligible voters of the Town of Fairhaven

Select Board:
Finance Committee:

Motion: To be provided by petitioner

ARTICLE 16: 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.

Stephenson & Brook
86 Highland Ave
Salem, MA 01970 US
+1 9787406962
LHOWERTER@STEPHBRK.COM
www.stephensonandbrook.com

STEPHENSON & BROOK workers' compensation risk management

Invoice

ARTICLE 1

Town of Fairhaven
Susan Rodriques
40 Center St.
Fairhaven, MA 02719

12549	06/01/2021	\$8,000.00	09/25/2023	Payment Plan	
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COMPREHENSIVE		8,000.00
Comprehensive Claims Mgmt: 6/1/21-22 (was not previously billed)		
	SUBTOTAL	8,000.00
	TAX	0.00
	TOTAL	8,000.00
	BALANCE DUE	\$8,000.00

Invoice

Standard Marine Outfitters
 137 Popes Island
 New Bedford, MA 02740
 508-990-0369

Date: 11/15/2022 1:07:08 AM
 Transaction: 62464550
 Cashier: Chad
 Register: 3019378

Notes: joshua dextraze

Customer:
 Town of Fairhaven Tree Dept.
 49 Center Street
 Fairhaven, MA 02719

Item	Description		Quantity	Price
099713031791	36x10 1/2Mesh HDW Cloth	F	1@	\$17.99
099713031791	36x10 1/2Mesh HDW Cloth	F	1@	\$17.99
Subtotal				\$35.98
Sales Tax				\$0.00
Total				\$35.98
House Account Tendered				\$35.98



TOWN OF MATTAPOISETT

Treasurer/Tax Collector

16 Main Street, P.O. Box 433

Mattapoisett, MA 02739

Phone: (508) 758-4100 ext. 1 Fax: (508) 758-4102

kcosta@mattapoisett.net

Kristie A. Costa
CMMT. CMMC

JUL 5 '23 AM 9:49
WATER DEPARTMENT

June 30, 2023
Jeffrey Furtado, Water Superintendent
Board of Public Works
5 Arsene St.
Fairhaven, MA 02719

Dear Mr. Furtado:

In accordance with Massachusetts General Law Chapter 59 Sections 5D-5F, based on the valuations totaling \$536,105.00 as agreed upon in the Mutual Release and Settlement Agreement dated February 22, 2013, and the tax rates per \$1,000, as itemized below, the amount of \$12,678.88 is due to the Town of Mattapoisett no later than July 31, 2023 for payment in lieu of taxes for Fiscal 2022 and Fiscal 2023.

Map/Lot	Location	Value	FY/Tax Rate	
			2022	2023
			\$12.40	\$11.25
17.0/114.0	0 Fairhaven Rd	5,892	\$73.06	\$66.29
17.0/173.0	2 River Rd	181,217	\$2,247.09	\$2,038.69
19.0/8.0	West of North St	18,504	\$229.45	\$208.17
21.0/59.0	0 River Rd	112,163	\$1,390.82	\$1,261.83
24.0/10.0	29 Tinkham St	65,437	\$811.42	\$736.17
24.0/79.A	Off of River Bend Ln	14,059	\$174.33	\$158.16
24.0/96.0	0 Tinkham Ln	11,371	\$141.00	\$127.92
25.0/20.0	51 Wolf Island Rd	65,850	\$816.54	\$740.81
25.0/40.0	0 Wolf Island Rd	61,612	\$763.99	\$693.14
TOTALS		\$536,105	\$6,647.70	\$6,031.18

TOWN MEETING
PAST BILL - PRIOR YEAR

Thank you for your attention to this matter.

Respectfully,

Kristie A. Costa

60320
025-453-70-5294-00

\$6,031.18

**** INVOICE ****



Please Remit To:
Authorized Services of New England
410 Forest Street, Suite 3, Marlborough, MA 01752
Tel: 888.890.9886 Fax: 508.229.1423 ASNE.com

Bill To:
Town of Fairhaven
5 Arsene Street
Fairhaven, MA 02719

Invoice Number: I201014164
Date: 10/14/2020
Terms: Net 30
Customer ID: 00907
Customer PO:
Reference: SV2001230033@@1

Site Name: Fairhaven Pump Station
Site ID: A00907-00002
Site Address:
1 Taber Street
Fairhaven, MA 02719

10/1/20 Removed and replaced fuel regulator. Customer needs to make changes to the natural gas system. Unit is down, customer declined a portable unit. Approved quote 2020-1-02415.

Quantity	Description	Unit Price	Amount
1.00	Quoted Labor	945.00	945.00
1.00	Quoted Materials	2,481.70	2,481.70
1.00	Trip Charge	75.00	75.00

Invoice Total: 3,501.70



GENERAC
INDUSTRIAL

EEC/East Coast Energy Systems LLC
410 Forest Street
Marlborough, MA 01752

p. (508)229-1400

STATEMENT	
STATEMENT DATE	ACCOUNT NUMBER
7/5/2023	
NET AMOUNT DUE	CREDIT STATUS
\$3,501.70	

Customer:

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

LIM
1/13

Open Invoices

Invoice Date	Invoice	Date Due	Customer PO	Invoice Amount	Due	Balance
10/14/2020	1201014164	11/13/2020		\$3,501.70	\$3,501.70	\$3,501.70
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due	
\$0.00	\$0.00	\$0.00	\$0.00	\$3,501.70	\$3,501.70	

Fuel regulator

1 Taber St.

Fairhaven, MA 02719

cpaulson@fairhaven-ma.gov

DESCRIPTION: WHY ARE YOU SUBMITTING THIS ARTICLE?

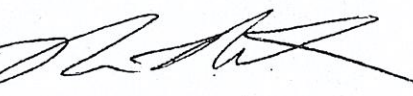
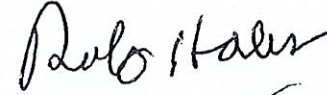
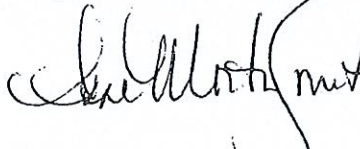
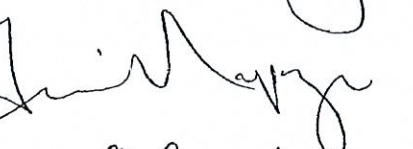

ARTICLE 6

A couple of years back, the Town was fortunate enough to secure a State/Federal Safe Routes to School grant, which is scheduled to be bid out this coming fall.

As part of the grant requirements, we (the Town) need to enter into temporary easements (13 parcels on Sconticut Neck Rd between David Drown Blvd and Hiller Ave) with various property owners along the project limit.

And, as part of this, we need to compensate said property owners for these easements.

As we have the approved Right of Way Plans, we need to move forward to appraise the parcels required for the project.

Name	Address	Precinct
	7 Shaw Road	6
	3 Bayberry Street	5
	140 Main Street	2
	116 Howland Road	2
	12 Bernese Street	6



ARTICLE 8

Company Address 8A Industrial Way
 Unit 100
 Salem, NH 03079
 US

Created Date 8/21/2023
 Quote Number 00001292

Contact Information

Prepared By Brenda L'Italien
 Title Director of Business Development
 Phone (978) 651-2511
 Email bcm@lhsassociates.com

Customer Name Fairhaven
 Contact Name Lissa Horan
 Title Town Clerk
 Email ehoran@fairhaven-ma.gov

Address Information

Bill To Name Fairhaven
 Bill To 40 Center Street
 Fairhaven, MA 02719

Product Code	Product	Product Description	Sales Price	Quantity	Total Price
PP-001	Poll Pad Bundle	Includes: iPad 9th Gen 64Gb, 10-Foot Charger, Transport Case, Stand, Stylus, 1st Year Software License, MDM Enrollment, and Basic Poll Pad Manager	\$1,275.00	8.00	\$10,200.00
PP-004	Poll Pad Star Micronics Receipt Printer	TSP65411	\$300.00	8.00	\$2,400.00
E99-99	Shipping/Handling/Delivery Charge	Shipping and Handling	\$100.00	1.00	\$100.00

Subtotal \$12,700.00
 Total Price \$12,700.00

Notes

The Poll Pad Software and Application Support Fee after the 1-year Warranty Expires is \$300.00 per Poll Pad.

Signature

By signing below, you are acknowledging that the above pricing is accurate and within budget, and that you are ready to move forward with the official purchase and contract initiation:

Customer Signature: _____

Printed Name & Title: _____

Date: _____


Anticipated First Use Date: _____



meet the

POLL PAD[®]

POWERED BY  **knowink**

PROVIDED BY  **LHS**

The nation's leading electronic poll book from New England's leading election services company.

The Poll Pad[®] e-poll book for paperless voter check-in replaces the outdated paper model that is often the cause of long lines at the polls and inefficient election record keeping.



VOTER

An average voter check-in time of about

15 SECONDS

means shorter wait times and, ultimately, increased voter turnout.



POLL WORKER

Locate voters faster and easier using

MANUAL ENTRY OR ID SCAN

methods. Also, electronically-recorded totals means no counting and tallying voters per page on a paper list.



CLERK

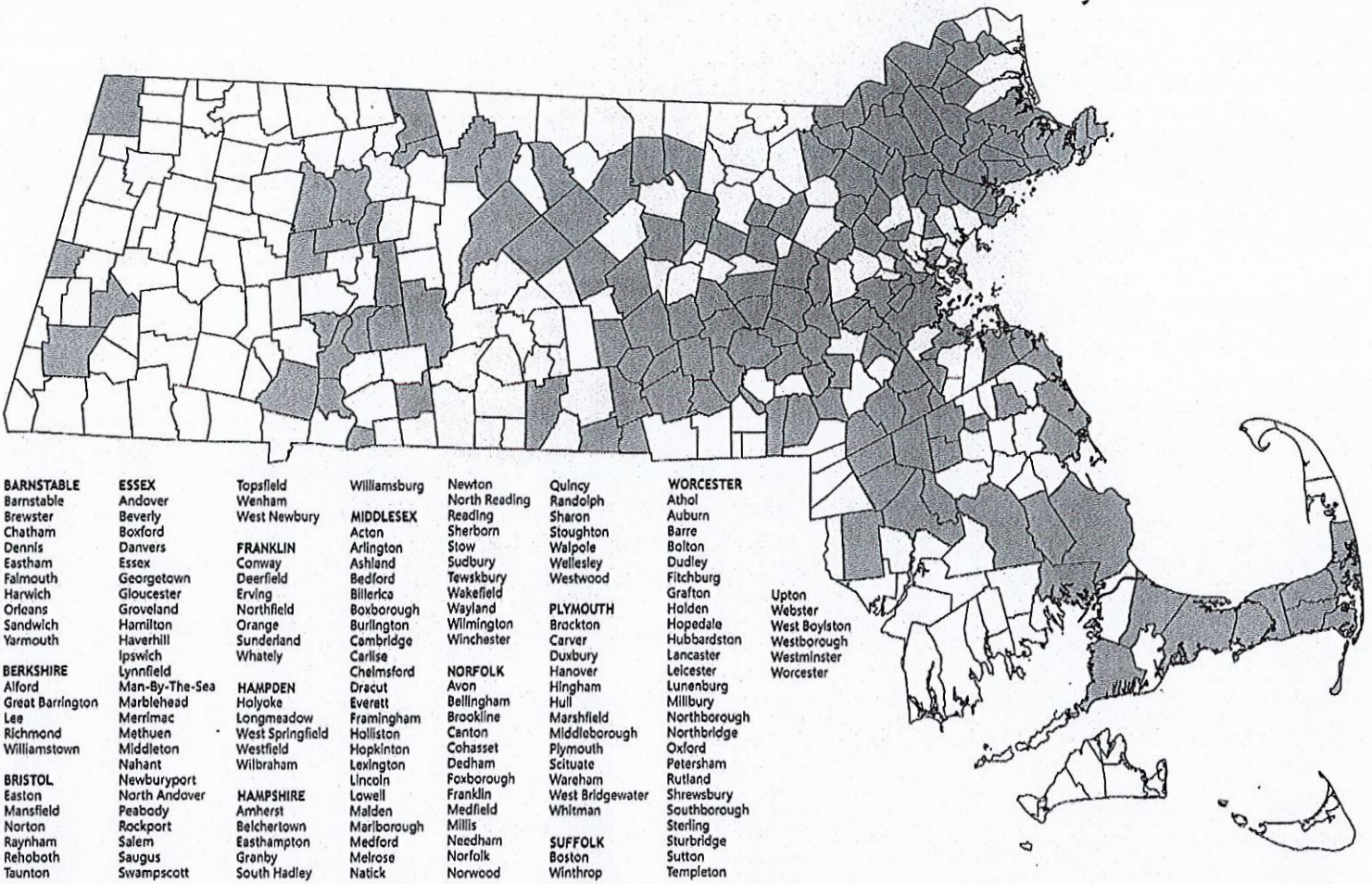
Load Voter History into VRIS post-election in

MINUTES INSTEAD OF DAYS

Also, get streamlined access to check-in totals, turnout data, and reports from the administrative dashboard.

MODERNIZE YOUR ELECTIONS

WHERE IN THE COMMONWEALTH IS THE POLL PAD®?



Are you a big city with long voting lines and a slew of complaints about wait times?

Talk to Boston (684,379), Worcester (185,143), Cambridge (116,632), or Lowell (111,306).

POLL PAD®

Are you a small town looking to make election day more efficient for you and your staff?

Talk to Petersham (1,188), Richmond (1,489), Whately (1,584), or Erving (1,740).

POLL PAD®

Whatever the need, the Poll Pad® by KNOWiNK is there for you

ANY LINE, ANY TIME

WHAT ARE CLERKS SAYING ABOUT THE POLL PAD®?

In May of 2016, my town had a historical turnout for the Annual Town Meeting. We had over 1,500 Registered Voters check-in using our paper Voter Lists. It was a daunting task, so in learning about the Poll Pads, I asked for a demonstration. At that time, I learned that we could also use them for our first-ever In-Person Early Voting in October/November of 2016. So, I purchased 1. Our Voters and Election workers were so pleased that in May of 2017, I put a Town Meeting Article before our Voters to purchase 4 more. I made the compelling statement that we don't want to be in the same situation of checking voters in, ever again. My Article passed and we used our 5 Poll Pads to check Voters in for the 2017 Fall Special Town Meeting. I heard nothing but positive comments from the Election Workers and Voters on the ease of checking in. *At that point, we needed that big red button that said "that was easy".* We now use them for all Town Meetings and checking voters in for Elections.



Terri Bunce
Town Clerk
Dennis, MA

From the first time Poll Pads were allowed and used for early voting at the 2016 Presidential Election, their value was immediately evident. The Poll Pads will display all choices available for each voter as they check-in: the display will indicate what party ballot they may receive for primaries, if they are an inactive voter and require additional action before receiving a ballot, and if they are in the wrong precinct their correct precinct can be seen to direct them – *thus taking away all these elements subject to human error.* We have continuously used our Poll Pads not only for all early voting sessions since 2016, but also for checking-in voters at every election and town meeting since then, as well as for scanning all mailed-in ballot envelopes from the 2020 primary and election . . . *our reliance and confidence with the Poll Pads is far greater than that with the paper voting list.*



Barbara Stats
Town Clerk
North Reading, MA

Their ease-of-use and accuracy is immediately apparent, the running totals of voters on each device invaluable for open town meeting votes, and the straightforward uploading of data into the State VRIS system following each event makes scanning a voting list obsolete. *Not only did our mostly-senior election workers adapt to their use from the beginning, they have looked forward to using them for every event since then* – so much so that their positions are rotated to give everyone a chance to be on a device!

In addition, the training, documentation and support from the LHS Team has prepared us for every event without fail; the natural anxiety felt prior to their first use at early voting in 2016 was quickly replaced with reliance and confidence. *Our continued experience with both the Poll Pads and the LHS support team has been both flawless and outstanding!*

After four years of great success using two Poll Pads primarily for Early Voting, the City of Methuen recently ramped up its commitment to Poll Pad technology by acquiring twelve new machines to be used at all precincts on election days. *Poll Pads allow our election workers, all of whom have embraced the technology, to manage the voter check-in process not only more efficiently, but in an exceptionally user-friendly manner.* Going forward, the new Poll Pads will enable the City to optimize overall election and post-election management, including reporting voting activity and integration with the Massachusetts Central Voter Registry. Most importantly--and what really distinguishes the LHS Associates relationship--is exemplary customer service. *Turnaround time and quality results are what set LHS apart.*



Jack Wilson
City Clerk
Methuen, MA



Richard Jones
City Clerk
Newburyport, MA

Our experience with the Poll Pads has been very good. We started using them during the Presidential Primary and continued using them through the final election in November 2020. Particularly during the 14 days of early voting at our senior/community center, the pads were essential. Daily we would update the pads and bring them across town to the center. *In short, the poll workers fell in love with them and could not imagine doing another election without them.*

I am happy to attest to the efficiency of our 3 new Poll Pads. We have only had the opportunity to use them for our back-to-back Annual Town Meetings as check-in devices, and *my staff as well as the public checking in absolutely loved them*. My Finance Director already said to order more—he was that impressed at the speed and accuracy of our check-in process. He particularly loved the option for a driver's license to be scanned and used as check in. It was especially important, as our last meeting with COVID (masks being worn, eyeglasses getting fogged) our check-in was long and drawn out with errors being made. I would love nothing more than to be able to have these machines at all our elections. I look forward to using these even more in the future in my role as Clerk.



Cara Dahill
Town Clerk
Carver, MA

In 2018 Rehoboth had the wonderful opportunity to purchase our first set of three Poll Pads in an effort to streamline the antiquated "paper" check-in / check-out process of our Elections and Town Meetings. Since that time, we have purchased a total of eight Poll Pads for our three precincts and have been extremely pleased with the product and the professionalism, accessibility / response time and expertise of the Poll Pad Staff. Through the use of the Poll Pads, we have increased the speed in which a voter is processed, improved the accuracy of processing the voters throughout the day, and eliminated the need to spend hours at the end of the Election Day reconciling the paper check-in and check-out tally numbers with the ballot scanner totals.



Laura Schwall
Town Clerk
Rehoboth, MA

My only concern when deciding to use Poll Pads in Rehoboth was my election workers, as most are retired and a bit technophobic. *Thanks to the in-person hands-on training by the wonderful LHS staff, this concern was never materialized.* All Rehoboth election workers are now able to set up, operate, problem solve, breakdown and securely store away the Poll Pads with ease.

The final benefit of the LHS Poll Pad is the ePulse managing software. This is an up-to-the-minute voter check-in program, which provides endless reports, dashboards and helpful voter and election information at a click of the button. *The LHS Poll Pads, Poll Pad Staff and e-Pulse management software are truly one of those "priceless", timesaving, user-friendly, accurate, professional and secure packages that has streamlined the election process over the years.*

I can truly say that I and my poll workers love using the Poll Pads! I have been using the Poll Pads I believe now going on 4 years and *I cannot imagine running elections or town meetings without them*. The checking-in process is so much quicker and efficient—not only do the workers like it but the voters do as well. I like being able to compare the Poll Pad figures throughout the day to the ballots processed. Post-election/town meeting uploading voter history and *BOOM! No scanning! How great is that!*

My help has caught on very easily and enjoy using the Poll Pads—*it is so much easier than flipping through a paper book!* I am not a savvy computer person and the LHS support group has explained the process so even I can understand how things work. They've always been there for me!



Kathy Kelly-Regan
Town Clerk
Granby, MA

I have worked with LHS Associates since becoming a Town Clerk for Wenham, MA in 2010, from printing ballots and programming the memory cards used in their tabulators.

While I was the Town Clerk in Lynnfield, MA, we were introduced to the Poll Pads and in 2018, purchased several. *Knowing the customer service of LHS, I did not hesitate to purchase the Poll Pads.* At that time, we were able to look up voter information on the day of the election instead of using paper lists. We also used the Poll Pads for voter check-in during early voting for the November 2018 State Election. In 2020, during a very busy election year, the Poll Pads, along with a paper list, were used during the early voting sessions and on Election Day to check the voters in, which helped to move the voters through the line at a quicker pace while making the voters feel confident their name was processed accordingly.

I have been the Town Clerk in several municipalities since 2010, and I have continued to use the Poll Pads in every one. The customer service at LHS has continued to be top notch, from updating the software on the poll pads, to helping me prepare for an election, and walking me through any issues that may arise during the election season.



Trudy Reid
Town Clerk
Wenham, MA

Former Town Clerk
North Andover, MA

Former Town Clerk
Lynnfield, MA

Solect Energy SMART PPA

Fairhaven Recreation Center – Solar Canopy
August 3, 2021



Agenda

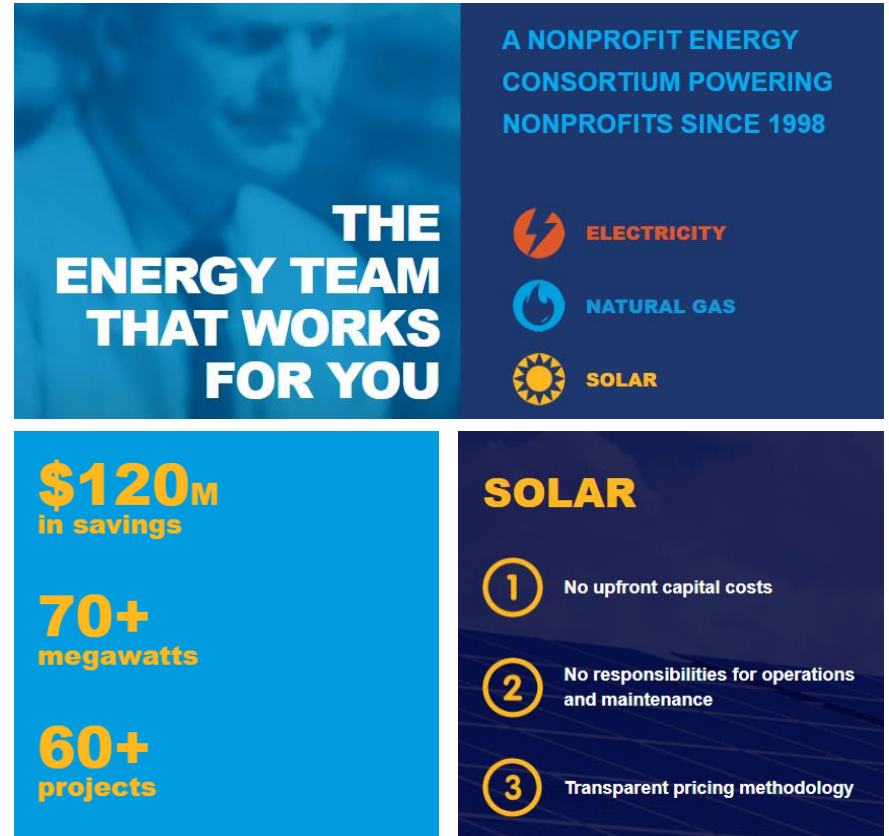
- PowerOptions and Solect Energy's **Solar and Storage Program**
- Massachusetts SMART 2.0 Incentive Program
- Project Summary
- Questions and Next Steps



About PowerOptions

Fairhaven is a PowerOptions Member. PowerOptions is a nonprofit energy buying consortium that delivers cost savings and predictability to nonprofits and the public sector in Massachusetts, Connecticut and Rhode Island. Our mission is to save our members time and money on energy so more resources can be directed toward their own important missions. With more than 400 members, our collective buying power and energy expertise yields optimal pricing and stability for organizations both large and small.

poweroptions.org



The infographic is divided into four quadrants. The top-left quadrant features a blurred image of a person and the text 'THE ENERGY TEAM THAT WORKS FOR YOU'. The top-right quadrant has a dark blue background with the text 'A NONPROFIT ENERGY CONSORTIUM POWERING NONPROFITS SINCE 1998' and three icons: a lightning bolt for 'ELECTRICITY', a flame for 'NATURAL GAS', and a sun for 'SOLAR'. The bottom-left quadrant has a light blue background with '>\$120M in savings', '70+ megawatts', and '60+ projects'. The bottom-right quadrant has a dark blue background with 'SOLAR' and a numbered list of three points: '1 No upfront capital costs', '2 No responsibilities for operations and maintenance', and '3 Transparent pricing methodology'.

THE ENERGY TEAM THAT WORKS FOR YOU

A NONPROFIT ENERGY CONSORTIUM POWERING NONPROFITS SINCE 1998

- ELECTRICITY**
- NATURAL GAS**
- SOLAR**

\$120M
in savings

70+
megawatts

60+
projects

SOLAR

- 1** No upfront capital costs
- 2** No responsibilities for operations and maintenance
- 3** Transparent pricing methodology



You Benefit from PowerOptions with Strength in Numbers

- Since 1998, PowerOptions has served nonprofits with competitive RFPs for Gas, Electric, and Solar+Storage
- Competitive bids yield energy Providers to contract with Members and comply with Procurement Regulations and Best Practices
- More than 400 members in the consortium
 - All Massachusetts, Connecticut and Rhode Island nonprofits and public entities are eligible
- \$200 million annual sales of energy supply through Provider Programs
 - 1 billion kWh of electricity / 200 MW demand
 - 11 million dekatherms of gas
 - 85 MW of solar projects
 - Totaling more than \$2 billion in energy commodity purchases
- Fulltime staff of 10 focused on members' needs
 - Experts on utilities, renewables, efficiency, competitive supply, and Incentive markets available to Members
 - Strong board of energy veterans, stable of consultants



Solar RFP Process for On-Site Solar PV and Battery Storage

- Select awarded RFPs for onsite solar PPAs, including Rooftop, Canopy, Ground and Storage
- Competitive RFP process leveraged the volume of the Members, and expertise of PowerOptions and yielded:
 - Standard form PPA with ***attractive Terms and Conditions***
 - Managed Cost and Price structure that yields ***low fixed PPA kWh rates***
- To date Solect has completed for Members:
 - 80+ projects
 - Municipalities, Schools, State Agencies, Not for Profits
- Solect and PowerOptions make going solar ***fast, competitive, and delivers savings for Members!!***



About Solect Energy

- Founded in 2009
- Headquartered in Hopkinton, MA
- Performed Solar PPAs at Wood and East Schools
- Develop, finance, install, and Manage Solar Roofs, Canopies, Ground, Storage in MA, RI, CT, and IL
- 12 years | 580 installations | 120 MW
- 70+ employees
- Service team monitors and manages 650 projects
- PowerOptions RFP Award winner
- Exclusive provider of Solar + Storage to towns, schools, agencies and non-profits in MA, RI and CT



[LinkedIn](#) | [Twitter](#) | [Solect.com](#)



PowerOptions Solect Solar and Storage Program



No upfront cost



Fixed per-kWh price for
20 years



20-Year Power Purchase
Agreement (PPA)



PowerOptions as an advisor,
advocate, and facilitator



Solect to install, finance, operate
and maintain system



Pre-negotiated favorable
contract terms and conditions

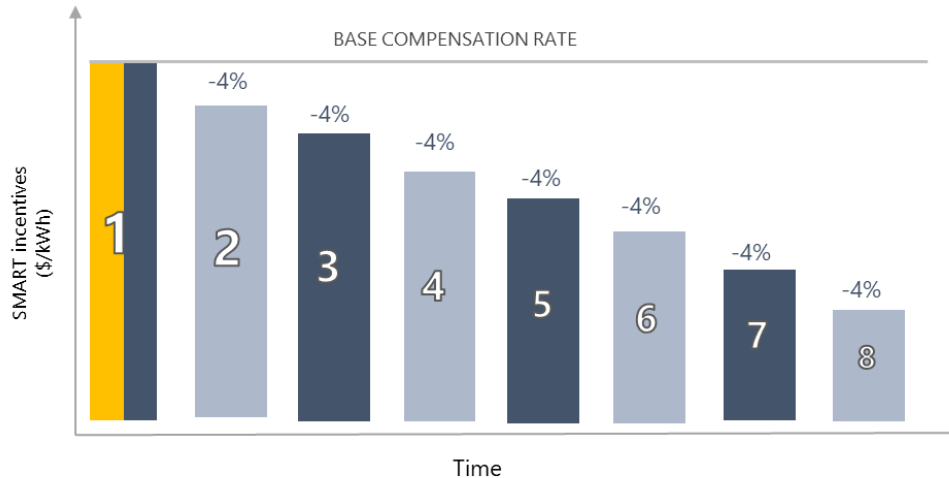


Public entities may participate without
conducting individual procurement
(MGL Ch. 164, Sec. 137)



Incentive 225 C.M.R. 20.00 : Solar Massachusetts Renewable Target (“SMART”)

- Nov 2018 MA DOER opened SMART Program, paying fixed \$/kWh to PV system owner over 20 years
- 8 “blocks” of capacity for each utility – incentives decline as each block’s Solar Capacity (MWs) is allocated
- Incentive amount **directly proportional** to PPA kWh rate – projects with earlier incentives = lower PPA rates
- Incentive Adders that favor PO Members (public, rooftop, canopy, energy storage...)
- Solect performs all regulatory registrations, approvals, and management throughout the term



Earlier projects secure higher SMART incentives, lower PPAs, and more savings.

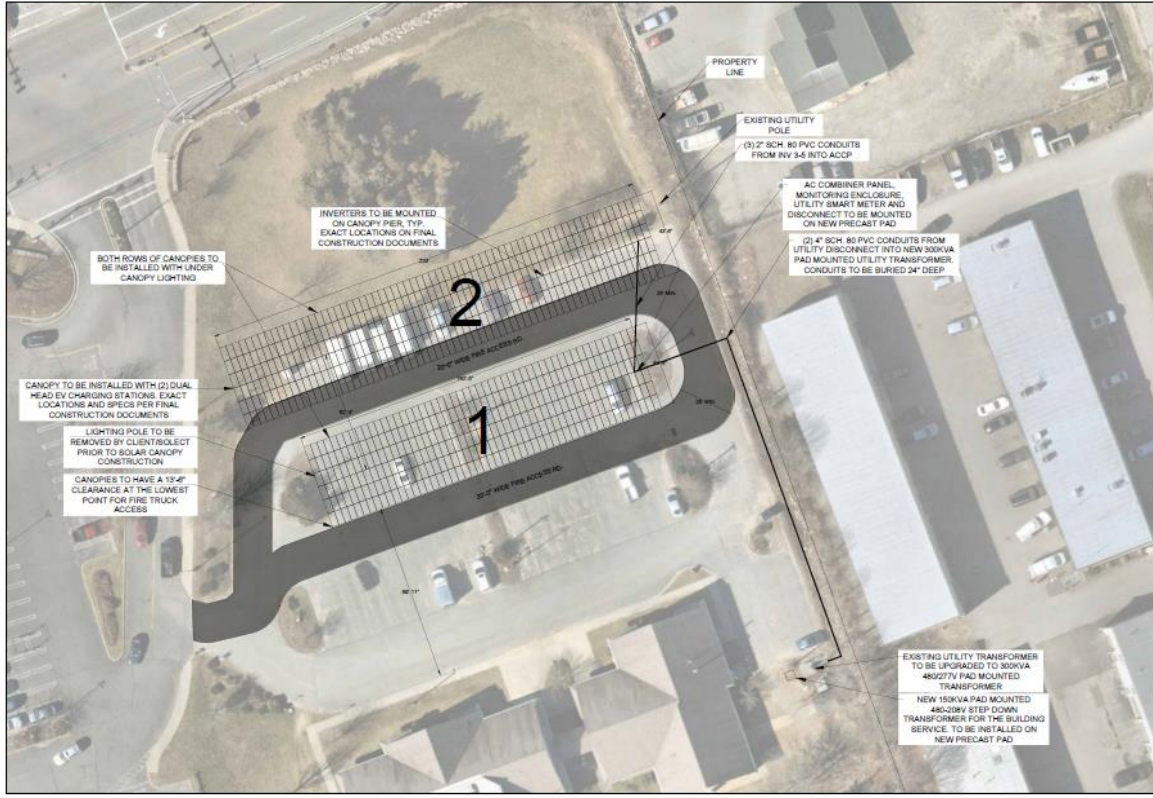


Fairhaven Recreation Center – 339kW

FAIRHAVEN REC CENTER CANOPY - PRELIMINARY SITE PLAN

339.84kW DC / 250kW AC

SCALE: 1" = 20'-0"



NO.	DATE	DESCRIPTION	BY

PRELIMINARY DESIGN

PROPOSED SOLAR CANOPY PV SYSTEM
 FAIRHAVEN REC CENTER FTM CANOPY - 6743
 227-229 HUTTLETON AVE.,
 FAIRHAVEN, MA 02719

solect energy
 Smart Solar. Smarter Business.
 60 Hampton Town Street, Suite E
 Hampton, MA 01042 | (508) 766-2111

SCALE: AS SHOWN
 DATE: 10/18/2023
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 SHEET: PV-SP

- Clearance and setbacks per Town Staff
- Will generate 950% of onsite usage
- Utilizes Net Metering for excess generation
- Requires transformer upgrade
- Utilizes existing stormwater infrastructure



Project Summaries

PPA Savings SMART 5

PV System Capacity (kW DC)	339.8
Year 1 PV Output (kWh)	387,000
Percent of Usage	955%
Avoided kWh Electric Cost	\$0.1911
Solar PPA kWh Rate	\$0.1570
PPA Rate Escalator	0.0%
Term (Yrs)	25
Savings per kWh (Year 1)	18%
Year 1 Forecast Savings	\$13,200
Term Savings	\$465,000
Annual Avoided CO ₂ (lbs)	600,000
Term CO ₂ Avoided (tons)	7,000

PPA Savings SMART 6

PV System Capacity (kW DC)	339.8
Year 1 PV Output (kWh)	387,000
Percent of Usage	955%
Avoided kWh Electric Cost	\$0.1911
Solar PPA kWh Rate	\$0.1650
PPA Rate Escalator	0.0%
Term (Yrs)	25
Savings per kWh (Year 1)	14%
Year 1 Forecast Savings	\$10,100
Term Savings	\$407,000
Annual Avoided CO ₂ (lbs)	600,000
Term CO ₂ Avoided (tons)	7,000



Proposal for Fairhaven

- **SELECTBOARD MEETING (8/9?)**

- Low-fixed rates with no capital to purchase, and no cost to maintain
- Secure Early MA SMART 2.0 Solar Incentives

- **SIGN PPA AND LEASE**

- **SOLAR CANOPY PROJECT SCHEDULE and NEXT STEPS**

- Confirm projects, schedule Contract Process (PPA, Lease, PILOT)
- Electric engineering, Utility applications, SMART incentive applications
- Construction design, Structural and Site Engineering, Permit applications
- Pre-construction meetings and tight coordination with facility operations
- Project Schedule that works for school operations
 - Experience with dozens of municipalities – Safety, Access, Minimize disruption
 - Timing – Systems should be installed within 6 months of contract execution, 1 month onsite
 - Utility applications, reviews, metering, and documentation extend post-installation
 - Solect Services Transition Meeting - monitoring and management services – included in PPA rate
- Value adds:
 - PILOT payment to Host Community (Updated property tax laws)
 - Web-based project monitoring access
 - Educational Programming and Events
 - Marketing / Communications / PR




References

- Solect has performed solar installations, financing, and management for dozens of public entities in Massachusetts through the PowerOptions RFP Award.
- Fairhaven, Hopkinton, Holliston, Millis, Milford, Grafton, Sherborn, Sharon, Fitchburg, Lunenburg, Haverhill, Winchester, Woburn, Stoneham, Medford, Chelsea, Winthrop, ...
- Regional School Districts – North Middlesex, Manchester Essex, Wachusett, Somerset Berkley, Upper Cape Tech, Southeastern Tech, ...
- State Agencies – Salem State University, Cape Cod Transit (Canopies and Roof), ...
- Material available for review:
 - [Fitchburg Public Schools](#) Video, 2 school projects, **STEM Celebration event, \$80K Saved Year 1 !!**
 - [Solect for municipalities and schools](#) <<hyperlink to Landing Page from PDF*>>
- Proud Members and Sponsors:



Discussion, Next Steps

Thank you!



Matt Shortsleeve
Vice President of Development
mshortsleeve@solect.com
508-598-3511 x735



Town of Fairhaven, MA

§ 40-1. Capital Improvement Program established.

A Capital Improvement Program is established for land purchases, construction and renovation of buildings, major equipment and machinery purchases, road and drainage reconstruction, and the construction and reconstruction of special facilities such as local school projects, sewer and water mains, and water treatment and sewage disposal facilities.

§ 40-2. Committee established. [Amended 5-7-2016 ATM by Art. 36; 6-14-2021 ATM by Art. 46]

The Select Board shall appoint a Capital Planning Committee ("Committee") consisting of ~~seven~~six voting members, and three or more nonvoting ex officio members, to assist and advise the Town Administrator in preparing a five-year Capital Improvement Plan. The voting members shall serve terms of three years. Initially two voting members shall serve for one year, two for two years, and three for three years, and they may be reappointed. The Committee shall be comprised as follows:

A. Voting members:

- (1) One member of the Board of Public Works or an appointee thereof;
- (2) A person who is a member of the Fairhaven local School Committee or an appointee thereof;
- (3) A resident of Fairhaven who represents the business, financial, or banking community;
- (4) A resident of Fairhaven with experience in the management of construction activities;
- (5) A resident of Fairhaven knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;
- (6) ~~The Finance Director/Treasurer/Collector; Designee of a financial staff member, acting as Chair~~
- (7) ~~(7) The Town Administrator; and One resident member appointed by the Select Board~~
- (8) ~~Such other nonvoting ex officio members as the Select Board deems appropriate from time to time.~~

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§ 40-3. Duties of Committee.

The Committee shall:

- A. Study proposed capital projects, improvements, and equipment purchases that have a useful life of at least five years and cost over \$20,000 per item;
- ~~B. Work with Town departments and officers to compile an inventory of the Town's facilities, equipment, machinery and other capital assets;~~
- ~~C. Consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town of Fairhaven;~~
- ~~D. C. Prepare an annual report recommending a Capital Improvement Budget Projects/Plan for the next fiscal year and a Capital Improvement Program Plan, including capital improvements for the next five years. The report shall be submitted to the Town Administrator with the budget presented to the Select Board on or before December 31 of prior to each year for consideration and approval; [Amended 6-14-2021 ATM by Art. 46]~~
- ~~E. Present the The Capital Improvement Plan is to be presented at the Annual Town Meeting for its approval of fiscal year expenditures;~~

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§ 40-3

~~F.— Monitor the execution of projects authorized;~~

~~G.— Explain and defend to the Town Meeting any deviation which the Committee proposes from the Capital Improvement Plan.~~

§ 40-7

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§ 40-4. Report of anticipated capital outlays to Committee.

~~By October 15 of e~~Each year, each department, board, committee and commission shall provide to the Committee information concerning all anticipated capital outlays requiring Town Meeting appropriation for the ensuing five-year period.

§ 40-5. Public hearing on Capital Improvement Plan. [Amended 6-14-2021 ATM by Art. 46]

~~After the annual presentation of the Capital Improvement Plan by the Committee to the Select Board, the Select Board shall, within 30 days of the receipt of the plan, hold a public hearing to present the plan for public comment.~~

§ 40-65. Appropriation for capital improvements. [Amended 6-14-2021 ATM by Art. 46]

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~~ vetted the request/project.

§ 40-7. Expenditures in preparation for capital improvements.

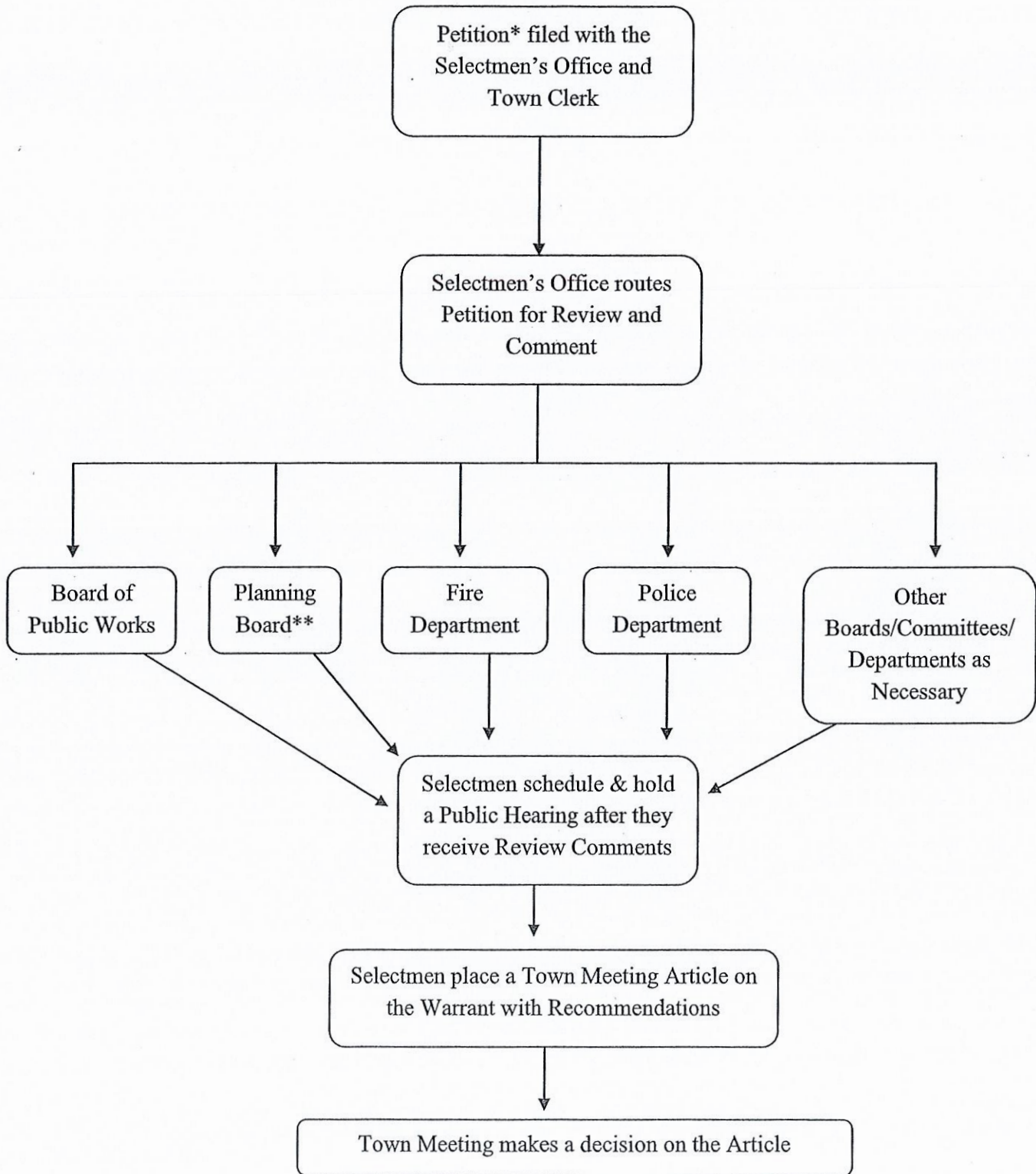
~~Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Notwithstanding the provisions of this section, the Town may appropriate and expend funds for the purchase of land regardless of when improvements to, or use of, the land by the Town is anticipated.~~

Alves Way in Fairhaven Massachusetts as depicted on the plan entitled "THE COMMONWEALTH OF MASSACHUSETTS STREET ACCEPTANCE PLAN FOR ALVES WAY PREPARED FOR THE TOWN OF FAIRHAVEN, BRISTOL COUNTY." As prepared by Nesra Engineering, dated 8/30/23 and further described as follows.

Beginning at a concrete bound with drill hole on the Westerly Side of Scoticut Neck Road in Fairhaven Massachusetts at a corner of a property now or formerly of Avila Jules M. Jr and Loretta thence proceeding along Alves Way S50°41'45"W for a distance of 146.77' to a concrete bound with a drill hole, thence proceeding along the same road, with a radius of 669.52 degrees for a distance of 248.76 to another concrete bound with a drill hole, thence continuing along the 30.00' left radius of the cul-de-sac for a distance of 25.51' to another bound at the cul-de-sac reverse radius of 50.00' for a distance of 246.55 ft to another bound with drill hole and at the right radius of 30.00' for a distance of 28.39' to another bound with a drill hole, thence continuing along the roadway at a radius of 629.52' for a distance of 227.12' to a concrete bound with a drill hole, thence along the linear portion of the road S 50°41'45"W a distance of 144.99 ft to a bound on the westerly side of Scoticut Neck Road, thence traveling S 38°41'10" E along the westerly line of Scoticut Neck Road to the point of beginning.



Street Acceptance with Plans and Legal Description



M.G.L Chapter 82 Section 23

Town Code Chapter 169.14

* M.G.L. Chapter 39 Section 10: 10 Signatures of Registered voters for Annual Town Meeting & 100 Signatures of Registered voters for Special Town Meeting

** If the street is part of an approved subdivision then the Plan needs to meet Town Code Chapter 322.49

ARTICLE 17

June 2, 2023

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Dear Ann Richard,

This letter serves as a petition to the Town of Fairhaven regarding the sale of alcoholic beverages in small containers. We the undersigned eligible voters of the Town of Fairhaven request that the Town of Fairhaven Sustainability Committee reconsider the adoption of ARTICLE 22: AMEND BYLAWS, CHAPTER 83 ALCOHOLIC BEVERAGES AND DRUGS a new Section 5, Prohibit Sale of Plastic Alcohol "NIP" Bottles.

We are all against such prohibition and we all ask that it be revoked immediately.

Sincerely,
The Eligible Voters of the Town of Fairhaven



June 2, 2023

FAIRHAVEN TOWN CLERK
R/O 2023 JUN 5 PM 3:15

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Dear Ann Richard,

This letter serves as a petition to the Town of Fairhaven (hereafter "Town") regarding the recent decision to prohibit the sale of alcohol in plastic 50 ML and 100 ML containers.

We, as a small business, are against such prohibition and ask that it be revoked immediately. We request that the Town bring this forward on the ballot and let the eligible voters decide.

There are many reasons for why such prohibition is unreasonable, unfair, and unjust. Please see some of the following ones:

- I. If you take away nips, then you are still going to have plastic litter. There is plastic in candy, chips, and cigarette wrappers; scratch tickets, coffee cups, water bottles, and so much more. Such items are found in every business- plastic bars on carts in Walmart to plastic bags to put fruits in at Stop and Shop to plastic utensils at Taco Bell to straws at McDonald's.
- II. A ban on nips is very targetted. Such a ban is picking winners and losers at a time when our community is just beginning to get back to normal. For example, why not also hold responsible fast food chains that are playing a major role in plastic litter?
- III. A ban on nips harmfully affects small businesses, who depend on such sales to keep running. Nips account up to 30% of a store's sales. The small businesses have also suffered a lot due to the recent challenges, and continue to feel the effects, so why harm us more?
- IV. People will not stop buying or littering nips, they will just go to other towns. The problem that we are trying to solve will remain the same but what will happen is you will put an unnecessary burden on the Town's small businesses. You are turning your backs against us when we need help the most after such challenging times.
- V. Nips provide a portion-controlled option for people who want to moderate their consumption. With such a ban, you are increasing possibilities of excessive drinking which will cause a rise in drunk driving, which we small businesses do such a fantastic job in improving by our continuous efforts to train all our staff to never sell alcohol to someone clearly under the influence.

We understand and share your concerns around the issues of littering and public safety. These require cooperation between local businesses, town government, and law enforcement. There are solutions we would love to work on, as we also share the mission of eliminating plastic litter and maximizing public safety. Let's consider what this looks like:

- I. We should allow for more recycling bins around town, that allows the residents and anyone visiting to engage in sustainable practices.
- II. We should enforce more fines for such littering, rather than a ban. This would punish those who do wrong and not punish those who have not done anything wrong.
- III. We should teach about sustainability early on in our education system so we can really benefit as a community from the early stages.
- IV. We, as the Commonwealth of Massachusetts with the cooperation of the Town, should put a deposit on the containers in question. Our neighboring state Connecticut has a "nickel for Nips" program that has been extremely successful in cleaning up as well as helping the local municipalities. They netted \$1.8 million between just October and April in 2022. (Source: CTInsider article by John Moritz).
- V. We can create a volunteer organization of local businesses in the Town that signs a plea to clean up after our own areas, as well as help others as needed.

We look forward to working with the Town to solve the issue of littering and public safety.

Sincerely,
Cardoza's Wine and Spirits, Fairhaven
Small Business

General Anti-Nip Ban Talking Points:

I understand and share concerns around the issues of littering and public safety in [TOWN NAME]. These require cooperation between local businesses, town government, and law enforcement.

The wine and spirits community want to find a solution to all litter, not just nips. We don't think that banning nips will solve the litter problem.

If you take nips away, you're still going to have candy and chip wrappers, scratch tickets, cigarettes, and coffee cups along our beaches and roads.

A ban on nips would be picking winners and losers at a time when our community is just beginning to get back to normal – for example, why not target the fast food chains that are also responsible for litter, whose profits are increasing during this time?

Let's consider solutions that would actually clean up our town, like more recycling bins in these areas or more active enforcement of litter fines, rather than a ban on one product.

A nip ban would take away an important source of revenue for small businesses that are recovering after a challenging year.

Nips account for up to 30% of a store's sales and a ban could have substantial negative economic consequences.

People won't stop buying or littering nips if you ban them – they will take their business to neighboring towns without bans.

When people buy nips they generally buy other products as well, which means we will also lose sales from additional items when people go elsewhere because we've stopped selling a product they like.

We are doing our part to ensure that our customers know that littering is illegal, inappropriate, and harmful.

Furthermore, we have always trained our staff to never sell alcohol to someone clearly under the influence, a responsibility that we take very seriously.

The behaviors you're trying to control for – littering and drunk driving – are already illegal. Focusing on broader enforcement could be a solution to both.

Nips provide people a portion-controlled option for people who want to moderate their consumption.

Nips also provide an opportunity for people to sample expensive brands before purchasing, and are often used by people who want to purchase a small quantity of alcohol for cooking or baking.

In short, banning nips will not have the desired effect of decreasing litter and has the potential to have very harmful effects on the largely family-owned wine and spirits businesses in our town.