



Town of Fairhaven

ANNUAL TOWN MEETING – SATURDAY, MAY 6, 2023 WALTER SILVEIRA AUDITORIUM – ELIZABETH I. HASTINGS MIDDLE SCHOOL TOWN MEETING MEMBERS PRESENT 217– QUORUM REQUIRED 100

Meeting called to order by Moderator at 9:03am.

The Moderator stated that the warrant has been properly served and that there was a quorum.

The Presentation of Colors was led by Fairhaven Police and Fire Honor Guard. Members of the Honor Guard were Chris Beauregard (Police Department), Shawn Grajales (Fire Department), Daniel Dorgan (Police Department) and Maggie Rocha (Fire Department). The Honor Guard was escorted by bagpiper and Fairhaven Conservation and Sustainability Agent, H. Bruce Webb.

The Pledge of Allegiance was recited.

The National Anthem was performed by Fairhaven High School junior, Lexi Davignon who was escorted out by her grandmother, Sue Davignon, a retired educator from Fairhaven Public Schools.

Invocation by Fr. Stephen Banjare of St. Joseph Parish.

All town meeting members present were sworn in by Interim Town Clerk, Elisabeth E. Horan.

The Moderator introduced those seated on the stage.

Instructions were given to the Town Meeting Members.

Voted that the reading of the warrant and the return of service be omitted. Seconded.

Voted that the Moderator be allowed to refer to the articles by number and title only. Seconded.

Voted that all the appropriations voted at this town meeting be placed on the Tax Levy for the fiscal year from July 1, 2023 through June 30, 2024 unless otherwise specified. Seconded.

The Moderator introduced City of New Bedford City Council Members, Ward One City Councilor Brad Markey, Ward Two City Councilor Maria Giesta and Councilor at Large Shane Burgo. They had been invited to attend our Town Meeting in a continued effort to foster understanding and collaboration between the Town of Fairhaven and the City of New Bedford.

The Moderator thanked Linda Fredette (Town Clerk), Pam Kuechler (Member and Chair of the School Committee) and Wayne Hayward (Member and Chair of the Planning Board) for their years of service. The Moderator congratulated all newly elected town meeting members and newly elected town-wide boards and committees members.

Town Meeting Members present:

Precinct 1	– 49
Precinct 2	– 24
Precinct 3	– 32
Precinct 4	– 36
Precinct 5	– 44
Precinct 6	– <u>32</u>
TOTAL	217

ARTICLE 1: MEASURER OF WOOD AND BARK

By majority vote, the Town voted to instruct the Select Board to appoint a Measurer of Wood and Bark.

ARTICLE 2: TOWN REPORT

By majority vote, the Town voted to receive the Annual Report of Town Officers.

ARTICLE 3: REPORT OF COMMITTEES

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

MOVED TO PASS OVER

ARTICLE 4: BILL OF PRIOR YEAR-Paid from FY23 funds

By four-fifths (4/5) majority, the Town voted to pay the unpaid bills of a prior fiscal year with funds coming from Surplus Revenue (Free Cash). And others that may be brought forward, or take any other action relative thereto.

<u>Vendor</u>	<u>Amount</u>	<u>Petitioner</u>
Cabot Risk Strategies, LLC	\$1575.00	Human Resources

ARTICLE 5: FY23 FUND ADJUSTMENTS

5A: FY23 GENERAL FUND ADJUSTMENTS

By majority vote, the Town voted to amend “FY 23 General Fund Operating Budget” to transfer from Surplus Revenue (Free Cash) the amounts as written:

- A. \$10,000 be transferred from Surplus Revenue (Free Cash) for costs incurred for equipment for firefighters for the remainder of FY23 (Fire Dept)
- B. \$40,000 be transferred from Surplus Revenue (Free Cash) for overtime costs for the remainder of FY23 (Fire Dept)
- C. \$20,000 be transferred from Surplus Revenue (Free Cash) to fund Repair & Maintenance of Vehicles line item for the remainder of FY23 (Fire Dept)
- D. \$16,737 be transferred from Surplus Revenue (Free Cash) for a retirement payoff (Park Department)
- E. \$12,500 be transferred from Surplus Revenue (Free Cash) for contracted services Cama Software Vendor, Patriot Properties due to Department of Revenue’s requirement for additional services for the Cyclical Inspections (Assessor’s Office)
- F. \$59,000 be transferred from Surplus Revenue (Free Cash) to fund the FY23 Wage Reserve deficit.

5B: FY23 SEWER FUND ADJUSTMENTS

By majority vote, the Town voted to transfer from the June 30, 2022 Sewer Retained Earnings Capital Fee \$301,357 to the Sewer Capital Improvements Stabilization Fund.

ARTICLE 6: FUND LABOR CONTRACTS-FY23

To see if the Town will vote to fund the FY23 labor contracts for Police and Fire or take any other action relative thereto.

By majority vote, the Town voted to waive § 50-9 D of the Town Bylaw, Collective Bargaining Agreements Section in accordance to Subsection F.

By majority vote, the Town voted to adopt the sum of \$178,000 to be transferred from FY23 Wage and Salary Reserve to fund the Fire labor contract.

By majority vote, the Town voted to adopt the sum of \$188,000 to be transferred from FY23 Wage and Salary Reserve to fund the Police labor contract.

ARTICLE 7: TOWN OPERATING BUDGETS -FY24

7A: GENERAL FUND OPERATING BUDGET-FY24

By majority vote, the Town voted to raise and appropriate, borrow or transfer from available funds the amounts listed on the accompanying table to fund the Fiscal Year 2024 General Fund Operating Budget or take any other action relative thereto:

<u>Department Name/Function Totals</u>	<u>FY 2023 Budgeted</u>	<u>FY 2024 Requested / Contingent Budget</u>	<u>FY 2024 Non - Contingent Budget</u>
GENERAL GOVERNMENT			
General Government Salaries & Wages	850,202	915,265	915,265
General Government Operating Expenses	<u>541,191</u>	<u>615,395</u>	<u>615,395</u>
Subtotal General Government	1,391,393	1,530,660	1,530,660
MUNICIPAL FINANCE			
Municipal Finance Salaries & Wages	762,553	699,564	699,564
Municipal Finance Operating Expenses	<u>230,256</u>	<u>226,673</u>	<u>226,673</u>
Subtotal Municipal Finance	992,809	926,237	926,237
TOWN CLERK/ELECTIONS			
Salaries & Wages	160,549	143,328	143,328
Operating Expenses	<u>37,208</u>	<u>29,258</u>	<u>29,258</u>
Subtotal Town Clerk/Elections	197,757	172,586	172,586
PLANNING & DEVELOPMENT			
Planning & Development Salaries & Wages	238,264	239,700	239,700
Planning & Development Operating Expenses	<u>62,279</u>	<u>42,435</u>	<u>42,435</u>
Subtotal Planning & Development	300,543	282,135*	282,135*
*To defray the cost, transfer \$10,000 from the Wetlands Protection Fund.			
PUBLIC SAFETY			
Public Safety Salaries & Wages	7,380,382	7,948,141	7,948,141
Public Safety Operating Expenses	<u>969,733</u>	<u>989,137</u>	<u>989,137</u>
Subtotal Public Safety	8,350,115	8,937,278 *	8,937,278*

*To defray the cost, transfer \$1,500,000 from Ambulance Receipts reserved for appropriation and transfer \$52,000 from the Waterways Improvement Fund and transfer \$8,000 from the Animal Control Gift Fund, the total amount of such transfers being \$1,560,000.

EDUCATION			
Subtotal Fairhaven Public Schools	22,910,638	23,953,641	23,753,641
Subtotal GNB Regional Voc Technical HS	2,217,552	2,397,000	2,397,000
Subtotal Bristol County Agricultural HS	181,000	235,000	235,000

PUBLIC WORKS			
Public Works Salaries & Wages	1,756,901	1,670,107	1,670,107
Public Works Operating Expenses	<u>2,467,512</u>	<u>2,634,961</u>	<u>2,634,961</u>
Subtotal Public Works	4,224,413	4,305,068*	4,305,068*

*To defray the cost, transfer \$10,000 from Stormwater Subdivisions Fee Special Revenue Fund.

HEALTH & ENVIRONMENT			
Board of Health			
Salaries & Wages	160,165	164,353	164,353
Operating Expenses	<u>24,210</u>	<u>24,570</u>	<u>24,570</u>
Subtotal Health & Environment	184,375	188,923	188,923

COMMUNITY SERVICES			
Community Services Salaries & Wages	551,541	584,768	584,768
Community Services Operating Expenses	<u>1,528,941</u>	<u>1,681,025</u>	<u>1,681,025</u>
Subtotal Community Services	2,080,482	2,265,793*	2,265,793*

*To defray the cost, transfer \$20,000 from Council on Aging Social Day Program Special Revenue Fund.

NON-DEPARTMENTAL			
Non-Departmental Salary & Wages	500,000	850,000	600,000
Non-Departmental Operating Expenses	<u>10,498,776</u>	<u>10,911,560</u>	<u>10,911,560</u>
Subtotal Non-Departmental	10,998,776	11,761,560	11,511,560

DEBT SERVICE			
General Fund			
Subtotal Debt Service	1,029,204	1,131,020	1,131,020

7B: WATER ENTERPRISE FUND OPERATING BUDGET

By majority vote, the Town voted to raise and appropriate a sum of \$3,222,360 to fund the Water Enterprise Fund for fiscal year 2024 and to defray the cost, transfer \$294,155 from Water Retained Earnings Enterprise Fund.

	<u>FY 2023 Budget</u>	<u>FY 2024 Budget</u>
<u>Amounts Appropriated:</u>		
Salaries and Wages	675,282	704,809
Operating Expenses	2,013,002	2,083,300
Debt Service	<u>285,651</u>	<u>434,251</u>
Subtotal Water Enterprise Appropriations	2,973,935	3,222,360
Transfer for Amounts Appropriated in the General Fund	<u>518,699</u>	<u>536,795</u>
Total Water Enterprise Fund Operating Budget	3,492,634	3,759,155
<u>Funding Sources:</u>		
Water Revenue	3,492,634	3,465,000
Water Retained Earnings	-	<u>294,155*</u>

Total Funding Sources	3,492,634	3,759,155
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*To defray the cost, transfer \$294,155 from Water Retained Earnings Enterprise Fund.

7C: SEWER ENTERPRISE FUND OPERATING BUDGET

By majority vote, the Town voted to raise and appropriate a sum of \$3,316,799 to fund the Sewer Enterprise Fund for fiscal year 2024.

	<u>FY 2023 Budget</u>	<u>FY 2024 Budget</u>
<u>Amounts Appropriated:</u>		
Salaries and Wages	1,151,989	1,257,009
Operating Expenses	1,295,825	1,284,325
Debt Service	<u>1,170,042</u>	<u>775,465</u>
Subtotal Sewer Enterprise Appropriations	3,617,856	3,316,799
Transfer for Amounts Appropriated in the General Fund	<u>714,378</u>	<u>858,700</u>
Total Sewer Enterprise Fund Operating Budget	4,332,234	4,175,499
<u>Funding Sources:</u>		
Sewer Revenue	4,332,234	4,175,499
Sewer Retained Earnings	<u>-</u>	<u>-</u>
Total Funding Sources	4,332,234	4,175,499

7D: TOWN CABLE ENTERPRISE FUND OPERATING BUDGET

By majority vote, the Town voted to raise and appropriate a sum of \$213,958 to fund the Town Cable Enterprise Fund for fiscal year 2024 and to defray the cost, transfer \$40,380 from the Town Cable Retained Earnings Enterprise Fund.

	<u>FY 2023 Budget</u>	<u>FY 2024 Budget</u>
<u>Amounts Appropriated:</u>		
Salaries and Wages	157,812	183,158
Operating Expenses	34,400	30,800
Debt Service		
Subtotal Town Cable Enterprise Appropriations	192,212	213,958
Transfer for Amounts Appropriated in the General Fund	<u>15,510</u>	<u>16,422</u>
Total Town Cable Enterprise Fund Operating Budget	207,722	230,380
<u>Funding Sources:</u>		
Town Cable Revenue	178,000	190,000
Town Cable Retained Earnings	<u>29,722</u>	<u>40,380</u>
Total Funding Sources	207,722	230,380

7E: SCHOOL CABLE ENTERPRISE FUND OPERATING BUDGET

By majority vote, the Town voted to raise and appropriate a sum of \$158,251 to fund the School Cable Enterprise Fund for fiscal year 2024 and to defray the cost, transfer \$5,376 from the School Cable Retained Earnings Enterprise Fund.

	<u>FY 2023 Budget</u>	<u>FY 2024 Budget</u>
<u>Amounts Appropriated:</u>		
Salaries and Wages	129,930	138,860
Operating Expenses	31,779	19,391
Debt Service		
Subtotal School Cable Enterprise Appropriations	161,709	158,251
Transfer for Amounts Appropriated in the General Fund	50	2,064
Total School Cable Enterprise Fund Operating Budget	161,759	160,315
<u>Funding Sources:</u>		
School Cable Revenue	138,000	154,939
School Cable Retained Earnings	23,759	5,376
Total Funding Sources	161,759	160,315

ARTICLE 8: GENERAL FUND CAPITAL PLAN

8A: GENERAL FUND CAPITAL BUDGET

By majority vote, the Town voted to transfer a sum of 1,814,584 from Surplus Revenue (Free Cash) to fund the capital projects as listed (items 1-15) for fiscal year 2024.

<u>Line</u>	<u>Department/Project</u>	<u>Amount</u>	<u>Funding Source</u>
	Public Works Department		
1	Local Roads Roadwork*	425,000	Free Cash
2	BPW Admin Building HVAC	21,000	Free Cash
3	Backhoe Replacement	175,000	Free Cash
4	Replace Emergency Lighting at Cushman Park	30,000	Free Cash
5	Pave Senior Center Parking Lot	80,000	Free Cash
	Police Department		
6	Cruiser replacement program	156,261	Free Cash
7	Street Camera Computer Server	36,500	Free Cash
8	Tactical Ballistics Equipment	19,168	Free Cash
	Recreation Department/COA		
9	Gym Divider Curtain Replacement	26,500	Free Cash
10	Rec Center/COA Roof Replacement	530,000	Free Cash
	Harbormaster		
11	Replacement of engines on Harbormaster Boat	24,605	Free Cash
	General Government/Town Hall		
12	IT Dept. - Computer Hardware Equipment Replacement	30,000	Free Cash
13	Town Hall – replacement of protective sheathing on windows	31,000	Free Cash
14	Town Hall – digitize paperwork	220,000	Free Cash
15	Town Clerk – Poll Pads	9,550	Free Cash
	Total recommended General Fund Capital Budget	1,814,584	

* Hathaway Street - Sconticut Neck Road west and Alpine Avenue - Main to Sycamore

8B: MIDDLE SCHOOL ROOF REPLACEMENT

By two-thirds (2/3) majority vote, the Town voted to transfer the total sum of \$2,397,320, for the cost to repair or replace the roof of the Fairhaven Middle School, including transfer of \$1,159,288 from Surplus Revenue (Free Cash) and transfer of \$1,238,032 from the Capital Stabilization Fund.

ARTICLE 9: WATER ENTERPRISE FUND CAPITAL PLAN

9A: WATER ENTERPRISE FUND CAPITAL BUDGET

By majority vote, the Town voted to transfer from Water Retained Earnings the sum of \$364,000 to fund the capital equipment and projects, lead service inventory and Day Street water main replacement.

<u>Line</u>	<u>Project</u>	<u>Amount</u>	<u>Funding Source</u>
1	Lead Service Inventory	100,000	Water Retained Earnings
2	Day Street Water Main Replacement	264,000	Water Retained Earnings

9B: BORROWING AUTHORIZATION – WATER MAIN REPLACEMENT

By two-thirds (2/3) majority vote, the Town will voted to borrow the sum of \$1,100,000 for funding the water main replacement on Spring Street, the principal of and interest on which shall be repaid, in the first instance, through Water Enterprise Fund revenues.

ARTICLE 10: SEWER ENTERPRISE FUND CAPITAL PLAN

10A: SEWER ENTERPRISE FUND CAPITAL BUDGET

By majority vote, the Town voted to transfer from sewer retaining earnings a sum of \$300,000 to fund the inflow and infiltration study and portable pump equipment.

<u>Line</u>	<u>Project</u>	<u>Amount</u>	<u>Funding Source</u>
1	Inflow & Infiltration Study	250,000	Sewer Retained Earnings
2	Portable Pump	50,000	Sewer Retained Earnings

10B: BORROWING AUTHORIZATION – PUMP STATION IMPROVEMENTS

By two-thirds (2/3) majority vote, the Town voted to borrow the sum of \$3,750,000 for funding the cost of sewer system pump station improvement, upgrade, or replacement, the principal of and interest on which shall be repaid, in the first instance, through Sewer Enterprise Fund revenues.

ARTICLE 11: OTHER BUDGET ITEMS - APPROPRIATIONS

11A: FUNDING OF ARTICLES

By majority vote, the Town voted to transfer from Surplus Revenue the sum of \$1,080,312 to fund the Reserve line articles for the amounts as written, except article 3, which is to be transferred from Ambulance Reserve Fund.

<u>Line</u>	<u>Fund</u>	<u>Amount</u>	<u>Source</u>
1	Transfer to Capital Stabilization Fund	120,000	Free Cash
2	Transfer to Other Post-Employment Benefit Trust Fund	300,000	Free Cash
3	Transfer to Ambulance Stabilization Fund	55,000	Ambulance Fund
4	Personal Property Audits – Assessing Dept.	25,000	Free Cash
5	IT Application Development	15,000	Free Cash

6	Shellfish Propagation Program	10,000	Free Cash
7	Animal Shelter Repair	10,000	Free Cash
8	Fire Department Ambulance Repair (Medic 2)	58,000	Free Cash
9	Finance Dept. Transition Support	65,000	Free Cash
10	Grant Matching Funds – Seaport Economic Council, Union Wharf Phase 5B	350,000	Free Cash
11	Grant Matching Funds – Seaport Economic Council, Municipal Harbor Plan	40,000	Free Cash
12	Grant Matching Funds – FEMA, Fire Department protective equipment	10,812	Free Cash
13	Grant Matching Funds – Planning Dept., misc. grants	7,000	Free Cash
14	Town Hall Roof Repair	7,000	Free Cash
15	Town Hall Handicap/Accessibility Upgrades	7,500	Free Cash
	Total	\$1,080,312	

11B: ESTABLISH AND FUND A COMPENSATED ABSENCE RESERVE FUND

By majority vote, the Town voted to adopt the provisions of MGL Chapter 40, Section 13D to establish a Compensated Absence Reserve Fund, and, to transfer from Surplus Revenue (Free Cash) the amount of \$75,000 into said fund

Article Summary and Description

Historically, the Town pays for accrued vacation and sick leave amounts for retiring employees out of departmental operating budgets assuming that newer employees have a lower cost. However, it is becoming increasingly difficult to expect savings upon transition of employees, and, upon retirement of long-term employees with significant accruals it is difficult to fund within departmental budgets without causing a spike in operating costs in any given year. Establishing this fund will allow the Town to set-aside funds in the event of a significant pay-out and avoid increasing operating budgets for these infrequent but re-occurring events. As operating budgets tighten it is important to have sufficient funds available to cover these costs.

11C: INCREASE AND FUND COLA BASE FOR RETIREES

By majority vote, the Town voted to transfer from available Surplus Revenue (Free Cash) \$150,000 to increase the cost of living (COLA) base for retirees, beneficiaries, and survivors beginning July 1, 2023, from \$15,000 to \$16,000 consistent with the provisions of Chapter 188, Section 19 of the Acts of 2010.

Article Summary and Description

State law allows Massachusetts Municipal Retirement Systems to increase the base pension amount upon which an annual cost of living adjustment (COLA) up to 3% can be applied. These increases in the base are required to be increments of \$1,000 up to a maximum base amount of \$18,000. Currently, the Fairhaven Retirement System’s COLA base is set at \$15,000 and this article, if approved, would increase the base to \$16,000. This would result in an annual increase in pension benefits of \$30 per retiree. The average annual pension benefit for a Fairhaven retiree is \$26,967, so applying the additional COLA would result in an increase of 1.5%, significantly below the current rate of inflation. It should be noted that Town of Fairhaven employees do not participate in the Federal Social Security System which applies annual COLAs to the entire pension amount and not a portion of it as does the Fairhaven Retirement System. The cost to increase the base from \$15,000 to \$16,000 is estimated by the Public Employee Retirement Administration Commission’s (PERAC) actuaries to be \$150,000.

ARTICLE 12: FY24 COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS

By majority vote, the Town voted to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee (CPC) to expend or reserve, from the Community Preservation Fund available funds and FY24 Estimated Receipts as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:

<u>PROPOSED FISCAL YEAR 2024 COMMUNITY PRESERVATION BUDGET</u>		
<u>APPROPRIATIONS</u>		
		<u>Recommended Amounts</u>
	Reserve for Appropriation	
A.	Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.	\$75,000
B.	Acquisition, creation, and preservation of Historic Resources	\$75,000
C.	Acquisition, creation, and preservation of Community Housing	\$75,000
	Total Reserves for Appropriation	\$225,000
	Spending Appropriations	
D.	Town Hall Repairs – Windows (\$75k Est. Hist. & \$125K Und. Bal.)	\$200,000
E.	BPW – Matt. River Water Supply (\$75k Est. O.S. & \$10K Und. Bal.)	\$85,000
F.	BBC - Salt Winds Conservation (\$50K Estimated Receipts)	\$50,000
G.	BPW – Livesey Skate Park (\$150K Estimated Receipts)	\$150,000
H.	BPW – Bike Path Resurfacing (\$140,775 Undesignated Balance)	\$140,775
I.	FHA – Dana Court Brick & Balcony (\$75K Est. Housing)	\$75,000
J.	Emergency Reserve Account - \$150K to new Emergency Account (from existing Undesignated Balance)	
K.	Lib. Re-allocate \$114,230 FY20 Interior to FY22 Chimney Repairs	
	Administrative Spending Appropriation	
L.	To fund the Community Preservation Committee’s annual expenses for: Personal Service; Purchase of Services; Supplies; Other charges/expenditures (Estimated Receipts)	\$ 15,000
	Total Recommended Spending Appropriations	\$715,775

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

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

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

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2024 Community Preservation Fund Estimated Receipts the minimum

necessary amounts to allocate not less than 10% (\$75,000) for open space, not less than 10% (\$75,000) for historic preservation, and not less than 10% (\$75,000) for community housing, or take any other action relative thereto.

Article Summary and Description

A. To see if the Town will vote to appropriate \$75,000 from estimated receipts for acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.

B. To see if the Town will vote to appropriate \$75,000 from estimated receipts for acquisition, creation, and preservation of Historic Resources.

C. To see if the Town will vote to appropriate \$75,000 from estimated receipts for acquisition, creation, and preservation of Community Housing.

D. To see if the Town will vote to appropriate \$75,000 to fund Reserve Historic Receipts and \$125,000 from the existing Undesignated Balance for the Town Hall Window Repairs project.

E. To see if the Town will vote to appropriate \$75,000 to fund Reserve Open Space Receipts and \$10,000 from the existing Undesignated Balance for the BPW Mattapoisett River Water Supply Resilience project.

F. To see if the Town will vote to appropriate \$50,000 from Estimated Receipts for the BBC Salt Winds Conservation Project.

G. To see if the Town will vote to appropriate \$150,000 from Estimated Receipts to the BPW Livesey Skate Park resurface and redesign project.

H. To see if the Town will vote to appropriate \$140,775 from the existing Undesignated Fund Balance for the BPW bike path resurfacing project.

I. To see if the Town will vote to appropriate \$75,000 from Housing Reserve Receipts to the FHA Dana Court brick and balcony project.

J. To see if the Town will vote to appropriate \$150,000 to create a new Emergency Fund Reserve Account from the existing Undesignated Balance.

K. To see if the Town will vote to reallocate the remaining \$114,230 of previously appropriated FY20 Millicent Library interior restoration funds (Article 25C ATM May 4, 2019) to be added to the Millicent Library Chimney repair FY22 funds of \$136,360 (Article 23F ATM June 12, 2021).

L. To see if the Town will vote to fund the Community Preservation Committee's annual expenses of \$15,000 for: Personal Service; Purchase of Services; Supplies; Other charges/expenditures (Estimated Receipts)

ARTICLE 13: REVOLVING FUNDS

By majority vote, the Town voted to authorize or re-authorize the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44, Section 53 E ½ and to amend General Bylaws Section 2-6 to add new revolving funds under the following terms:

Revolving Fund	Authorized to Spend	Revenue Source	FY24 Limit
Hazardous Materials	Fire Chief	Disposal fees/charges	\$100,000.00
Sustainability	Sustainability Committee	Fees/charges	\$10,000.00
Hoppy's Landing	Select Board and/or Town Administrator	Fees/charges from users of Hoppy's Landing	\$25,000
Town Hall Auditorium	Town Administrator	Town Hall Auditorium rental fees	\$2,000
Park Utilities	Board of Public Works	User fees	\$2,000
Shellfish Mitigation	Marine Resources	Mitigation fees	\$25,000
Mooring Fees	Marine Resources	Mooring fees	\$2,000
Mattress Recycling	Board of Health	Fees from mattress disposal	\$1,000
Hoarding Remediation	Board of Health	Revenue from textile recovery boxes	\$1,000
Wellness	Wellness Committee	Fees, BCBS reimbursements, vendors	\$2,500
Supportive Social Day Program	Council on Aging Director	Receipts reserved for appropriation for supportive social day	\$175,000

Or take any other action relative thereto.

ARTICLE 14: CIVIL SERVICE – POLICE DEPARTMENT

By majority vote, the Town voted to revoke the prior town meeting acceptance of Civil Service Laws for members of the Police Department in the Town of Fairhaven, effective July 1, 2023, thereby removing the police force from the provisions of the Civil Service Laws, and the rules and regulations relating to the same, provided that this revocation will not affect the Civil Service status of existing personnel in their current positions.

ARTICLE 15: CIVIL SERVICE – FIRE DEPARTMENT

By majority vote, the Town voted to revoke the prior town meeting acceptance of Civil Service Laws for members of the Fire Department in the Town of Fairhaven, effective July 1, 2023, thereby removing the Fire Department from the provisions of the Civil Service Laws, and the rules and regulations relating to the same, provided that this revocation will not affect the Civil Service status of existing personnel in their current positions.

ARTICLE 16: AMEND BYLAW CHAPTER 37 FINANCE, DEPARTMENT OF

To see if the Town will vote to amend Bylaws, Chapter 37 § 37-1.1 by striking the existing language and replacing it with the following:

Remove:

~~The Director of Finance shall act as treasurer and collector.~~

Add:

The Finance Director shall be a department head under the direct control of the Town Administrator.

And further to amend Bylaws, Chapter 37, § 37-2.A by striking the language shown in strikethrough and adding the language shown in bold below:

The Director of Finance shall be appointed by the Town Administrator with approval of the Select Board for a term of one to three years and may be removed at **his or her** its discretion. The Director of Finance shall be sworn to the faithful performance of his/her duties. During the time that he/she holds office, he/she shall hold no elective Town office, but he/she may be appointed by the Select Board or, with its approval, by any other Town officer, board, committee or commission to any other Town office or position consistent with the office. He/she shall receive such aggregate compensation, not exceeding the amount appropriated therefore, as the Town Administrator ~~Select Board~~ may determine. He/she shall act by and for the Select Board in any matter which it may assign to him/her relating to the administration of the financial affairs of the Town or any Town office or department under its supervision and control or, with the approval of the Select Board, may perform such other duties as may be requested of him/her by any other Town officer, board, committee or commission.

*VOTE COUNTED BY APPOINTED TELLERS. MOTION FAILED BY MAJORITY.
83 AFFIRMATIVE, 192 NEGATIVE.*

ARTICLE 17: 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.

MOTION FAILED BY MAJORITY.

ARTICLE 18: PETITION FOR SPECIAL LEGISLATION ESTABLISHING TOWN ADMINISTRATOR AS APPOINTING AUTHORITY FOR HEALTH AGENT

To see if the Town will vote to file a petition with the Massachusetts General Court to amend the Town Administrator Act to make the Town Administrator the appointing authority for the Health Agent, subject to such further provisions or revisions as may be determined by the Select Board:

AN ACT RELATIVE TO THE HEALTH AGENT OF THE TOWN OF FAIRHAVEN

Section 2(i) of chapter 381 of the acts of 2014 shall be amended by inserting the words "which shall include the health agent notwithstanding any general or special law to the contrary" after the words "under the direct control of the Town Administrator".

Or take any other action relative thereto.

*VOTE COUNTED BY APPOINTED TELLERS. MOTION FAILED BY MAJORITY.
93 AFFIRMATIVE, 94 NEGATIVE.*

ARTICLE 19: AMEND BYLAWS, CHAPTER 192 WETLANDS § 10.A

By majority vote, the Town voted to amend Bylaws, Chapter 192 § 10.A by adding the following sentence in bold, underlined to the current language:

- A. **With prior approval of the property owner or other legal authority as provided by law,** the Conservation Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and make or cause to be made such examinations, surveys or samplings as the Commission deems necessary.

Or take any other action relative thereto.

ARTICLE 20: AMEND BYLAWS, CHAPTER 1 GENERAL PROVISIONS § 1-6.D (10) (a) AND CHAPTER 192 WETLANDS § 10.B AND CHAPTER 192 WETLANDS § 10.C

By majority vote, the Town voted to amend Bylaws, Chapter 1 § 1-6.D (10) (a) by striking the existing language and replacing it with the following:

- (a) Enforcing person(s): ~~the Chair of the Conservation Commission or the Commission's agent and/or as designated by the Conservation Commission.~~ Conservation Agent with a majority vote of the Conservation Commission. In the absence of a Conservation Agent, a majority vote of the Conservation Commission shall be the enforcing entity.

And, further to amend Bylaws Chapter 192 § 10.B and § 10.C as follows:

B. The Commission shall have authority to enforce this chapter, its regulations and permits issued thereunder by violation notices, and administrative orders ~~and civil and criminal court actions.~~

C. Upon request of the Commission, the Select Board and Town Counsel shall take legal action as the Select Board determines to be necessary for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Or take any other action relative thereto.

ARTICLE 21: AMEND BYLAWS, CHAPTER 164 SOLID WASTE

By majority vote, the Town voted to amend The Town of Fairhaven General By-Laws Chapter 164 Solid Waste by adding a new section, **§ 11, Single-Use Plastic Reduction** as follows, or to take any other action relative thereto effective January 1, 2024.

A. Purpose

The Town seeks to reduce and eliminate the use of single-use plastic bags, polystyrene and expanded polystyrene (Styrofoam) disposable food containers, and to promote the use of reusable alternatives. This bylaw is enacted to protect the health, safety and welfare of the inhabitants of the Town by protecting the environment, advancing solid waste reduction, reducing greenhouse gas emissions, and protecting waterways.

B. General Prohibition and Regulation.

No retail establishment, retail food establishment, nonprofit and/or Town facility food provider shall transfer merchandise to end consumers in a thin- film single-use plastic bag, and shall only use check-out bags that are:

- a. Reusable checkout bags
- b. Recyclable paper bags.

1. No retail establishment, or retail food establishment, nonprofit and/or Town facility food provider shall transfer prepared food to consumers in polystyrene or expanded

polystyrene disposable food service ware. No retail establishment shall sell cups, coolers, ice chests, or similar containers made in whole or in any part with foam polystyrene that is not wholly encapsulated within a more durable material.

2. No retail establishment, or retail food establishment, nonprofit and/or Town facility food provider shall automatically provide single use plastics straws, stirrers, splash sticks, or cutlery to customers unless requested by the customer for health reasons or other.

C. Penalties and enforcement.

1. Any person, firm or corporation who violates or refuses to comply with any applicable provision of this bylaw shall be fined a sum not to exceed two-hundred dollars (\$200) for each such violation.

2. This bylaw may be enforced by the Town Administrator or his/her designee or the Health Agent by the noncriminal disposition method under MGL c. 40, § 21D, in which case the penalties shall be as follows: first violation – written warning, second violation fifty dollar (\$50), third one-hundred dollars (\$100), and subsequent violations two-hundred dollars (\$200) each day that any violation is permitted to exist after written notification thereof by the Town Administrator or his/her designee or Health Agent shall constitute a separate offense. The Town shall be the beneficiary of all fines and penalties paid, including the costs of prosecuting any legal action if allowable by law.

Exemptions. This bylaw shall not apply to the following items:

1. Flexible transparent covering (commonly referred to as "plastic wrap").
2. Thin-film plastic bags used to contain produce, dry cleaning, dog waste or newspapers.
3. Foods or merchandise prepared or packaged outside the Town of Fairhaven for transfer to consumers in the Town of Fairhaven.

ARTICLE 22: AMEND BYLAWS, CHAPTER 83 ALCOHOLIC BEVERAGES AND DRUGS

By majority vote, the Town voted to adopt the following ban on the sale of miniature single use containers for alcoholic beverages as a general by-law and to add into the Fairhaven

Town Bylaw Chapter 83 Alcohol Beverages and Drugs 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 to take any action relative there to.

ARTICLE 23: CITIZENS PETITION – HARD SURFACE

To see if the Town will vote to reconstruct hard-surface and install drainage of Chase Road from Crescent to Raymond

NO MOTION MADE – NO ACTION TAKEN

ARTICLE 24: CITIZENS PETITION – STREET DISCONTINUANCE

To see if the Town will vote to discontinue Shirley Street from Jason Terrace to its terminus, a distance of approximately one hundred and six feet, more or less.

MOVED TO PASS OVER

ARTICLE 25: CITIZENS PETITION – STREET LIGHT

No motion for the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the installation and maintenance of the following street light, or take any action

relative thereto:

Install an additional street light on Pilgrim Avenue.

NO MOTION MADE – NO ACTION TAKEN

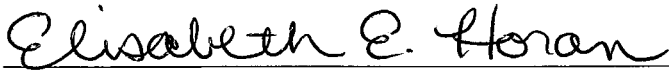
ARTICLE 26: OTHER BUSINESS

None

Motion to adjourn made and seconded.

Saturday, May 3, 2023 Annual Town Meeting adjourned at 1:11pm.

Respectfully Submitted,



Elisabeth E. Horan
Interim Town Clerk