



Town of Fairhaven

WARRANT

FOR THE REMOTE SPECIAL TOWN MEETING
to be voted upon
TUESDAY, OCTOBER 20, 2020 AT 7:00 PM

RECEIVED
TOWN CLERK

2020 OCT -5 P 2:47

FAIRHAVEN,
MASS.

Meeting can be viewed on Channel 18 and FairhavenTV.com

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, s.s

To the Constable of the Town of Fairhaven in said county:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Fairhaven qualified to vote on town affairs to meet as follows:

On Tuesday, the twentieth day of October 2020 at 7:00 p.m. in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School, then and there, to act upon the following articles:

ARTICLE 1: SEWER CAPITAL FEE

To see if the Town will vote to transfer from the Sewer Retained Earnings of June 30, 2019 Sewer Capital Fee a sum of money to the Sewer Capital Improvements Stabilization Fund or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 2: BILLS OF PRIOR YEAR – Paid from Surplus Revenue

<u>Vendor</u>	<u>Amount</u>	<u>Petitioner</u>
Fairhaven Neighborhood News	\$270.00	Planning Department
Fairhaven Neighborhood News	\$238.00	Board of Health
Ready Refresh	\$5.39	Planning Department
ABC Disposal Services	\$290.00	Sanitation Department/Board of Health

and others that may be brought forward.

Petitioned by: Town Administrator

ARTICLE 3: SETTING SALARIES OF TOWN OFFICERS-FY21

To see if the Town will vote to fix the compensation of the Town's Elected Officers and that said compensation be effective July 1, 2020.

- A. Board of Selectmen (3 members)
- B. Town Clerk
- C. Moderator
- D. Tree Warden
- E. Board of Health

Or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 4: GENERAL FUND OPERATING BUDGET – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY21 General Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 5: WATER ENTERPRISE FUND OPERATING BUDGET – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY21 Water Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 6: SEWER ENTERPRISE FUND OPERATING BUDGET – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY21 Sewer Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 7: TOWN OF FAIRHAVEN CABLE TELEVISION ENTERPRISE FUND BUDGET – FY 21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY21 Town of Fairhaven Cable Television Enterprise Fund Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 8: FAIRHAVEN PUBLIC SCHOOLS CABLE TELEVISION ENTERPRISE FUND BUDGET – FY 21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the balance of the FY21 Fairhaven Public Schools Cable Television Enterprise Fund Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 9: GENERAL FUND CAPITAL PLAN FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund, in aggregate without regards to individual line items, Capital Equipment/Projects in the General Fund or take any other action relative thereto:

Petitioned by: Board of Selectmen and Capital Planning Committee

ARTICLE 10: DREDGING AT WEST ISLAND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for engineering work associated with the West Island Dredging Project or take any other action relative thereto;

Petitioned by: Board of Selectmen

ARTICLE 11: PURCHASE OF PROPERTY ON UNION WHARF and DISPOSAL OF PROPERTY ON UNION WHARF

To see if the Town will

- A. authorize the Selectmen to purchase a 30 feet by 30 feet parcel located on Union Wharf, and any related waterway rights, from Union Wharf Realty LLC, or its successor or assignee, and further described as
 - 1) The land and buildings located at 2 Union Wharf, Fairhaven, Massachusetts 02719, as referenced in a deed dated June 1, 2009 and recorded with the Bristol County (SD) Registry of Deeds in Book 9391, Page 30, together with
 - 2) a pole and timber wharf and all rights, including but not limited to the right to build, rebuild or maintain the same, or to use the waters or land thereunder, and any and all licenses and permits related thereto;

and for that purpose to raise and appropriate, borrow, or transfer from available funds a sum of money, and

- B. authorize the Selectmen to convey a portion of the lot shown as Fairhaven Assessors' Map 7, Lot 9, with an area of 2,565 square feet, more or less, and abutting Map 7, Lot 1 on the north boundary; Map 7, Lot 8 on the east boundary, and the northern line of Union Street on the south boundary, forming a rectangle measuring 92.56 feet, more or less on its eastern and western boundaries, by 27.71 feet, more or less on its northern and southern boundaries (hereinafter, the "Premises"), or any lesser part of that portion as so described,

or to take any other action thereon.

Petitioned by: Board of Selectmen

ARTICLE 12: LAND ACQUISITION AND ENGINEERING DESIGN SERVICES FOR PUBLIC SAFETY FACILITY and DISPOSAL OF BRIDGE STREET PIER

To see if the Town will

- A. transfer from the Capital Stabilization Fund a sum of money to
 - 1) purchase or acquire by eminent domain all or part of the property located at 172 Bridge Street and shown on assessors' map 26 / lot 1, and
 - 2) engage an architect/engineer to design a public safety facility at that location, and

- B. authorize the Selectmen to convey the pier, formerly a public landing, at the west end of Bridge Street in Fairhaven, Massachusetts, along with the boat ramp located on the north side of that pier, together containing about 49 square rods, as shown more fully on Sheet 1A of a plan by F. M. Metcalf, dated July 16, 1914, and recorded at Book 13, Page 6, in the Bristol (South) Registry of Deeds,

or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 13: ROADWORK – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$375,000 in the aggregate without regards to individual line items to do roadwork, in the order of priority as determined by the Board of Public Works or take any other action relative thereto:

- A. **Robert Street** – Reconstruct and hard surface on Robert Street from Castle Avenue to bottom of Robert Street, approximately 144 feet

Petitioned by: Board of Public Works and Christine Gelinias

- B. **Cove Street** – Reconstruct and hard surface on Cove Street from Hathaway Street to Beachwood Street, approximately 1500 feet.

Petitioned by: Board of Public Works and David Rebello

- C. **Bonney Street** – Reconstruct and hard surface on Bonney Street from 45 Bonney Street to the end, approximately 200 feet

Petitioned by: Board of Public Works and Beverly D. Giacobbi

- D. **Chase Road** – Reconstruct and hard surface on Chase Road from Gilbert Street to Raymond Street, approximately 210 feet.

Petitioned by: Board of Public Works and John Moniz

ARTICLE 14: FUNDING CAPITAL STABILIZATION FUND – FY21

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

Petitioned by: Town Administrator

ARTICLE 15: AMBULANCE STABILIZATION – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$65,000 to be deposited in an Ambulance Stabilization Fund as authorized by Chapter 40 Section 5B of the General Laws, or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 16: WATER ENTERPRISE CAPITAL PLAN – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money in aggregate without regards to individual line items from the Water Enterprise account to fund Capital Equipment/Projects or take any other action relative thereto:

Petitioned by: Board of Public Works

ARTICLE 17: SEWER ENTERPRISE CAPITAL PLAN – FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money in aggregate without regards to individual line items from the Sewer Enterprise account to fund Capital Equipment/Projects or take any other action relative thereto:

Petitioned by: Board of Public Works

**ARTICLE 18: COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS –
FY21**

To see if the Town will vote to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee to expend or reserve, from the Community Preservation Fund available funds and FY21 Estimated Receipts as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:

PROPOSED FISCAL YEAR 2021 COMMUNITY PRESERVATION BUDGET	
--	--

APPROPRIATIONS	
Purpose	Recommended Amounts
Reserve for Future Appropriation	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.	\$60,000
B. Acquisition, creation, and preservation of Historic Resources	\$60,000
C. Acquisition, creation, and preservation of Community Housing	\$60,000
Spending Appropriations	
B. Fairhaven Housing Authority – Green Meadows Door Replacement	\$ 75,000
C. Buzzards Bay Coalition, Boys Creek Marsh Conservation Project	\$15,000
Administrative Spending Appropriation	
F. To fund the Community Preservation Committee’s annual expenses for: Personal Service; Purchase of Services; Supplies; Other charges/expenditures.	\$ 12,600
Total Recommended Appropriations	
\$282,600	

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 2021 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$60,000) for open space, not less than 10% (\$60,000) for historic preservation, and not less than 10% (\$60,000) for community housing.

, or take any other action relative thereto.

Petitioned by: Community Preservation Committee

ARTICLE 19: NEW REVOLVING FUND- MOORING FEES

To see if the Town will authorize a “Mooring Fee Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53E1/2, by adding the following paragraph to §2–6 of the Town bylaws:

“G. Mooring Fee Revolving Fund.

- (1) Mooring Fee Revolving Fund. There shall be a separate fund called the "Mooring Fee Revolving Fund" authorized for use by the Harbor Master and the Town Administrator.
- (2) Revenues. The Town Accountant shall establish the Mooring Fee Revolving Fund as a separate account and credit to the fund all of the mooring fees charged and received by the Harbor Master.
- (3) Purposes and expenditures. During each fiscal year, the Harbor Master and/or the Town Administrator may incur liabilities against and spend monies from the Mooring Fee Revolving Fund to fund the promotion of small boat use and access to the coastal waterways of the Town.
- (4) Fiscal years. The Mooring Fee Revolving Fund shall operate for fiscal years that begin on or after July 1, 2020.”

and to see if the Town will vote to authorize a total amount that may be expended from the Mooring Fee Revolving Fund for Fiscal Year 2021.

or take any other action relative thereto.

Petitioned by: Harbormaster

ARTICLE 20: PROPAGATION OF SHELLFISH-FY21

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Harbormaster

ARTICLE 21: TRANSFER FROM SURPLUS REVENUE-FY21

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

Petitioned by: Board of Selectmen

ARTICLE 22: ADOPTION OF WATER WAYS REGULATION BYLAW

To see if the Town will vote to authorize the Board of Selectmen to enact comprehensive regulations regarding the waterways of the Town of Fairhaven, by

A.) Deleting Chapter 145 of the Town code and inserting in its place the following:

“Chapter 145 Waterways

§145 – 1 Regulatory Authority

The Board of Selectmen shall have the authority to adopt, and from time- to-time to amend, such comprehensive regulations for the use of the waterways of the Town of Fairhaven as may be recommended to them by the Harbormaster.

§145 – 2 Penalties for Violation

Except as otherwise provided by law, the penalty for a violation of the waterways regulations enacted hereunder, shall be \$ 300.00. Each day that such violation continues shall be deemed a separate violation. The monetary penalty set forth herein shall be in addition to any applicable regulatory penalty, including but not limited to, the suspension or revocation of any license or permit, or the disqualification of the violator from obtaining any license or permit.

§145 – 3 Non-criminal Disposition

Fines assessed hereunder may be recovered by indictment, or on complaint to the District Court, or by non-criminal disposition in accordance with §21D of Ch. 40 of the General Laws.”
and

B.) Amending §1 – 6,D. (2) by deleting the phrase:

“shellfish department regulations, mooring and anchorage regulations, boat ramp parking regulations”, and inserting in its place

“waterways regulations of the Board of Selectmen”

and by deleting §§ 1-6D, (10) and (11);

and

C.) Deleting Chapter. 177 Union Wharf Fees

or to take any other action thereon

Petitioned by: Harbormaster

ARTICLE 23: BY-LAW: THIN FILM PLASTIC BAG BAN

To see if the town will vote to adopt the following by- law on thin film plastic bag ban

Definitions. Each of the following terms as used in this proposal are defined as follows. Any terms that have not been defined specifically herein shall have their normal English meanings, unless the context indicates otherwise.

BULK ITEMS Any Merchandise, including, without limitation, fruits, vegetables, nuts, grains, candy and hardware, that is not pre packaged and for which the determination of how many units are to be packaged and sold together is left to the customer.

Merchandise

shall mean any goods, articles, products and food, including prepared food, which are sold directly to customers.

MERCHANT shall mean any person, corporate entity, partnership or other public or private legal entity that sells merchandise directly to customers. All Merchant Locations that operate under the same corporate brand, and regardless of whether they are franchised or otherwise separately owned, operated or managed, shall be considered the same Merchant.

MERCHANT LOCATION

shall mean any retail, wholesale or restaurant location at which Merchandise is sold directly to customers.

THIN-FILM PLASTIC BAG shall mean plastic bags that have a thickness of less than 1.0 mils.

Applicability, The proposed by-law shall apply to any Merchant that operates a Merchant Location within the Town within a building that has a gross floor area, exclusive of any outdoor retail and dining space, of at least 5,000 square feet.

Prohibited activities. The use, distribution and sale of Thin-Film Plastic Bags by Merchants for the following purposes is prohibited: A. For the bagging of purchased Merchandise at the point of sale or checkout, and regardless of whether the Thin Film Plastic Bags were provided to the customer at a different location within the Merchant Location; B. For the delivery of purchased Merchandise to customers off site from the Merchant Location.

Exemptions. The following uses of Thin-Film Plastic Bags by Merchants are specifically not prohibited:

A. The stocking and offering for sale of Merchandise that is pre-packaged in Thin-Film Plastic Bags by the manufacturer or wholesale distributor from which the Merchant obtained said goods; and

B. The packaging or wrapping of any of the following Merchandise in Thin-Film Plastic Bags, prior to the point of sale or checkout, by either the customer or the Merchant: (1) Bulk items; (2) Meat and seafood; (3) Bakery products; (4) Flowers and potted plants; and (5) Newspapers, magazines and other periodicals that are not pre-wrapped by the publisher.

Effective date. The proposed by-laws shall enter into effect, and be enforceable against Merchants, one year from the date on which it is approved by the Attorney General.

Enforcement.

A. Enforcing agents. Each violation of this proposed by-law shall be enforced by the Board of Health or the Board of Selectmen and any other person so designated by the Board of Health or the Board of Selectmen.

B. Penalties. A fine of \$200 shall be imposed for each violation of the provisions of this proposed by-law, which fine shall be enforced through the noncriminal method of disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D. Each day of a continuing violation shall be considered a separate violation.

C. Responsible parties. When the offending Merchant is not a person, this proposed by-law shall be enforceable against any and all individual owners, partners, operators and managers of the Merchant Location at which the violation occurred.

Petitioned by: Frederick L. Jones, et. al.

ARTICLE 24: BOARD OF HEALTH STANDARDS

I wish to present an Article to Town Meeting that would require the Board of Health to be held to the standards set forth in the Selectmen's Boards and Committees Handbook, which can be found at <https://www.fairhaven-ma.gov/board-selectmen/pages/boards-and-committees-handbook> as well as the Personnel Bylaws and Collective Bargaining Agreement. I understand the Board of Health should remain autonomous in matters concerning public health, however, I am referring to matters of the Board of Health's personal conduct and establishing a standard they should be held to, as all other Boards and Committees in Fairhaven are required. I acknowledge as an elected Board, this matter would need to be voted on at Town Meeting in order for a change to be made. In addition, I wish to request the Board of Selectmen amend the Boards and Committees Handbook to include the Wellness Committee as well

Petitioned by: Mary Freire-Kellogg, et.al.

ARTICLE 25: BY-LAW: GOLD STAR PARENTS TAX ABATEMENT

To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5, **Twenty-second H.** Providing for an abatement of Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Petitioned by: Veterans Service Agent

ARTICLE 26: STREET LIGHT REQUESTS

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

A. One light pole at **Emerson Ave**, pole # 15/3A

Petitioned by: Richard A. Manzone and others

B. One light pole at **4 Saltmarsh Road**, pole # 179/12

Petitioned by: Robert Hobson and others

C. One light pole at **Reservation Road**, pole # 216/3

Petitioned by: Jeffrey Adesso and others

D. One light pole at **90-92 Long Road**, pole # 153/16

Petitioned by: Rene Rivard and others

ARTICLE 27: PETITION THE GENERAL COURT: FIRE LIEUTENANT EXAMINATION

To see if the town will petition the General Court to enact a Special Act that would provide for the following:

Not with standing Chapter 31 of the General Laws or any other general law or special law, charter, by-law, rule or regulation to the contrary, in order to be eligible for a civil service promotion to the rank of Fire Lieutenant within the Fire Department in the Town of Fairhaven an applicant must have at least 3 years of service in the rank of fire fighter or higher within a civil service fire department. A person who does not meet this requirement shall not be eligible to take a promotional examination for the position of Fire Lieutenant in the Fairhaven Fire Department. Except as otherwise provided herein, applicants for promotional appointments shall be subject to all applicable provisions of said Chapter 31. This act shall take effect upon its passage.

Petitioned by: Fire Chief

ARTICLE 28: MATCHING FUNDS FOR ELECTRIC VEHICLE GRANT

To see if the Town will vote to transfer from Surplus Revenue (Free Cash), \$16,400 for required matching funds associated with grants from MassDEP/Eversource for the acquisition of two electric vehicles and charging stations, or take any other action relative thereto;

Petitioned by: Sustainability Committee

ARTICLE 29: MATCHING FUNDS FOR SEAPORT ECONOMIC DEVELOPMENT GRANT

To see if the Town will vote to transfer from Waterway Way User Fees, \$10,000 for required matching funds associated with a grant from the Seaport Economic Development Council for an economic feasibility study of Union Wharf, or take any other action relative thereto;

Petitioned by: Planning and Economic Development Director

ARTICLE 30: TRANSFER OF FUNDS TO UNION WHARF - PHASE IV PROJECT

To see if the town will approve a transfer of \$89,500.00 from the May 4, 2019 Town Meeting article 17C account # 001-298-24- 5870-20-1438 to account# 001-298-23-5870-20-1437 Union Wharf Phase IV repairs from the May 4, 2019 Town Meeting article 17A, , or take any other action relative thereto.

Petitioned by: Harbormaster

ARTICLE 31: AGREEMENT PAYMENT IN LIEU OF TAXES FOR SOLAR ARRAY PROJECT AT 46 CHARITY STEVENS LANE

To see if the Town will approve the following agreement pursuant to M.G.L Chapter 59, Section 38h(b) which provides that certain power generating companies may, in order to comply with its property tax obligations, execute an agreement for the payment in lieu of taxes with the municipality in which such generation facility is sited, and said company shall be exempt from property taxes, in whole or in part, as provided in any such agreement during the terms thereof. Any such agreement shall be the result of good faith discussions and shall be the equivalent of the property tax obligation based on full and fair cash value.

Name of Contracting Party: Fairhaven MA 4, LLC

Location: 46 Charity Stevens Lane

Term of Agreement: 20 Years

Tax Obligation through term of Agreement: \$ (to be determined)

Amount of Annual Payment: \$ (to be determined)

Or take any other action relative thereto.

Petitioned by: Con Edison Clean Energy Business

ARTICLE 32: PETITION THE GENERAL COURT: RESTAURANT/ALL ALCOHOL LICENSE FOR JEMJ CORP, D/B/A TRAVELER'S ALEHOUSE, 111 HUTTLESTON AVE.

To see if Town Meeting will vote to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Restaurant /All Alcohol License to JEMJ Corp. d/b/a Traveler's Alehouse, at 111 Huttleston Avenue, in the Town of Fairhaven, notwithstanding any limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws, as amended. This license is non-transferable to another location but the licensing authority may grant the license to a new applicant at the same location, or take any other action relative thereto.

Petitioned by: JEMJ Corp. d/b/a Traveler's Ale House

ARTICLE 33: GRANTING EASEMENT: SEWER CONNECTION TO ARSENE STREET

To see if Town Meeting will authorize the Board of Selectmen to grant a perpetual easement to the owners of 245 Huttleston Street in Fairhaven, to connect their property to the town sewer line on Arsene Street, by a connecting line to be installed along the northerly line of the Public Works property (Map 30A/Parcel 45), or take any other action relative thereto.

Petitioned by: Daniel and Cherie Nault

ARTICLE 34: REZONE ASSESSOR'S MAP 31B LOTS 301A AND 302C FROM APARTMENT/MULTIFAMILY DISTRICT- RC TO BUSINESS DISTRICT-B

To see if Town Meeting will vote to authorize to rezone Assessor's Map 31B, Lots 302, 302A and 302C, being land west of Weeden Road, north of the bike path, and south of Huttleston Avenue, from Apartment/Multifamily District – RC to Business District – B or take any other action relative thereto.

Petitioned by: G. Bourne Knowles et al.

ARTICLE 35: OTHER BUSINESS

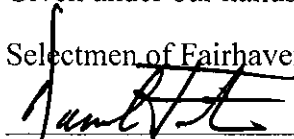
To act upon any other business which may legally come before this meeting.

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 in Precinct 1, Town Hall; and on or near the entrance of the polling place in Precinct 2 and 3, Elizabeth I. Hastings Middle School, School Street; and on or near the entrance of the polling place in Precinct 4, Fire Station meeting room, 146 Washington Street; and on or near the front or main entrance of the polling place in Precinct 5 and 6, Recreation Center, 227 Huttleston Ave; seven days at least prior to the date of the meeting.

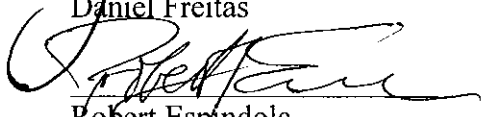
HEREOF FAIL NOT, and make due return of this warrant to the Town Clerk at the time and place of the meeting aforesaid.

Given under our hands this 5 day of Oct in the year two thousand twenty.

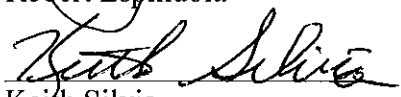
Selectmen of Fairhaven,



Daniel Freitas



Robert Espindola

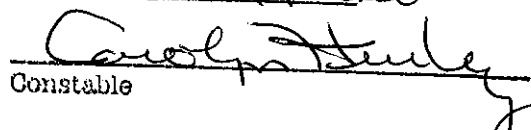


Keith Silvia

A true copy, ATTEST:

Constable of Fairhaven

I, Carol Heuley, Constable
of the Town of Fairhaven, do hereby
certify that I have duly served this
Warrant as required by the General
Laws of Massachusetts and the
By-Laws of the Town of Fairhaven
by posting an attested copy thereof
in the precinct/polling locations on
October 5, 2020



Constable

September 2, 2020

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

Dear Chairman Freitas, Selectman Espindola and Selectman Silvia:

Due to Governor Baker's state of emergency regarding the COVID-19 pandemic, in consultation with the Town Administrator, Town Meeting Precinct Chairs and other town and local officials and pursuant to, sections 7 and 8 of Chapter 92 of the Acts of 2020 (the Act) I have determined that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies.

I hereby request that the Board of Selectmen call for the Town of Fairhaven's October 20, 2020 Special Representative Town Meeting to be held through remote participation, via web-based video and audio conferencing, specifically the Zoom platform.

I have consulted with the Town of Fairhaven's Disability Coordinator, Town Administrator Mark Rees and can confirm that the Zoom platform complies with the Americans with Disabilities Act.

I certify that I have tested the video conferencing platform, Zoom Webinar on multiple occasions with the assistance of the Town's Technology Department and local Cable Access and we successfully conducted the July 25, 2020 Annual Town Meeting using that platform. Therefore, I have determined that the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in section 8 of the Act.

In preparation, as was done for the July 25, 2020 Remote Annual Town Meeting, I will work with all six Town Meeting Precinct Chairs, the Town Clerk, Town Administrator, Town Counsel, the Superintendent of Schools, Technology Department, local Cable Access and other local officials to ensure the remote October 20, 2020 Special Town Meeting is implemented properly. I appreciate all of their guidance and efforts to date. We will also notify Town Meeting Members via the established town meeting email group of the intention to conduct a virtual town meeting and will do outreach to all Town Meeting members via direct mail notifying them of the remote meeting and how to participate. As with the July 25, 2020 Remote Annual Town Meeting, we will be asking for contact information and providing the necessary accessibility support and training/instruction materials.

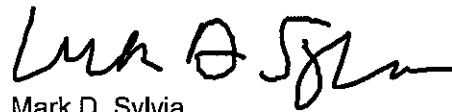
In addition, due to the governor's state of emergency and pursuant to section 7 of the Act, I request that the Board of Selectmen, in consultation with me and with my approval, as required under the Act, prescribe the number of voters necessary to constitute a quorum for the remote October 20, 2020 Special Town Meeting, provided that the number of voters necessary to constitute a quorum shall not be less than ten(10) per cent of the number that would otherwise be required. Our existing quorum is set at 100 by town bylaw. Although the Act would allow that number to be reduced to as low as ten, I would recommend and approve a reduction to forty. Out of an overabundance of caution, and to ensure that town meeting is able to act on those articles deemed time sensitive/critical, having this reduced quorum will ensure such action will be taken. Every effort will be taken to encourage

maximum participation. Our previous efforts in that regard were successful - more than 140 members participated in the July 25, 2020 annual town meeting.

These are indeed challenging times. Ensuring the continuation of governmental services and protecting the health and safety of our citizens are both critically important and are not mutually exclusive of each other. While a traditional in person town meeting following existing rules and procedures would enable us to conduct our legislative responsibilities, such an in person meeting cannot currently be done in a safe and healthy way that ensures proper social distancing, appropriate hygiene practices and that protects town meeting members, town officials and the members of the public that may attend. A remote meeting is our only option.

Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Sylvia". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark D. Sylvia
TOWN MODERATOR

Cc: Precinct Chairs
Town Clerk
Finance Committee Chair
Town Administrator
Health Agent
Town Counsel