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The Elizabeth I. Hastings Middle School building is accessible and designated parking is available. Requests for ADA accommodations can be reviewed by calling the Town Clerk's office at least one week before the Town Meeting.

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Town of Fairhaven

DRAFT 3

WARRANT

3/19/2025

The inhabitants qualified as Town Meeting Members shall meet on
Saturday, May 3, 2025 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:

Majority Vote needed unless stated otherwise

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: Recommend

ARTICLE 2: TOWN REPORT

To receive the Annual Report of Town Officers.

Petitioned by: Select Board

Select Board: Recommend

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: Recommend

ARTICLE 4: FY25 FUND ADJUSTMENTS

ARTICLE 4A: BILLS OF PRIOR YEAR

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

<u>Vendor</u>	<u>Amount</u>	<u>Department</u>
Unum (Blue Cross Blue Shield)	\$636.34	Human Resources

Select Board: Recommend

Finance Committee: Recommend

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

ARTICLE 4B: FY25 GENERAL FUND ADJUSTMENTS

To see if the Town will vote to amend Article 5 of the May 4, 2024 Town Meeting "General Fund Operating Budget-FY25" as follows, or take any other action relative thereto.

1. Transfer from Surplus Revenue (Free Cash) as follows:
 - A. \$150,000 be transferred from Surplus Revenue (Free Cash) for the Town Administrator separation agreement with Angie Lopes Ellison (Select Board)

- B. \$55,000 be transferred from Surplus Revenue (Free Cash) for the Interim Town Administrator salary (Select Board)
- C. \$70,000 be transferred from Surplus Revenue (Free Cash) for Legal Cost (Select Board)
- D. \$32,000 be transferred from Surplus Revenue (Free Cash) to fund retroactive payment under an arbitration settlement with the Police Department (Police Department)

Petitioned by: Town Administrator

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 5: AMEND ARTICLE 9, A-19 FROM THE ANNUAL TOWN MEETING, MAY 4, 2024

To see if the town will reallocate the \$25,000 in funds for the zoning bylaw consultant to include funds for additional legal consulting and 3rd party environmental consultant services.

Petitioned by: Land Use Director

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 6 TOWN OPERATING BUDGETS -FY26

6A: GENERAL FUND OPERATING BUDGET-FY26

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 2026 General Fund Operating Budget or take any other action relative thereto:

Petitioned by: Town Administrator

See Appendix A, page ##### for full budget description

<u>Dept. Name/Function Totals</u>	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
GENERAL GOVERNMENT		
General Government Salaries & Wages	\$2,133,179	\$2,041,130.24
General Government Operating Expenses	\$1,027,339	\$1,008,100.50
Subtotal General Government	\$3,160,518	\$3,049,230.74

Select Board: Recommend
Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
PUBLIC SAFETY		
Public Safety Salaries & Wages	\$9,049,221	\$9,082,702.83
Public Safety Operating Expenses	\$880,772	\$774,937.78
Subtotal Public Safety	\$9,929,993	\$9,857,640.61

Select Board: Recommend
Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
EDUCATION		
Subtotal Fairhaven Public Schools	\$24,702,183	\$25,256,166
Subtotal New Bedford Regional Technical HS	\$2,626,000	\$2,631,268
Subtotal Bristol County Agricultural HS	\$310,100	\$332,694

\$28,220,128.00

Select Board: Recommend

Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
PUBLIC WORKS		
Public Works Salaries & Wages	\$1,612,579	\$1,616,296.95
Public Works Operating Expenses	\$2,766,432	\$2,753,404.00
Subtotal Public Works	\$4,379,011	\$4,369,700.95

Select Board: Recommend

Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
HEALTH AND ENVIRONMENT		
Board of Health Salaries & Wages	\$172,797	\$172,559
Board of Health Operating Expenses	\$22,710	\$17,500
Subtotal Board of Health	\$195,507	\$190,059

Select Board: Recommend

Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
COMMUNITY SERVICES		
Community Services Salaries & Wages	\$542,295	\$609,716.49
Community Services Operating Expenses	\$1,586,994	\$1,465,605.53
Subtotal Community Services	\$2,129,289	\$2,075,322.02

Select Board: Recommend

Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
NON-DEPARTMENTAL		
Non-Departmental Salaries & Wages	\$0	\$500,000
Non-Departmental Operating Expenses	\$11,669,792	\$12,360,672
Subtotal Non-Departmental	\$11,669,792	\$12,860,672

Select Board: Recommend

Finance Committee: Recommend

	<u>FY2025 Budgeted</u>	<u>FY2026 Budget</u>
DEBT SERVICE		
General Fund	\$1,094,605	\$1,046,170

Select Board: Recommend

Finance Committee: Recommend

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 2026 or take any other action relative thereto:

	<u>FY 2025 Budgeted</u>	<u>FY2026 Budget</u>
Amounts Appropriated:		
Salaries and Wages	807,523	806,042
Operating Expenses	2,145,338	2,210,904
Debt Service	295,725	364,251
Subtotal Water Enterprise Appropriations	3,248,586	3,381,197

Transfer for Amounts Appropriated in the General Fund	<u>516,795</u>	
TOTAL WATER ENTERPRISE FUND OPERATING BUDGET	3,765,381	
Funding Sources:		
Water Revenue	3,550,000	
Water Retained Earnings	<u>215,381</u>	
TOTAL FUNDING SOURCES	3,765,381	

Petitioned by: Town Administrator and Board of Public Works

Select Board: Recommend
Finance Committee: Recommend

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 2026 or take any other action relative thereto:

	<u>FY 2025 Budgeted</u>	<u>FY2026 Budget</u>
Amounts Appropriated:		
Salaries and Wages	1,397,067	
Operating Expenses	1,591,826	
Debt Service	956,904	
Subtotal Sewer Enterprise Appropriations	3,945,797	
Transfer for Amounts Appropriated in the General Fund	<u>838,700</u>	
TOTAL SEWER ENTERPRISE FUND OPERATING BUDGET	4,784,497	
Funding Sources:		
Sewer Revenue	4,704,497	
Sewer Retained Earnings	<u>80,000</u>	
TOTAL FUNDING SOURCES	4,784,497	

Petitioned by: Town Administrator and Board of Public Works

Select Board: Recommend
Finance Committee: Recommend

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 2026 or take any other action relative thereto:

	<u>FY 2025 Budgeted</u>	<u>FY2026 Budget</u>
Amounts Appropriated:		
Salaries and Wages	184,773	
Operating Expenses	30,700	
Debt Service	<u>0</u>	
Subtotal Town Cable Enterprise Appropriations	215,473	
Transfer for Amounts Appropriated in the General Fund	<u>24,671</u>	
TOTAL TOWN CABLE ENTERPRISE FUND OPERATING BUDGET	240,144	
Funding Sources:		
Town Cable Revenue	202,665	
Town Cable Retained Earnings	<u>37,479</u>	
TOTAL FUNDING SOURCES	240,144	

Petitioned by: Town Administrator

Select Board: Recommend
Finance Committee: Recommend

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 FY26 or take any other action relative thereto:

	<u>FY 2025 Budgeted</u>	<u>FY2026 Budget</u>
Amounts Appropriated:		
Salaries and Wages	115,214	
Operating Expenses	28,840	
Debt Service	<u>0</u>	
Subtotal School Cable Enterprise Appropriations	144,054	
Transfer for Amounts Appropriated in the General Fund	<u>12,849</u>	
TOTAL SCHOOL CABLE ENTERPRISE FUND OPERATING BUDGET	156,903	
Funding Sources:		
School Cable Revenue	156,903	
School Cable Retained Earnings	<u>0</u>	
TOTAL FUNDING SOURCES	156,903	

Petitioned by: Town Administrator and School Committee

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 7: GENERAL FUND CAPITAL PLAN

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	Road Work	\$160,000	Free Cash
2	Vehicle Replacement (6 Wheel Dump)	\$250,000	Free Cash
3	Vehicle Replacement (Replace 2007 Utility Truck)	\$62,000	Free Cash
4	Vehicle Replacement (Replace #8 and #39)	\$28,000	Free Cash
5	Vehicle Replacement (Tractor Mower Deck Mower)	\$60,000	Free Cash
6	Cold Storage Rehab (Building)	\$30,000	Free Cash
7	Tree Maintenance	\$30,000	Free Cash
	Fire		
8	Transfer to Ambulance Stabilization Fund	\$70,000	Ambulance Fund
9	Ambulance	\$465,000	FEMA Grant, Amb. Stabilization Fund
10	Lucas Replacement (Chest Compression Device)	\$32,000	Free Cash
11	Free Fire Fighting Gear	\$165,500	Free Cash
	School		
12	FHS Elevator Replacement	\$175,000	Free Cash
	Police		

13	Cruiser Replacement	\$150,473	Free Cash
14	Body Worn Cameras	\$10,742	Free Cash
15	Firearm Upgrade	\$33,369	Free Cash
	Information Technology (IT)		
16	Replacement of Equipment	\$30,000	Free Cash
17	BPW Camera System	\$50,000	Free Cash
	Total recommended General Fund Capital Budget	\$1,753,084	
<i>\$1,218,084 Capital, \$265,000 FEMA Grant, \$270,000 Ambulance Receipts Reserved for Appropriation</i>			

Petitioned by: Town Administrator

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 8: 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	Glenhaven Avenue Water Main	\$800,000	Borrowing Authorization
2	Wolf Island Road Pump Station Generator	\$200,000	Water Retained Earnings
3	Cold Storage Building	\$30,000	Water Retained Earnings
4	Vehicle Replacement #33	\$60,000	Water Retained Earnings

Petitioned by: Board of Public Works

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 9 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 and Infiltration Study	\$250,000	Sewer Retained Earnings
2	Vehicle Replacement #49	\$130,000	Sewer Retained Earnings

Petitioned by: Board of Public Works

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 10 OTHER BUDGET ITEMS – APPROPRIATIONS – FUNDING OF ARTICLES

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

<u>Line</u>	<u>Fund</u>	<u>Amount</u>	<u>Source</u>
1	Vessel Repair	\$4,200	Waterway Fund
2	Transfer to Other Post-Employment Benefit (OPEB) Trust Fund	\$250,000	Free Cash

3	Capital Stabilization	\$150,000	Free Cash
4	Compensated Absences (retirement payouts)	\$130,000	Free Cash
5	Clerical Tuition (per Collective Bargaining Agreement)	\$10,000	Free Cash
6	Shellfish Propagation	\$23,000	Free Cash
7	Procurement Consultant	\$9,500	Free Cash
8	Replacement of Equipment (Recreation Center)	\$10,000	Free Cash
9	Debt Payment	\$617,700	Free Cash
10	Public Works Electrical Breaker Replacement	\$10,300	Free Cash
11	Increase Retiree COLA from \$17k to \$18k	\$85,000	Free Cash
12	Increase Retiree Life Insurance from \$5k to \$10k	\$24,000	Free Cash
13	FEMA Grant-PPE 5% Match	\$8,022	Free Cash
	Total	\$1,331,722	
\$1,327,522 from Free Cash, \$4,200 Waterway Fund			

Petitioned by: Town Administrator

Article Description Line 11:

To increase the COLA base for retirees, beneficiaries and survivors beginning 7/1/25 from \$17,000 to \$18,000 consistent with Chapter 188, Section 19 of the Acts of 2010. This would result in an annual increase in pension benefits of \$30 per retiree.

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 11 STATE AID TO HIGHWAYS, CHAPTER 90

To see if the Town will vote to authorize the Board of Public Works to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts for the construction, reconstruction and improvement of Town roads, or to take any other action relative thereto.

Petitioned by: Board of Public Works

Motion: To adopt as written in the warrant.

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 12 FY26 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 to expend or reserve, from the Community Preservation Fund available funds and FY26 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:

See Appendix B, page ##### for Article Summary and Descriptions

<u>PROPOSED FISCAL YEAR 2026 COMMUNITY PRESERVATION BUDGET</u>		
	<u>APPROPRIATIONS</u>	
		<u>Recommended Amounts</u>
	Reserve for Appropriation	
A.	Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration. (OS/R or OS or R) Estimated Receipts	\$70,000
B.	Acquisition, creation, and preservation of Historic Resources (H) Estimated	\$70,000

	Receipts	
C.	Acquisition, creation, and preservation of Community Housing (CH) Estimated Receipts	\$70,000
D	Emergency Reserve Account Estimated Receipts	\$100,000
	Total Reserves for Appropriation	\$310,000
	Spending Appropriations	
E.	FHA – Academy Building Repairs (H) (\$103,137 from existing Hist. Bal. Reserve and \$2,563 from the existing Unreserved Undesignated Bal. for Academy Bldg. Repairs)	\$105,700
F.	Millicent Library - HVAC Engineering and Design Project (H) Unreserved Undesignated Bal.	\$115,000
G.	FHS - Window Preservation, Phase 7 (H) Unreserved Undesignated Bal.	\$90,360
H.	WMFS - Cultural Center Phase 4 (H) Unreserved Undesignated Bal.	\$25,660
I.	Tennis/Pickleball - Cushman Park Court Repair (R) (\$70,594 from the existing Open Sp. Bal. Reserve and \$29,406 from the existing Unreserved Undesignated Bal. for Tennis/Pickleball-Cushman Park Courts Repair)	\$100,000
J.	BPW – Park Equipment (OS/R) Unreserved Undesignated Bal.	\$30,000
K.	BPW – Park Assessment (OS/R) Unreserved Undesignated Bal.	\$50,000
L.	FHA – Ash Street Windows (CH) Existing Community Housing Reserve Bal.	\$100,000
	Administrative Spending Appropriation	
M.	To fund the Community Preservation Committee’s annual expenses for: Personal Service; Purchase of Services; Supplies; Other charges/expenditures (Estimated Receipts)	\$10,000
	Total Recommended Spending Appropriations	\$936,720

Petitioned by: Community Preservation Committee

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 13: REVOLVING FUNDS

ARTICLE 13A: NEW REVOLVING FUND – ROGER A. GRIMSHAW PARK

To see if the Town will authorize a “Roger A. Grimshaw Park Revolving Account” under the provisions of Massachusetts General Law Chapter 44, Section 53 E ½ by adding the following paragraphs to §2-6 of the Town Bylaws:

Roger A. Grimshaw Park Revolving Fund

- (1) Roger A. Grimshaw Park Revolving Fund. There shall be a separate fund called the "Roger A. Grimshaw Park Revolving Fund" authorized for use by the Council on Aging Director.
- (2) Revenues. The Town Accountant shall establish the Roger A. Grimshaw Park Revolving Fund as a separate account and credit to the fund 15% of all fees received from events located at Roger A. Grimshaw Park received by the Council on Aging in connection with the use of and events held at Roger A. Grimshaw Park.
- (3) Purposes and expenditures. During each fiscal year, the Council on Aging Director may incur liabilities against and spend monies from the Roger A. Grimshaw Park Revolving Fund for the purpose of funding the upkeep, maintenance, and improvement of Roger A. Grimshaw Park, or act in any other manner related thereto.
- (4) Fiscal years. The Roger A. Grimshaw Park Revolving Fund shall operation for fiscal years that begin on or after July 1, 2025.

and to see if the Town will vote to authorize a total amount that may be expended from the Roger A. Grimshaw Park Revolving Fund for Fiscal Year 2026.

Petitioned by: Council on Aging Director

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 13B: REVOLVING FUNDS

To see if the Town will authorize or re-authorize the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44, Section 53 E ½ by adding the following and to amend General Bylaws Section 2-6 terms or take any other action relative thereto:

Revolving Fund	Authorized to Spend	Revenue Source	FY26 Limit
Hazardous Materials	Fire Chief	Disposal fees/charges	\$100,000
Sustainability	Sustainability Committee	Fees/charges	\$10,000
Hoppy's Landing	Marine Resources	Fees/charges from users of Hoppy's Landing	\$25,000
Town Hall Auditorium	Town Administrator	Town Hall Auditorium rental fees	\$3,000
Park Utilities	Board of Public Works	User fees	\$2,000
Shellfish Mitigation	Marine Resources	Mitigation fees	\$25,000
Mooring Fees	Marine Resources	Mooring fees	\$4,000
Mattress Recycling	Board of Health/Sanitation	Fees from mattress disposal	\$3,000
Hoarding Remediation	Board of Health	Revenue from textile recovery boxes	\$2,000
Supportive Social Day Program	Council on Aging Director	Receipts from supportive social day program	\$250,000
Roger A. Grimshaw Park (NEW)	Council on Aging Director	Receipts from events at Grimshaw Park	\$5,000

Petitioned by: Town Administrator

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 14: RESCIND AUTHORIZED BUT UNISSUED BALANCE OF BORROWING

To see if the Town will vote to rescind the authorized, but unissued, balance of the borrowing authorized to pay cost of constructing, equipping and furnishing the Leroy L. Wood Elementary School, approved by vote of the Town under Article 3 of the Warrant at the Special Town Meeting held on October 25, 2011, which authorized and unissued balance is no longer needed in order to complete the project; or to take any other action relative thereto.

Petitioned by: Treasurer

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 15: HOME RULE PETITION: AMEND BYLAW CHAPTER 160 OF THE ACTS OF 2003

To see if the town will vote to authorize the Select Board to file a Home Rule petition to amend Chapter 160 of

the Acts of 2003 for the appointment of retired police officers as special police officers, to allow retired police officers to work until the age of 70 instead of 65 as is currently allowed and to clarify the appointing authority by striking some of the existing language as indicated in strikethrough, or adding language as indicated in bold/underlined below; or take any other action relative thereto.

Request to amend as follows:

SECTION 1. ~~The Board of Selectmen~~ **The Chief of Police** of the Town of Fairhaven, **with Town Administrator approval**, may appoint, as they deem necessary, retired Fairhaven police officers as special police officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The retired police officers must have been regular Fairhaven police officers and retired based on superannuation. **No retired police officer shall be appointed as a special police officer pursuant to this act if that officer has been retired for more than five (5) years.** The special police officers shall **NOT** be subject to the same maximum age restrictions as applied to regular Fairhaven police officers under chapter 32 of the General Laws, **but shall not be eligible, to serve as special police officers if they have reached the age of 70.** A special police officer must pass a medical examination, by a physician or other certified professional chosen by the town, to determine that he is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer, prior to performing police details.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, ~~or to~~ section 99A of chapter 41 of the General Laws **or chapter 150E of the General laws.**

SECTION 3. Special police officers shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the Town of Fairhaven.

SECTION 4. Special police officers shall be appointed for an indefinite term, subject to removal by the ~~Board of Selectmen~~ **Chief of Police, with Town Administrator approval**, at any time with 14 days written notice. Upon request, the ~~Board of Selectmen~~ **Chief of Police** shall provide reasons for removal in writing. **A special police officer's appointment shall automatically terminate upon the officer reaching the age of 70.**

SECTION 5. Special police officers shall also be subject to the rules and regulations, policies and procedures and requirements of the Fairhaven police department and Chief of Police of the Town of Fairhaven including restrictions on the type of detail assignment, requirements regarding medical examinations to determine continued capability to perform the duties of a special police officer, requirements for training, requirements for firearm licensing and qualification and requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General laws.

SECTION 6. Special police officers shall be sworn before the town clerk of the Town of Fairhaven who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to section 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as special police officer less than 52 weeks prior to the incapacity. In no event shall

payment under said section 111F of chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of chapter 41 shall terminate ~~when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving the town is increased from the current 65 years of age, the termination of benefits under said section 111F of said chapter 41, as the benefits extend beyond the age of 70 for any special police officer.~~ **in accordance with said section 111F of said chapter 41 or at the conclusion of the employment term, whichever occurs sooner.** Special police officers appointed under this act shall not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer shall **NOT** entitle any individual appointed as such to assignment to any detail.

SECTION 9. Retired Fairhaven police officers serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.

Petitioned by: Police Department

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 16: HOME RULE PETITION: TOWN OF FAIRHAVEN CHARTER

To see if the Town will vote to authorize the Select Board to file a Home Rule Petition with the Massachusetts General Court to adopt the Town of Fairhaven Charter submitted by the Charter Committee in accordance with Article 48 of the June 12, 2021 Annual Town Meeting; or to take any other action relative thereto.

Petitioned by: Charter Committee

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 17: AMEND BYLAW, CHAPTER 164, SOLID WASTE

To see if the Town will vote to amend Bylaws, Chapter 164 Solid Waste by adding to the existing language indicated below in bold/underlined; or to take any other action relative thereto.

Request to amend as follows:

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

i. Reusable checkout bag shall be defined as the following:

"A bag that is not made of plastic film and that is made from any other natural or synthetic fabric, including, but not limited to, woven or nonwoven nylon, polypropylene, polyethylene-terephthalate, or Tyvek, shall satisfy all of the following:

(1) It shall be sewn.

(2) It shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses.

(3) It shall have a minimum fabric weight of at least 80 grams per square meter.

Petitioned by: Board of Health

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 18: AMEND BYLAW, CHAPTER 50, § 3, MEETING TO ELECT TOWN OFFICIALS

To see if the Town will vote to amend Bylaws, Chapter 50 § 3, Meeting to elect Town officials by striking some of the existing language as indicated in strikethrough, or adding language as indicated in bold/underlined below; or to take any other action relative thereto.

Request to amend as follows:

The Annual Town Meeting shall be held on the first ~~Monday in April~~ **Saturday in May, unless otherwise specified by the Select Board, at which time all articles in the warrant will be considered.** ~~at which time the election of all Town officials and Town Meeting members shall take place, and thereafter said meeting will be adjourned to another day for the consideration of all other articles in the warrant.~~ **The Annual town election of officers and town meeting members will be adjourned until the 1st Tuesday in June.**

Petitioned by: Select Board

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 19: AMEND BYLAWS CHAPTER 198 ZONING

To see if the Town will vote to amend Chapter 198 Zoning of the Fairhaven Town Code, as follows:

- (i) by amending Section 198-14, entitled “Establishment of districts,” at the end of Subsection A, to amend the following new overlay district:

Fairhaven Smart Growth Overlay District (FSGOD)

and

- (ii) by amending Appendix A, Section 3.1 to read “The Fairhaven Smart Growth Overlay District, herein after referred to as the “FSGOD,” is an overlay district having a land area of approximately 89.32 acres in size that is superimposed over the underlying zoning districts and on the Zoning Map as set forth on maps entitled “2025 Update to the Fairhaven 40R Smart Growth Overlay Smart Growth Zoning Map””, amending the existing map entitled “Fairhaven 40R Smart Growth Overlay 4-2 Smart Growth Zoning Map (Plaza Area SGOD), dated 6/19/2024.

and

- (iii) and, further, to amend the “Town of Fairhaven Zoning Map,” as referenced in Section 198-14(B) of the aforementioned Code, by adding the map entitled “2025 Update to the Fairhaven 40R Smart Growth Overlay Smart Growth Zoning Map,” and prepared by Dodson & Flinker.

Petitioned by: Director of Land Use

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 20: PUBLIC SAFETY COMPLEX LAND ACQUISITION AND BUILDING DESIGN

To see if the Town will vote to allocate four million dollars from the Capital Stabilization fund. The allocated funds will be placed in a new public safety complex building account to be utilized for the acquisition of land and for the preliminary design of the new public safety complex and possible school administration building.; or to take any other action relative thereto.

Petitioned by: Fire Chief and Police Chief

Select Board: Recommend
Finance Committee: Recommend

Vote Required: Two-thirds (2/3) Vote

ARTICLE 21: DONATION OF PARCEL ID 27-334, 0 WASHBURN AVE., FAIRHAVEN, MA

To see if the Town will vote to authorize the Select Board to accept a deed to acquire by gift the real property located at 0 Washburn Avenue, Map 27, Lot 334, from the current private owner, the estate of Sidney Feldman ("The Estate"), or take any other action relative thereto.

Petitioned by: Select Board / Conservation Commission

Select Board: Recommend
Finance Committee: Recommend

ARTICLE 22: CITIZENS PETITION – AMEND BYLAWS, CHAPTER 88, FAIRHAVEN PUBLIC SHADE TREE BYLAW

To have the following language added to Chapter 88, Fairhaven Public Shade Tree Bylaw:

Addition to Chapter 88 Public Shade Tree Bylaw

6) Shade Tree Planting Board

A Shade Tree Planting Board will be created by the town. It shall consist of three members. Members shall be town residents with demonstrable qualifications in the area of urban forestry management. The board shall be appointed by the select board and the term of a Shade Tree Board Member will be 2 years. At least one member of the board will be a current Massachusetts Qualified Tree Warden. The boards responsibilities shall be thus

- a. In conjunction with the Tree Warden identify planting sites and species for new shade trees.
- b. Purchase public shade trees with monies designated by the town for such purposes.
- c. Raise funds for the purchase of new public shade trees
- d. Facilitate planting and care for the new public shade trees until reaching a diameter of 6 caliper inches at breast height.
- e. Approve the removal of public shade trees that are viable and not evaluated to be imminent risk.

7) Damage reporting

Any damage to public shade trees by vehicles, vandals, town departments or any other entity shall be reported to the police department, whom shall provide a police report to the Tree Warden who in turn shall provide it to the Shade Tree Planting Board. The Tree warden shall be responsible for pursuing compensation for any damage to public shade trees deemed appropriate by the Shade Tree Planting Board.

8) Damages Usage

Any monies recovered for damage to town infrastructure in the form of public shade trees shall be

placed into the shade tree planting fund.

9) Shade Tree Value

A value of \$500 per caliper inch at breast height will be used as a value for public shade trees.

10) Fines and Fees

Any fines or fee payments issued by the Tree Warden shall first be reviewed and approved by the Shade Tree Planting Board.

Petitioned by: Don Carlos Collasius

Select Board:

Finance Committee:

ARTICLE: 23 CITIZENS PETITION – AMEND BYLAW, CHAPTER 83 ALCOHOL, BEVERAGES & DRUGS SECTION § 5

To amend the Fairhaven Town Bylaw Chapter 83, Alcohol, Beverages & Drugs Section § 5 to allow the sale of glass 100 milliliter single use containers effective May 12, 2025. All 100 milliliter single use containers made from glass will be permitted to sell.

Petitioned by: Kelly Smith

Select Board:

Finance Committee:

ARTICLE 24: STREET ACCEPTANCE: ALVES WAY

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

Petitioned by: Antonio Alves

Select Board:

Finance Committee:

ARTICLE 25: CITIZENS PETITION – HARD SURFACE-WITHDRAWN BY PETITIONER

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

Petitioned by: Richard Spoor

ARTICLE: 26 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.