



FAIRHAVEN SELECT BOARD
Special Meeting Minutes
March 28, 2023

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

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

Ms. Powers opened the meeting at 6:07PM

Moment of silence – the victims of the Covenant School in Nashville: Evelyn Dieckhaus, age 9, Hallie Scruggs, age 9, William Kinney, age 9, Cynthia Peak, age 61, Katherine Koonce, age 60, Mike Hill, age 61

Ms. Ellison explained the purpose for this meeting is to review the Operating Budget article, listed as Article 6A in the current Warrant draft, and make recommendations on each category within. There will be an appendix with each line item, the recommendations will be on the overall budget category. If discussion is needed, a line item can be held for discussion (*Attachment A*)

General Government Budget

The General Government Budget was reviewed; wages and salaries of \$915,265 and operating expenses of \$615,395.

Motion: Mr. Murphy made a motion to recommend adoption of the General Government Budget of \$1,530,660. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Municipal Finance Budget

The Municipal Finance Budget was reviewed; wages and salaries of \$699,564 and operating expenses of \$226,673. The Board discussed the Accounting Department's intern, challenges in municipal hiring for municipal finance and potential to consider an internal transfer to fill the position and up-train an existing employee.

Motion: Mr. Murphy made a motion to recommend adoption of the Municipal Finance Budget of \$926,237. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Town Clerk/Elections Budget

The Town Clerk/Elections Budget was reviewed; wages and salaries of \$143,328 and operating expenses of \$29,258.

Motion: Mr. Murphy made a motion to recommend adoption of the Town Clerk/Elections Budget of \$172,586. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Planning and Development Budget

The Planning and Development Budget was reviewed; wages and salaries of \$239,700 and operating expenses of \$42,435. The Board discussed the amount allotted for training expenses. Ms. Ellison offered a public apology to Ms. Cathy Melanson, the current Chair of the Planning Board who should have been invited to speak at the recent joint Select Board and Finance Committee meeting.

Motion: Mr. Murphy made a motion to recommend adoption of the Planning and Development Budget of \$282,135. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Public Safety Budget

The Board discussed the Public Safety Budget. Components discussed included the process of transfers between accounts for the same category of expense, Finance Committee reserve fund transfer request process for unforeseen expenses, Town Meeting vote process for the spending amount per category, the FY23 budget is included at this time as a reference, the columns show balanced budget with an override (contingent) and without (non-contingent), presenting information explaining the reasons for an override, Collective Bargaining Agreement increases due to Cost-of-Living Adjustment (COLA) and step increases, inflation averages of seven to nine percent and year-over-year past practice of using Surplus Revenue (Free Cash) to balance the budget shortfalls.

The online tool will be available this week to residents with informational resources and a calculator to enter the appraised property value and see the additional tax impact on the assessed value. The proposed override is calculated to be an additional 0.087% which is approximately eleven cents additional per one-thousand dollars of assessed value.

Other concerns discussed were impacts to services, employee turnover, net school spending impacts and the need for updating the Financial Policy to ensure five-year projections are prepared.

The Board tabled the Public Safety and Education Budgets to the next meeting.

Public Works Budget

The Board discussed the Public Works Budget; wages and salaries of \$1,670,107 and operating expenses of \$2,634,961.

Motion: Mr. Murphy made a motion to recommend adoption of the Public Works Budget of \$4,305,068. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Health and Environment Budget

The Board discussed the Health and Environment Budget; wages and salaries of \$164,353 and operating expenses of \$24,570.

Motion: Mr. Murphy made a motion to recommend adoption of the Health and Environment Budget of \$188,923. Mr. Silvia seconded. The motion passed (4-0-1), Ms. Powers abstained.

Community Services Budget

The Board discussed the Community Services Budget; wages and salaries of \$584,768 and operating expenses of \$1,681,025.

Motion: Mr. Murphy made a motion to recommend adoption of the Community Services Budget of \$2,265,793. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

The Board tabled the Non-Departmental Budget and Debt Service to the next meeting.

Other Budget Articles in the Draft of the Town Meeting Warrant

Article 1 - Measurer of Wood and Bark

Motion: Mr. Murphy made a motion to recommend adoption of Article 1 - Measurer of Wood and Bark. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 2 - Town Report

Motion: Mr. Murphy made a motion to recommend adoption of Article 2 - Town Report. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 3 - Report of Committees

Motion: Mr. Murphy made a motion to recommend adoption of Article 3 - Report of Committees. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 4 - Bills of Prior Year

The Board tabled until the next meeting

Article 5 - FY23 General Fund Adjustments

The Board tabled until the next meeting

Article 6B - Water Enterprise Fund

Motion: Mr. Murphy made a motion to recommend adoption of Article 6B - Water Enterprise Fund. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 6C - Sewer Enterprise Fund

Motion: Mr. Murphy made a motion to recommend adoption of Article 6C - Sewer Enterprise Fund. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 6D - Town Cable Enterprise Fund

Motion: Mr. Murphy made a motion to recommend adoption of Article 6D - Town Cable Enterprise Fund. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 6E - School Cable Enterprise Fund

Motion: Mr. Murphy made a motion to recommend adoption of Article 6E - School Cable Enterprise Fund. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 7 - General Fund Capital Plan, Articles 7A-D Borrowing Authorizations

The Board tabled until the next meeting

Article 8 - Water Enterprise Fund Capital Budget

Article 8A, items 1 and 2

Motion: Mr. Murphy made a motion to recommend adoption of Article 8A, item 1 EPA Required Lead Service Inventory and item 2 Day Street Water Main Replacement. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 8B, Water Main Replacement-Spring Street

Motion: Mr. Murphy made a motion to recommend adoption of Article 8B-Water Main Replacement-Spring Street. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 9 - Sewer Enterprise Fund Capital Budget

Article 9A, items 1 and 2

Motion: Mr. Murphy made a motion to recommend adoption of Article 9A, item 1 Inflow and Infiltration Study and item 2 Portable 4” Pump. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 10A - Other Budget Items, Funding of Reserve Articles

The Board tabled until the next meeting

Article 10B - Establish and Fund a Compensated Absence Reserve Fund

The purpose of this article is to establish a fund for employee buyouts at retirement to avoid impacts to individual budget items and for continuity in wage and salary budget lines.

Motion: Mr. Murphy made a motion to recommend adoption of Article 10B-Establish and Fund a Compensated Absence Reserve Fund. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 10C - Funding a Retiree COLA provision

Motion: Mr. Murphy made a motion to recommend adoption of Article 10C-Fund a Retiree COLA provision. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 11 - Community Preservation Commission (CPC) Program Appropriations, items A-L

The Board asked for additional information on item E-Board of Public Works Mattapoisett River Water Supply Resilience Project.

Superintendent Vincent Furtado joined via zoom and advised that this is for the Buzzards Bay Coalition, on behalf of the Mattapoisett River Valley Water District (MRVWD) and other towns in the district, to purchase land for conservation and protection of aquaculture.

Motion: Mr. Murphy made a motion to recommend adoption of Article 11-CPC Program Appropriations, items A-L. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 12 - Revolving Accounts

Motion: Mr. Murphy made a motion to recommend adoption of Article 12-Revolving accounts. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 13-Rescind Civil Service-Fire Department

The Board tabled this item

Article 14-Rescind Civil Service -Police Department

The Board will hold this item until Town Meeting

Article 15 - Bylaw update, Finance, Director of language

Town Counsel is reviewing the language on this article

Article 16 - Appointment of Town Clerk

Ms. Ellison explained that the current Town Clerk Linda Fredette supports this article.

Motion: Mr. Murphy made a motion to recommend adoption of Article 16-Appointment of Town Clerk. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 17 - Appointment of Health Agent

The Board of Health supports this article. Ms. Ellison explained appointments to a position avoid public evaluations for public employees outside of the Town Administrator position.

Motion: Mr. Murphy made a motion to recommend adoption of Article 17-Appointment of Health Agent. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 18-Wetlands Enforcement

Ms. Ellison will ask Town Counsel to review the language and asked if a definition of “emergency” should be included. The Board tabled this item.

Article 19-Wetlands, language update

Motion: Mr. Murphy made a motion to recommend adoption of Article 19-Wetlands, language updates. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 20-Bylaw update, Digital Warrant

Ms. Ellison explained the purpose of this article is to move to digital posting of the Town Meeting Warrant for Town Meeting Members, currently we are printing, mailing and making available at Town Meeting approximately 600 copies of the booklet containing the Warrant Articles. This would be more environmentally friendly and a cost saving measure. A notice would still be mailed of the warrant posting including instructions and the link where to view and/or print a copy.

A suggestion was made to offer the option at Town Meeting to “opt in” for a digital copy.

Motion: Mr. Murphy made a motion to recommend adoption of Article 20-Digital Warrant. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 21-Single Use Plastic Reduction

This article is petitioned by the Board of Health and the Sustainability Committee.

Motion: Mr. Murphy made a motion to recommend Yield to Petitioner for Article 21-Single Use Plastic Reduction. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 22-Prohibit Sale of Plastic Nip Bottles

This article is petitioned by the Sustainability Committee.

Motion: Mr. Murphy made a motion to recommend Yield to Petitioner for Article 22-Prohibit Sale of Plastic Nip Bottles. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 23-Hard Surface Request

This article is a citizen's petition.

Motion: Mr. Murphy made a motion to recommend Yield to Petitioner for Article 23-Hard Surface Request. Mr. Silvia seconded. The motion passed unanimously (5-0-0)

Article 24-Street Discontinuance

This article is a citizen’s petition and there is a public hearing on April 18th regarding the street in this article.

Article 25-Street Light

This article is a citizen’s petition. The Board would like to hear more about the process and invite Vincent Furtado to join and review the process and recommendation.

Article 26-Fund Labor Contracts

This article is to fund labor contracts for Police, Fire and Sewer Collective Bargaining Agreements. At this time there is not a signed Memorandum of Understanding for these three contracts, held to review on April 3.

Article 27-Other Business

There is no action needed for this article

The Board discussed availability of updated budget information from the original budget book and presentation from Mr. Bienvenue. If it is available it will be provided as soon as possible.

News and Announcements:

The Board received a resignation letter from Town Clerk Linda Fredette. The Board thanked her for work and process improvements.

Mr. Murphy advised the Board that there is an article in the most recent copy of the Southcoast Almanac on reenactments mentioning Fairhaven.

- The next regularly scheduled meeting of the Select Board is *Monday, April 3, 2023* at 5:00 p.m. in the Town Hall Banquet Room
- Upcoming Election results meeting of the Select Board is *Monday, April 3, 2023* at 8:00 p.m. in the Town Hall Banquet Room
- The next regularly scheduled meeting of the Select Board is *Tuesday, April 18, 2023* at 6:30 p.m. in the Town Hall Banquet Room

Meeting adjourned at 8:33PM

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

Attachments:

- A. General Fund Operating Budget and draft of the Town Meeting Warrant**

Attachment A

| LINE | Function/ Dept. # | Department Name/Function Totals | FY 2023 Budgeted | FY 2024 Requested / Contingent Budget | FY 2024 Non - Contingent Budget |
|-----------------------------------|----------------------|---------------------------------------|---------------------|--|---------------------------------------|
| GENERAL GOVERNMENT | | | | | |
| 1 | 114 | Moderator Salary | 1,000 | 1,000 | 1,000 |
| | 122,195,405 | Select Board/Town Administrator | | | |
| 2 | | Salaries & Wages | 325,016 | 322,412 | 322,412 |
| 3 | | Operating Expenses | 22,470 | 27,910 | 27,910 |
| | 153 | Human Resources | | | |
| 4 | | Salaries & Wages | 131,160 | 193,943 | 193,943 |
| 5 | | Operating Expenses | 12,370 | 20,975 | 20,975 |
| | 113 / 131 | Town Meeting/Finance Committee | | | |
| 6 | | Salaries & Wages | 1,500 | 1,000 | 1,000 |
| 7 | | Operating Expenses | 7,945 | 7,945 | 7,945 |
| 8 | | Reserve Fund | 100,000 | 100,000 | 100,000 |
| 9 | 151 | Legal | 180,000 | 180,000 | 180,000 |
| | 192 | Town Hall | | | |
| 10 | | Salaries & Wages | 56,252 | 56,916 | 56,916 |
| 11 | | Operating Expenses | 63,913 | 76,150 | 76,150 |
| | 155 | Consolidated Information Technology | | | |
| 12 | | Salaries & Wages | 335,274 | 339,994 | 339,994 |
| 13 | | Operating Expenses | 154,493 | 202,415 | 202,415 |
| | | General Government Salaries & Wages | 850,202 | 915,265 | 915,265 |
| | | General Government Operating Expenses | 541,191 | 615,395 | 615,395 |
| | | Subtotal General Government | 1,391,393 | 1,530,660 | 1,530,660 |
| MUNICIPAL FINANCE | | | | | |
| | 135 | Accounting | | | |
| 14 | | Salaries & Wages | 151,321 | 162,616 | 162,616 |
| 15 | | Operating Expenses | 58,453 | 60,713 | 60,713 |
| | 145 | Treasurer/Collector | | | |
| 16 | | Salaries & Wages | 400,591 | 336,072 | 336,072 |
| 17 | | Operating Expenses | 126,160 | 120,900 | 120,900 |
| | 141 | Assessors | | | |
| 18 | | Salaries & Wages | 210,641 | 200,876 | 200,876 |
| 19 | | Operating Expenses | 45,643 | 45,060 | 45,060 |
| | | Municipal Finance Salaries & Wages | 762,553 | 699,564 | 699,564 |
| | | Municipal Finance Operating Expenses | 230,256 | 226,673 | 226,673 |
| | | Subtotal Municipal Finance | 992,809 | 926,237 | 926,237 |
| TOWN CLERK/ELECTIONS | | | | | |
| 20 | 161,163 | Subtotal Salaries & Wages | 160,549 | 143,328 | 143,328 |
| 21 | | Subtotal Operating Expenses | 37,208 | 29,258 | 29,258 |
| PLANNING & DEVELOPMENT | | | | | |
| | 175-00 | Planning Board | | | |
| 22 | | Salaries & Wages | 3,200 | 3,000 | 3,000 |
| 23 | | Operating Expenses | 3,990 | 2,930 | 2,930 |
| | 175-01 | Planning and Economic Development | | | |
| 24 | | Salaries & Wages | 128,463 | 132,942 | 132,942 |

| LINE | Function/ Dept. # | Department Name/Function Totals | FY 2023 Budgeted | FY 2024 Requested / Contingent Budget | FY 2024 Non Contingent Budget |
|------|----------------------|---------------------------------|---------------------|--|-------------------------------------|
| 25 | | Operating Expenses | 9,500 | 15,525 | 15,525 |
| | 175-02 | Economic Development Committee | | | |
| 26 | | Salaries & Wages | 1,500 | 1,500 | 1,500 |
| 27 | | Operating Expenses | 6,500 | 6,500 | 6,500 |
| | 176 | Board of Appeals | | | |
| 28 | | Salaries & Wages | 5,304 | 3,500 | 3,500 |
| 29 | | Operating Expenses | 18,920 | 3,700 | 3,700 |
| | 171 | Conservation Commission | | | |
| 30 | | Salaries & Wages | 99,797 | 98,758 | 98,758 |
| 31 | | Operating Expenses | 21,569 | 11,980 | 11,980 |
| 32 | 122 | Buzzards Bay Action Committee | 1,800 | 1,800 | 1,800 |

| | | | | | |
|--|--|---|---------|----------------|---------|
| | | Planning & Development Salaries & Wages | 238,264 | 239,700 | 239,700 |
| | | Planning & Development Operating Expenses | 62,279 | 42,435 | 42,435 |
| | | Subtotal Planning & Development | 300,543 | 282,135 | 282,135 |

PUBLIC SAFETY

| | | | | | |
|----|-------------|--------------------------------------|-----------|-----------|-----------|
| | 210,292 | Police Department/Animal Control | | | |
| 33 | | Salaries & Wages | 4,214,132 | 4,519,338 | 4,519,338 |
| 34 | | Operating Expenses | 469,477 | 488,520 | 488,520 |
| | 220,225,291 | Fire Department/Emergency Management | | | |
| 35 | | Salaries & Wages | 2,798,579 | 3,059,527 | 2,909,527 |
| 36 | | Operating Expenses | 413,561 | 451,657 | 451,657 |
| | 241 | Building Department | | | |
| 37 | | Salaries & Wages | 182,565 | 183,696 | 183,696 |
| 38 | | Operating Expenses | 11,350 | 5,350 | 5,350 |
| | 298 | Marine Resources | | | |
| 39 | | Salaries & Wages | 177,966 | 178,440 | 178,440 |
| 40 | | Operating Expenses | 75,145 | 43,110 | 43,110 |
| | 244 | Weights & Measures | | | |
| 41 | | Salaries & Wages | 7,140 | 7,140 | 7,140 |
| 42 | | Operating Expenses | 200 | 500 | 500 |

| | | | | | |
|--|--|----------------------------------|-----------|-----------|-----------|
| | | Public Safety Salaries & Wages | 7,380,382 | 7,948,141 | 7,798,141 |
| | | Public Safety Operating Expenses | 969,733 | 989,137 | 989,137 |
| | | Subtotal Public Safety | 8,350,115 | 8,937,278 | 8,787,278 |

EDUCATION

| | | | | | |
|----|-----|---|------------|------------|------------|
| 43 | 300 | Subtotal Fairhaven Public Schools | 22,910,638 | 23,953,641 | 23,753,641 |
| 44 | 301 | Subtotal NB Regional Technical HS | 2,217,552 | 2,397,000 | 2,397,000 |
| 45 | 302 | Subtotal Bristol County Agricultural HS | 181,000 | 235,000 | 235,000 |

PUBLIC WORKS

| | | | | | |
|----|-------------|-------------------------|-----------|-----------|-----------|
| | 421 | Administration Division | | | |
| 46 | | Salaries & Wages | 213,644 | 223,502 | 223,502 |
| 47 | | Operating Expenses | 9,925 | 13,525 | 13,525 |
| | 403,405,420 | Highways Division | | | |
| 48 | | Salaries & Wages | 1,361,754 | 1,279,388 | 1,279,388 |
| 49 | | Operating Expenses | 665,222 | 723,912 | 723,912 |
| 50 | | Snow & Ice | 60,000 | 60,000 | 60,000 |

| LINE | Function/ Dept. # | Department Name/Function Totals | FY 2023 Budgeted | FY 2024 Requested / Contingent Budget | FY 2024 Non - Contingent Budget |
|---------------------------------|----------------------|--|---------------------|--|---------------------------------------|
| | 650 | Parks Department | | | |
| 51 | | Salaries & Wages | 134,317 | 139,896 | 139,896 |
| 52 | | Operating Expenses | 47,029 | 53,500 | 53,500 |
| | 294,295 | Tree Department | | | |
| 53 | | Salaries & Wages | 47,186 | 27,321 | 27,321 |
| 54 | | Operating Expenses | 23,280 | 40,345 | 40,345 |
| 55 | 431 | Sanitation - Operating Expenses | 1,601,056 | 1,682,679 | 1,682,679 |
| 56 | 424 | Street Lighting | 61,000 | 61,000 | 61,000 |
| | | Public Works Salaries & Wages | 1,756,901 | 1,670,107 | 1,670,107 |
| | | Public Works Operating Expenses | 2,467,512 | 2,634,961 | 2,634,961 |
| | | Subtotal Public Works | 4,224,413 | 4,305,068 | 4,305,068 |
| HEALTH & ENVIRONMENT | | | | | |
| | 510 | Board of Health | | | |
| 57 | | Subtotal Salaries & Wages | 160,165 | 164,353 | 164,353 |
| 58 | | Subtotal Operating Expenses | 24,210 | 24,570 | 24,570 |
| COMMUNITY SERVICES | | | | | |
| | 541 | Council on Aging | | | |
| 59 | | Salaries & Wages | 172,810 | 189,296 | 189,296 |
| 60 | | Operating Expenses | 44,525 | 40,064 | 40,064 |
| | 543 | Veterans Services | | | |
| 61 | | Salaries & Wages | 90,316 | 98,592 | 98,592 |
| 62 | | Operating Expenses | 581,200 | 695,800 | 695,800 |
| 63 | 611 | Millicent Library | 714,291 | 752,336 | 752,336 |
| | 640 | Recreation Department | | | |
| 64 | | Salaries & Wages | 209,457 | 218,183 | 218,183 |
| 65 | | Operating Expenses | 138,650 | 143,800 | 143,800 |
| | 189 | Tourism Department | | | |
| 66 | | Salaries & Wages | 78,958 | 78,697 | 78,697 |
| 67 | | Operating Expenses | 21,825 | 21,075 | 21,075 |
| 68 | 691 | Fine Arts - expenses | 1,200 | 1,200 | 1,200 |
| 69 | 670 | Historical Commission - expenses | 18,500 | 18,500 | 18,500 |
| 70 | 692 | Memorial/Veterans Day - expenses | 3,000 | 1,500 | 1,500 |
| 71 | 690 | Cultural Council - expenses | 2,750 | 2,750 | 2,750 |
| 72 | 190 | Commission on Disability - expenses | 1,000 | 1,000 | 1,000 |
| 73 | 191 | Belonging Committee | | 1,000 | 1,000 |
| 74 | 122 | Rape Crisis Project - expenses | 2,000 | 2,000 | 2,000 |
| | | Community Services Salaries & Wages | 551,541 | 584,768 | 584,768 |
| | | Community Services Operating Expenses | 1,528,941 | 1,681,025 | 1,681,025 |
| | | Subtotal Community Services | 2,080,482 | 2,265,793 | 2,265,793 |
| NON-DEPARTMENTAL | | | | | |
| 75 | 911 | Contributory Retirement | 3,790,776 | 3,906,560 | 3,906,560 |
| 76 | 924 | Group Insurance | 4,600,000 | 4,800,000 | 4,800,000 |
| 77 | 913 | MA Employment Security | 63,000 | 63,000 | 63,000 |
| 78 | 925 | Town General Insurance | 905,000 | 955,000 | 955,000 |
| 79 | 918 | Medicare Taxes (Employer Share) | 440,000 | 462,000 | 462,000 |

| LINE | Function/ Dept. # | Department Name/Function Totals | FY 2023 Budgeted | FY 2024 Requested / Contingent Budget | FY 2024 Non - Contingent Budget |
|-------------------------------------|----------------------|---------------------------------|---------------------|--|---------------------------------------|
| 80 | 122 | Wind Turbine Electric Expense | 700,000 | 725,000 | 725,000 |
| 81 | | Salary Reserve | 500,000 | 850,000 | 750,000 |
| Non-Departmental Salary & Wages | | | 500,000 | 850,000 | 750,000 |
| Non-Departmental Operating Expenses | | | 10,498,776 | 10,911,560 | 10,911,560 |
| Subtotal Non-Departmental | | | 10,998,776 | 11,761,560 | 11,661,560 |
| DEBT SERVICE | | | | | |
| 82 | 710 | General Fund | | | |
| Subtotal Debt Service | | | 1,029,204 | 1,131,020 | 1,131,020 |
| GRAND TOTAL | | | 55,059,057 | 58,086,901 | 57,636,901 |
| GRAND TOTAL BREAKDOWN | | | | | |
| Salaries & Wages - Town | | | 12,360,557 | 13,215,226 | 12,965,226 |
| Operating Expenses - Town | | | 5,861,330 | 6,243,454 | 6,243,454 |
| Educational Services | | | 25,309,190 | 26,585,641 | 26,385,641 |
| Non-Departmental Costs | | | 10,498,776 | 10,911,560 | 10,911,560 |
| Debt Service | | | 1,029,204 | 1,131,020 | 1,131,020 |
| Grand Totals | | | 55,059,057 | 58,086,901 | 57,636,901 |

WARRANT-DRAFT-3/27/2023

The inhabitants qualified as Town Meeting Members shall meet on
Saturday, May 6, 2023 at 9:00 am
in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School
to Act on the following Articles in the Warrant:

ARTICLE 1: MEASURER OF WOOD AND BARK

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

Petitioned by: Select Board

Select Board Recommendation: Adoption

ARTICLE 2: TOWN REPORT

To receive the Annual Report of Town Officers.

Petitioned by: Select Board

Select Board Recommendation: Adoption

ARTICLE 3: REPORT OF COMMITTEES

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

Petitioned by: Select Board

Select Board Recommendation: Adoption

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

To see if the Town will vote to pay the bills of prior year, an outstanding invoice was sent to the Town on 8/22/2022 from Cabot Risk regarding a Injured on Duty (IOD) claim from 10/06/2020 in the amount of \$1575.00, research has determined this bill is legitimate and never paid.

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

Petitioned by: Human Resource Director

Select Board Recommendation: X

Finance Committee Recommendation: X

ARTICLE 5: FY23 GENERAL FUND ADJUSTMENTS

To see if the Town will vote to amend Article 8 of the June 18, 2022 Town Meeting “General Fund Operating Budget-FY23” as follows:

- A. \$10,000 for costs incurred for equipment for firefighters for the remainder of FY23 (Fire Dept)
- B. \$40,000 for overtime costs for the remainder of FY23 (Fire Dept)

WARRANT-DRAFT

- C. \$20,000 to fund Repair & Maintenance of Vehicles line item for the remainder of FY23 (Fire Dept)
- D. Placeholder for possible FY23 payroll deficit in the Police Department due to 5 unexpected resignations/retirements that created cash-outs as well as significant overtime to fill vacancies
- E. Placeholder for possible FY23 expense deficit in the Police Department due to 5 unexpected resignations/retirements that may create issues in equipment/clothing/training/medical line items as well as unknown energy line items.
- F. \$16,737 for a retirement payoff (Park Department)
- G. \$12,500 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)
- H. \$59,000 to fund the FY23 Wage Reserve deficit.

Petitioned by: Town Administrator

Select Board Recommendation: X
 Finance Committee Recommendation: X

ARTICLE 6: TOWN OPERATING BUDGETS

6A: GENERAL FUND OPERATING BUDGET

To see if the Town will vote 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:

See page __ for recommendations

Petitioned by: Town Administrator

Select Board Recommendation: X
 Finance Committee Recommendation: X

6B: WATER ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following amounts to fund the operating budget of the Water Enterprise Fund for Fiscal Year 2024 or take any other action relative thereto:

| | <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>-</u> | <u>294,155</u> |

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| | | |
|-----------------------|-----------|-----------|
| Total Funding Sources | 3,492,634 | 3,759,155 |
|-----------------------|-----------|-----------|

Petitioned by: Board of Public Works

Select Board Recommendation: Adoption
 Finance Committee Recommendation: X

6C: SEWER ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following amounts to fund the operating budget of the Sewer Enterprise Fund for Fiscal Year 2024 or take any other action relative thereto:

| | <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 |

Petitioned by: Board of Public Works

Select Board Recommendation: Adoption
 Finance Committee Recommendation: X

6D: TOWN CABLE ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following amounts to fund the operating budget of the Town Cable Enterprise Fund for Fiscal Year 2024 or take any other action relative thereto:

| | <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> | | |

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| | | |
|------------------------------|---------|---------|
| Town Cable Revenue | 178,000 | 190,000 |
| Town Cable Retained Earnings | 29,722 | 40,380 |
| Total Funding Sources | 207,722 | 230,380 |

Petitioned by: Town Administrator

Select Board Recommendation: Adoption
 Finance Committee Recommendation: X

6E: SCHOOL CABLE ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following amounts to fund the operating budget of the School Cable Enterprise Fund for Fiscal Year 2024 or take any other action relative thereto:

| | <u>FY 2023 Budget</u> | <u>FY 2024 Budget</u> |
|---|------------------------------|------------------------------|
| <u>Amounts Appropriated:</u> | | |
| Salaries and Wages | 129,930 | 135,860 |
| Operating Expenses | 31,779 | 22,391 |
| 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 |

Petitioned by: School Committee

Select Board Recommendation: Adoption
 Finance Committee Recommendation: X

ARTICLE 7: GENERAL FUND CAPITAL PLAN

7A: GENERAL FUND CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of monies to fund the capital equipment and projects listed below, or take any other action relative thereto:

| <u>Line</u> | <u>Department/Project</u> | <u>Amount</u> | <u>Funding Source</u> |
|--------------------|--|----------------------|------------------------------|
| | Public Works Department | | |
| 1 | Overlay of Bike Path from Weeden Rd. To Mattapoisett | 134,000 | Free Cash |
| 2 | Local Roads Roadwork | 425,000 | Free Cash |
| 3 | BPW Admin Building HVAC | 21,000 | Free Cash |
| 4 | Backhoe Replacement | 175,000 | Free Cash |
| 5 | Replace Emergency Lighting at Cushman Park | 30,000 | Free Cash |

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| | | | |
|----|--|-----------|-----------|
| 6 | Pave Senior Center Parking Lot | 80,000 | Free Cash |
| | Police Department | | |
| 7 | Cruiser replacement program | 156,261 | Free Cash |
| 8 | Street Camera Computer Server | 36,500 | Free Cash |
| 9 | Tactical Ballistics Equipment | 19,168 | Free Cash |
| 10 | Ballistics Shields & Riot Gear | 39,483 | Free Cash |
| | Fire Department | | |
| 11 | Brush Truck (Unit 5) Replacement | 250,000 | Free Cash |
| 12 | Air Conditioners (Split Units) | 47,000 | Free Cash |
| | Recreation Department | | |
| 13 | Gym Divider Curtain Replacement | 26,500 | Free Cash |
| 14 | Outdoor Fitness Court in Park | 170,000 | Free Cash |
| | Harbormaster | | |
| 15 | Replacement of engines on Harbormaster Boat | 24,605 | Free Cash |
| | General Government/Town Hall | | |
| 16 | IT Dept. - Computer Hardware Equipment Replacement | 30,000 | Free Cash |
| 17 | Town Hall - Generator | 140,000 | Free Cash |
| 18 | Town Hall – replacement of protective sheathing on windows | 31,000 | Free Cash |
| 19 | Town Hall – digitize paperwork | 220,000 | Free Cash |
| 20 | Town Clerk – Poll Pads | 9,550 | Free Cash |
| 21 | Town Clerk – Storage Shed | 6,200 | Free Cash |
| | | | |
| | Total recommended General Fund Capital Budget | 2,071,267 | |

Petitioned by: Town Administrator

Select Board Recommendation: X
 Finance Committee Recommendation: X

7B: BORROWING AUTHORIZATION – MIDDLE SCHOOL ROOF REPLACEMENT

To see if the Town will vote to raise and appropriate or borrow the sum of \$2,397,320, or any other sum, for the purpose of funding the cost of roof replacement of the Fairhaven Middle School, located at 30 School Street, including the payment of all costs incidental and related thereto; and that the Treasurer, with approval of the Select Board, is authorized to borrow such sum pursuant to Massachusetts General Law Chapter 44, section 7, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

Petitioned by: Town Administrator

Select Board Recommendation: X
 Finance Committee Recommendation: X

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7C: BORROWING AUTHORIZATION – COA/RECREATION CENTER ROOF REPLACEMENT

To see if the Town will vote to raise and appropriate or borrow the sum of \$530,000, or any other sum, for the purpose of funding the cost of roof replacement of the Fairhaven Recreation and Council on Aging Building, located at 227 Huttleston Avenue, including the payment of all costs incidental and related thereto; and that the Treasurer, with approval of the Select Board, is authorized to borrow such sum pursuant to Massachusetts General Law Chapter 44, section 7, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

Petitioned by: Town Administrator

Select Board Recommendation: X
Finance Committee Recommendation: X

7D: BORROWING AUTHORIZATION – MILLICENT LIBRARY HVAC

To see if the Town will vote to raise and appropriate or borrow the sum of \$935,000, or any other sum, for the purpose of funding the cost of heating, ventilation, and air-conditioning system upgrades and/or replacement at the Millicent Library, located at 45 Center Street, including the payment of all costs incidental and related thereto; and that the Treasurer, with approval of the Select Board, is authorized to borrow such sum pursuant to Massachusetts General Law Chapter 44, section 7, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

Petitioned by: Town Administrator

Select Board Recommendation: X
Finance Committee Recommendation: X

ARTICLE 8: WATER ENTERPRISE FUND CAPITAL PLAN

8A: WATER ENTERPRISE FUND CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of monies to fund the capital equipment and projects of the Water Enterprise Fund listed below, or take any other action relative thereto:

| <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 |

Petitioned by: Board of Public Works

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

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8B: BORROWING AUTHORIZATION – WATER MAIN REPLACEMENT

To see if the Town will vote to raise and appropriate or borrow the sum of \$1,100,000, or any other sum, for the purpose of funding the cost of water main replacement on Spring Street, including the payment of all costs incidental and related thereto; and that the Treasurer, with approval of the Select Board, is authorized to borrow such sum pursuant to Massachusetts General Law Chapter 44, section 8, or any other enabling authority, and to issue bonds or notes of the Town therefore.

Petitioned by: Board of Public Works

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 9 SEWER ENTERPRISE FUND CAPITAL PLAN

9A: SEWER ENTERPRISE FUND CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of monies to fund the capital equipment and projects of the Sewer Enterprise Fund listed below, or take any other action relative thereto:

| <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 |

Petitioned by: Board of Public Works

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

9B: BORROWING AUTHORIZATION – PUMP STATION IMPROVEMENTS

To see if the Town will vote to raise and appropriate or borrow the sum of \$3,750,000, or any other sum, for the purpose of funding the cost of sewer system pump station improvement, upgrade, or replacement, including the payment of all costs incidental and related thereto; and that the Treasurer, with approval of the Select Board, is authorized to borrow such sum pursuant to Massachusetts General Law Chapter 44, section 8, or any other enabling authority, and to issue bonds or notes of the Town therefore.

Petitioned by: Board of Public Works

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 10 OTHER BUDGET ITEMS - APPROPRIATIONS

10A FUNDING OF RESERVE ARTICLES

To see if the Town will vote to raise and appropriate from Free Cash, and/or transfer from available funds, a sum of monies for the following purposes or take any action relative thereto.

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| <u>Line</u> | <u>Fund</u> | <u>Amount</u> | <u>Source</u> |
|-------------|--|--------------------|----------------|
| 1 | Transfer to Capital Stabilization Fund | 800,000 | 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 | \$1,760,312 | |

Article Summary and Description

This article provides for other financial transactions required of the Town's overall budget that are not included in, or supplement, the Town's operating or capital budgets. The vast majority of these requests are funded from "Free Cash" which is certified by the Department of Revenue and is available for appropriation. Free Cash is generated from revenues collected in excess of amounts budgeted and from savings realized from unspent departmental appropriations. Generating Free Cash is very important for the Town as these one-time funds are the main source of funding non-recurring costs - such as the Capital Budget; funding reserves; or other projects important to the Town's operations or to the community. A brief description of each line item listed is provided below:

Item 1. Fund Capital Stabilization Fund – Free Cash in excess of a required reserved amount, and not needed for other budgetary purposes has been identified and is transferred into our Capital Stabilization Fund in order to defray the costs of future capital budget needs, and to minimize the need for and costs associated with borrowing for our capital plan.

Item 2. Fund Other Post-Employment Benefit Trust Fund – The Town has a long-term obligation to provide for retired employee health insurance as required under Massachusetts General Law. Similar to most communities, the Town pays for these costs on a pay-as-you-go basis. However, prudent financial planning indicates that we should be accumulating resources to pay for these long-term costs as they are incurred. The Town has an established OPEB Trust Fund to accumulate these assets and has a practice of funding the Trust Fund when resources are available. The amount requested represents an

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acknowledgement of the need to provide ongoing funding for this liability, with the long-term goal of providing annual funding equal to the actuarial cost of the benefits.

Item 3. *Transfer to Ambulance Stabilization Fund – This amount is funded from our Ambulance Receipts Reserved Fund and transferred to an Ambulance Stabilization Fund to ensure there are sufficient resources available when needed to fund the replacement of ambulances without the need for borrowing or impacting our tax rate.*

Item 4. *Personal Property Audits – This amount is requested to fund the Assessing Departments personal property audit program from an outside firm specializing in such work. Prior audits identified previously uncaptured personal property which, when identified, is added to our personal property tax values and provides “new growth” to our property tax base.*

Item 5. *IT Application Development – This amount is requested for the one-time costs associated with upgraded and improving the Town’s website.*

Item 6. *Shellfish Propagation Program – The Town’s General Fund collects Shellfish Mitigation Fees from Conservation Commission approved projects that are impactful to shellfish habitats for the purpose of funding shellfish propagation. This appropriation funds the work necessary to mitigate project impacts and results in expanded propagation.*

Item 7. *Animal Shelter Repair – The Town’s animal shelter sustained significant water damage from frozen/burst pipes due to the extreme cold temperatures experienced on February 3, 2023. Insurance does cover the cost of most repairs; however, the unfunded deductible cost is \$10,000.*

Item 8. *Fire Department Ambulance Repair – Ambulance Medic 2 has been placed out of service and is in need of a complete engine re-build. This amount represents the cost to complete this work and will extend the useful life of this otherwise very expensive vehicle to replace.*

Item 9. *Finance Department transition support – This article covers the cost of an interim finance professional to assist us with our FY 2024 budgetary process and to assist us with onboarding of a new Finance Director. We have an agreement with another community where they have allowed us to utilize their experienced Finance Director as needed, on a reimbursement basis. In addition, we have recently had turn-over in our Assessing Department and additional funding is needed to secure professional support and/or training to ensure a smooth succession/transition for that operation.*

Items 10 through 13. *Grant Matching Funds – These appropriations cover the Town’s share of matching funds in order to receive significant grant funding. \$350,000 is the required match of a \$1 million Seaport Economic Council grant to complete Phase 5B of the Union Wharf Restoration project re-sheathing part of the north wall. \$40,000 is our match (and \$40,000 from New Bedford) as part of a \$320,000 Seaport Economic Council grant award to complete an update to the joint Municipal Harbor Plan. \$10,812 is our match to receive a \$227,042 grant from FEMA for firefighter personal protective equipment. And, \$7,000 of additional funds is requested in anticipation of needing matching funds for additional grant opportunities.*

Item 14. *Town Hall Roof Repair – Funds requested to repair slate roof tiles and clear debris/gutters due to a decorative ornament that fell during a December, 2022 storm causing damage.*

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Item 15. Town Hall Accessibility Upgrades – This article is for the ADA updated report requirements for Town Hall.

Petitioned by: Town Administrator

Select Board Recommendation: X
Finance Committee Recommendation: X

10B: ESTABLISH AND FUND A COMPENSATED ABSENCE RESERVE FUND

To see if the Town will vote to adopt the provisions of MGL Chapter 40, Section 13D to establish a Compensated Absence Reserve Fund, so-called, and, to raise and appropriate from Free Cash the amount of \$75,000 to transfer into said fund or take any action relative thereto.

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.

Petitioned by: Town Administrator

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

10C: INCREASE AND FUND COLA BASE FOR RETIREES

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds 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.

Petitioned by: Town Administrator

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Select Board Recommendation: Adoption
 Finance Committee Recommendation: X

ARTICLE 11: FY24 COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS

To see if the Town will vote 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 APPROPRIATIONS</u> | | |
|--|---|----------------------------|
| | | Recommended Amounts |
| 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 |

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.

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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 Mattapoissett 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)

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.

Petitioned by: Planning Director

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Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 12: REVOLVING FUNDS

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

| Revolving Fund | Authorized to Spend | Revenue Source | 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 |
| (NEW) Tourism Events | Tourism Director | Fees for participation in Tourism Office events | \$6,000 |
| (NEW) Recreation Center | Recreation Director | Fees and charges for use of recreation center | \$10,000 |
| (NEW) 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:

Petitioned by: Town Administrator

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 13: CIVIL SERVICE – FIRE DEPARTMENT

To see if the Town will vote to revoke the acceptance of Civil Service Laws for uniformed members of the Fire Department in the Town of Fairhaven, effective July 1, 2023, thereby removing the fire 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; or take any other action relative thereto.

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Petitioned by: Select Board

Select Board Recommendation: Approve
Approval Recommended by: Fairhaven Fire Union, Local 1555, IAFF

Funding Source: N/A

ARTICLE 14: CIVIL SERVICE – POLICE DEPARTMENT

To see if the Town will vote to revoke the acceptance of Civil Service Laws for uniformed members of the Police Department in the Town of Rockland, 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; or take any other action relative thereto.

Petitioned by: Human Resource Director

Select Board Recommendation: Approve
Approval Recommended by: Fairhaven Police Patrol Union, NEBPA Local 65, and the Rockland Police Superiors Union, NEBPA Local 64.

Funding Source: N/A

ARTICLE 15: 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 position will be appointed by the Town Administrator

Petitioned by: Town Administrator

Select Board Recommendation: X
Finance Committee Recommendation: X

ARTICLE 16: APPOINTMENT OF TOWN CLERK

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

Petitioned by: Town Administrator

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

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ARTICLE 17: 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.

Petitioned by: Town Administrator

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 18: AMEND BYLAWS, CHAPTER 192 WETLANDS § 10.A

To see if the Town will vote to amend Bylaws, Chapter 192 § 10.A by adding the following sentence in bold, underlined to the current language:

- A. The Conservation Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and make or cause to be made such examinations, surveys or samplings as the Commission deems necessary. **Except in an emergency, such entry shall not be made without permission of the property owner or an administrative warrant.**

Or take any other action relative thereto.

Petitioned by: Select Board

Select Board Recommendation: X
Finance Committee Recommendation: X

ARTICLE 19: AMEND BYLAWS, CHAPTER 1 GENERAL PROVISIONS § 1-6.D (10) (a) AND CHAPTER 192 WETLANDS § 10.B AND CHAPTER 192 WETLANDS § 10.C

To see if the Town will vote 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 the approval of the Town Administrator.

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

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thereunder by violation notices, 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.

Petitioned by: Select Board

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 20: AMEND BYLAWS, CHAPTER §A502-2 LIMITED TOWN MEETINGS, SECTION 3

To see if the Town will vote to amend Bylaws, Chapter A502 of Special Acts, § A502-2 Limited Town Meetings, Section 3 by adding the following in bold and underlined to the existing language, or take any other action relative thereto.

Section 3. Any representative Town meeting held under the provision of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated Town meeting members at large; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the Town clerk and treasurer, the members of the board of selectmen, the tax collector, the members of the board of health, the members of the school committee, the members of the board of assessors, the members of the sewer commission, the members of the park commission, the chairman of the finance committee, the members of the planning board, and the tree warden. All the foregoing shall be included within the general designation of Town meeting members. The Town clerk shall notify the Town meeting members of the time and place at which representative Town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. **Notices shall include the reference to the digital posting of the Town Meeting Warrant or Special Town Meeting Warrant. Town meeting members may request a print copy of the Warrant by notifying the Town Clerk.**

Petitioned by: Town Administrator

Select Board Recommendation: Adoption
Finance Committee Recommendation: X

ARTICLE 21: AMEND BYLAWS, CHAPTER 164 SOLID WASTE

To see if the Town will vote 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

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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.

Petitioned by: Sustainability Committee and Board of Health

| | |
|-----------------------------------|---------------------|
| Select Board Recommendation: | Yield to Petitioner |
| Finance Committee Recommendation: | X |

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

To see if the town will vote to adopt the following ban on the sale of miniature single use plastic 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 Plastic Alcohol “Nip” Bottles**. The sale of alcoholic

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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.

Petitioned by: Sustainability Committee

Select Board Recommendation: Yield to Petitioner

Finance Committee Recommendation: X

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

Petitioned by: Richard Spoor

Select Board Recommendation: Indefinite postponement

Finance Committee Recommendation: X

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.

Petitioned by: Rouba Sarkis, Sarkis Enterprises, Inc.

Select Board Recommendation: X

Finance Committee Recommendation: X

ARTICLE 25: CITIZENS PETITION – STREET LIGHT

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 action relative thereto:

Install an additional street light on Pilgrim Avenue.

Petitioned by: Cathleen Travassos

Select Board Recommendation: X

Finance Committee Recommendation: X

ARTICLE 26: FUND LABOR CONTRACTS

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

Petitioned by: Human Resource Director

Select Board Recommendation: X

Finance Committee Recommendation: X

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ARTICLE 27: 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.

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 __ day of __ in the year two thousand twenty-three.

Select Board of Fairhaven,

Stasia Powers

Leon E. Corey III

Robert J. Espindola

Keith Silvia

Charles K. Murphy, Sr.

A true copy, ATTEST:

Constable of Fairhaven