



# Town of Fairhaven

Town Hall - 40 Centre Street - Fairhaven, MA 02719

## MEETING NOTES

2020 SEP 23 P 2 39

FAIRHAVEN,  
MASS.

### Date, Time, Location:

June 18th, 2020 @ 7:00 P.M., Banquet Room at the Town Hall, 40 Center Street & remotely through ZOOM

### Meeting Overview:

1. Meeting Called to Order
2. Transfer for Town Cable Enterprise
3. Review of Articles of the Warrant
4. Closing Remarks
5. Meeting Close

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### -Key-

- #) = Issue being discussed
  - = Notes, indentation for more notes
  - = Decrease in detail budget item
  - + = Increase in detail budget item
  - = Questions and discussions below
  - ◆ = Votes (Nom/Second)
  - ! = Change in attendance
- 

### Member Attendance (8):

- Padraic Elliot, Lisa Plante, Chris Fidalgo, Bernard F. Roderick, Jennifer Dupras, Carolyn Roberts, Kevin Gallagher, Kathi Carter

### Town of Fairhaven (4):

- Mark Rees (Town Administrator, Wendy Graves (Collector/Treasurer/Finance Director), Vinnie Furtado (BPW), Derek Frates (Public Access Director)

Meeting called, 7:02PM

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### 1) Meeting 6/4/2020

- Clean up article listed

◆ Bernie, Carolyn, 8 - 0 (unanimous)

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### 2) Transfer request, Town Cable Enterprise

- Derek Frates: Salary line item went over due to bylaw for recording every meeting
- Extra videographers needed due to COVID as well

- Transfer is to cover increase in needed coverage
- Pad: One time action? Derek: Yes, specifically for current world situation

◆ Chris, Lisa, approval, 8 - 0 (unanimous)

3) Article 4: Amendment to Zoning Map

- Originally was the requirement for why Town Meeting needed to happen in June
- Town has received an extension
- Selectmen originally passed over, unclear whether the Selectmen will revote
- Would like to wait for Mark to be present

! Jennifer Dupras absent from meeting

4) Article 6: Bills of Prior Year

- Note “and others that will be brought forward”
- Could be additions in the future
- Would like to wait for Mark to be present

5) Setting Salaries of Town Officers

- Would like to wait for Mark to be present

6) Article 9: State Aid to Highways

- To take in money from the state for road work
- Amount is in the article elsewhere but not in the title
- Should be a settled number unless global circumstances impact it further

◆ Chris, Carolyn to vote for recommendation (vote not totaled)

- Due to further discussion, FinCom decided to vote to rescind, see notes above

◆ Chris, Lisa, vote to rescind the recommendation, 7 - 0 (unanimous)

! Jennifer Dupras joins the meeting

7) Article 11: Revolve Funds

- Typical funds that appear every year
- Explained under revenue source

◆ Chris, Lisa, recommending approval, 8 - 0 (unanimous)

8) Article 12: Social Day Care Center

- Social day program for seniors
- Comes from receipts reserved for appropriate
- Spending authorization

◆ Chris, Lisa, recommending approval, 8 - 0 (unanimous)

9) Article 13: Transfer from Surplus Revenue and/or Stabilization Fund

- Selectmen voted to make at town meeting
- Tabling until next meeting
- Currently nothing on transfer from surplus revenue

- Haven't been used for years but it's used just in case

◆ Chris, Lisa, to recommend at town meeting, 8 - 0 (unanimous)

10) Article 14: Memorandum of Understand Federal Title IV-E Reimbursement

- Foster care transportation done without appropriation
- Mandated to help students in need
- Federal money for reimbursement

◆ Chris, Lisa, recommending approval, 8 - 0 (unanimous)

11) Article 15: Amendment to Zoning Map Crows Island

- Bernie: Any cost to the town? Wendy: Not aware of any cost

◆ Chris, Lisa, yield to petitioner, 8 - 0 (unanimous)

12) Article 16: Hard Surfacing of Robert Street

- Costs the town money if we're going to hard surface, town general fund
- Usually we have a \$350k article for streets, which has been postponed until fall meeting
- Article does not name the funding source or an alternate road

◆ Lisa, Chris, indefinite postponement, 8 - 0 (unanimous)

13) Article 7: General Fund Operating Budget

- Because of the uncertainty of near future, both local receipts and state aid, it's unclear how much the town will have to spend for the general fund
- Discussion to have the budget based on the FY20 figures
- Selectmen are authorized to make 1/12 budget
- Town administrator has created a 1/3 budget, covering 4 months
- Selectmen cannot override the need to vote on the 1/3 budget once made
- FinCom has an obligation to make a recommendation, given that the article must be voted on
- Main adjustments are COLA adjustments due to contracts which require an increase for Cost of Living Adjustment (COLA)
  - COLA is for all employees in that department, union and non-union
- Unions were asked to consider not to take the step and COLA increases
  - Most unions have not opted to skip these increases, per contract
- VOKE assessment, based on students attending
- Carolyn: What happens if the students don't go back? Pad: Would need to look at that further if the situation changes
- Lisa: Proposed reclassification doesn't appear here? Wendy: No new positions, promotions, programs
- Kevin: When is this voted on? Wendy: July 25th
  - Pad: Selectmen voted 1/12th budget last month, money runs out at the end of October
  - Departments need a fall town meeting, likely September or October
- Pad: Contractually obligated with the unions, which if we don't provide the money, will breach the contract, which could cause other problems
- Bernie: Contracts have been re-negotiated in the past
- Chris: Do we vote the items as one article? Pad: Done similar to town meeting, go through, ask for holds, approval non held items, and then go through held items

! Vinnie Furtado joins (BPW)

14) Article 9: State Aid to Highways (revisited)

- Number is from the state, from page 1, \$516,473
- No expectation the number will be reduced, and the number is likely what we'll have for town meeting
- Number will be added to the motion

◆ Chris, Lisa, recommendation for approval, 8 - 0 (unanimous)

15) Article 10: Sewer Enterprise Capital Plan

- Follow-up from last meeting, could we appeal to the EPA, Kevin opted to pursue
- Kevin: Discussion on the nitrogen plant, Mr. Rees said to go to congressional delegation, but to hold in case of a negative response
- A lot of the original factors for calculation have changed due to COVID (see letter), namely unemployment has raised to 20%
- Vinnie mentioned to go back and talk further with the lawyer
- Vinnie: Reached out to Mr. Taylor (lawyer) and gave him Mr. Gallagher's letter
- Lawyer doesn't believe it's a wise idea
- All milestones have been "on paper", but this design is the first step
- It's bad faith to go back and ask for the a negotiation at this first step
  - Could make delays in construction harder to justify
- Best to ask for a negotiation at the very moment we need it, which could happen later during construction
- Bernie: Do we have any relationship with Mattapoisett? Vinnie: They'll pay 16% of the final cost, along with 16% of the capacity of the plant
- Carolyn: Do we need the full 2 million for the first year? Vinnie: Yes, based on the consent decree
- Kevin: What's the increase to the sewer y/y? Vinnie: 3-4% y/y likely
- Kevin: How long is the borrowing schedule? Vinnie: Hopefully as long as we can
- Wendy: At least 20 yr, possibly 30

◆ Chris, Kevin, Nitrogen plant, recommendation for approval, 8 - 0 (unanimous)

◆ Chris, Bernie, Ultraviolet lamp replacement, recommendation for approval, 8 - 0 (unanimous)

◆ Kevin, Chris, Pump station, recommendation for approval, 8 - 0 (unanimous)

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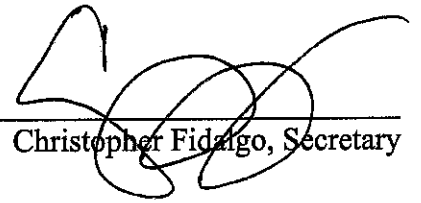
**Closing Remarks**

- July 1st, Articles 4-8
- July 15th is the last date for bills of the prior year
  - Would need to discuss those

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◆ Chris, Lisa, 8 - 0 (unanimous), 9:15PM, Meeting close



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Christopher Fidalgo, Secretary

# WARRANT

For Annual Town Election for Monday, June 8, 2020, and  
Annual Town Meeting for Saturday, June 27, 2020  
at 9:00 AM in the Walter Silveira Auditorium at the  
Elizabeth I. Hastings Middle School

*June 1st*

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL: SS

To the Constable of the Town of Fairhaven in said county

## GREETINGS:

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

For election, Monday June 8, 2020

Precinct One – Town Hall - William Street entrance  
Precinct Two – Hastings Middle School - Ash Street entrance  
Precinct Three -Hastings Middle School - Ash Street entrance  
Precinct Four – Fire Station Meeting Room - 146 Washington Street  
Precinct Five – Recreation Center - 227 Huttleston Avenue  
Precinct Six – Recreation Center - 227 Huttleston Avenue

In said precincts in said town on Monday, June 8, 2020 at ten o'clock in the forenoon then and there to bring their ballots for question to be voted by ballot, viz:

One Selectman for three years, two School Committee members for three years, one Board of Health member for three years, one Commissioner of Trust Funds for three years, two Board of Public Works members for three years, two Planning Board members for four years, one Housing Authority member for 3 years on unexpired term and Town Meeting Members in accordance with Section 2 of Chapter 285 of the Acts of 1930 and amendments thereto establishing in the Town of Fairhaven Representative Town Government by limited Town Meeting as follows:

Precinct One: 24 for 3 years – 7 for 2 years – 1 for 1 year  
Precinct Two: 24 for 3 years – 4 for 2 years – 5 for 1 year  
Precinct Three: 23 for 3 years – 4 for 2 years – 3 for 1 year  
Precinct Four: 25 for 3 years – 8 for 2 years – 3 for 1 year  
Precinct Five: 23 for 3 years – 8 for 2 years – 2 for 1 year  
Precinct Six: 24 for 3 years – 8 for 2 years – 2 for 1 year

The polls shall be open from 10:00 AM to 8:00 PM. and the inhabitants qualified as Town Meeting Members shall meet on Saturday, June 27, 2020 at 9:00 AM in the Walter Silveira Auditorium of the Elizabeth Hastings Middle School to act upon the following articles:

**ARTICLE 1: MEASURER OF WOOD AND BARK**

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

*Petitioned by: Board of Selectmen*

**ARTICLE 2: TOWN REPORT**

To receive the Annual Report of Town Officers.

*Petitioned by: Board of Selectmen*

**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: Board of Selectmen*

**ARTICLE 4: AMENDMENT TO ZONING MAP: FLOOD INSURANCE RATE MAP**

To see if the Town will enact the following amendments to the Zoning Bylaw Chapter 198 Section 28, Floodplain and Nasketucket River Basin Districts:

- 1) Add to 198-28.A panels: 25005C0391H, 25005C0392G, 25005C0394H, 25005C0411G, 25005C0413G dated July 8, 2020.
- 2) Delete from 198-28.A panels: 25005C0391F, 25005C0392F, 25005C0394F, 25005C0411F, 25005C0413F dated July 7, 2009.
- 3) In 198-28A revise the date of the Bristol County Flood Insurance Study (FIS) report date to July 8, 2020.
- 4) Add 198-28F.12 as follows: Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
- 5) Add 198-28F.13 as follows: Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures. (c, d, e communities, if AH or AO appear).

The revised bylaw with these changes will read as follows with additions indicated in text that is **bold and underlined** and deletions indicated with strikethroughs (aaaa) as follows:

§ 198-28 Floodplain and Nasketucket River Basin Districts. [Added 4-3-1971 ATM by Art. 83; amended 3-30-1972 ATM by Art 79; 5-18-1976 ATM by Art. 73; 1-22-1977 STM by Art. 4; 5-13-1978 ATM by Art. 54; 10-7-1982 STM by Art. 14; 5-4-1985 ATM by Art. 19; 5-4-1985 ATM by Art. 27; 1-22-1988

STM by Art. 4; 5-7-1988 ATM by Art. 12; 5-3-1997 STM by Art. 15; 5-2-2009 ATM by Art. 12; 5-3-2014 STM by Art. 7]

- A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Fairhaven designated as Zone A, AE, AH, AO, A99, V, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The Map panels of the Bristol County FIRM that are wholly or partially within the Town of Fairhaven are panel numbers 25005C0391F, 25005C0392F, 25005C0393F, 25005C0394F, 25005C0411F, 25005C0413F, 25005C0425F, 25005C0482F, 25005C0501F, 25005C0502F, 25005C0503F, and 25005C0504F dated July 07, 2009; and 25005C0391G, 25005C0393G, 25005C0394G and 25005C0482G dated July 16, 2014 and 25005C0391H, 25005C0392G, 25005C0394H, 25005C0411G, 25005C0413G dated July 8, 2020. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report date ~~July 16, 2014~~ **July 8, 2020**. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.
- B. The purposes of the Floodplain District are to:
- (1) Ensure public safety through reducing the threats to life and personal injury.
  - (2) Eliminate new hazards to emergency response officials.
  - (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
  - (4) Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
  - (5) Eliminate costs associated with the response and clean up of flooding conditions.
  - (6) Reduce damage to public and private property resulting from flooding waters.
- C. The Floodplain District is established as an overlay district to all other districts.
- (1) All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131 § 40 and with the following:
    - (a) Massachusetts State Building Code sections on floodplain and coastal high-hazard areas (currently 780 CMR).
    - (b) Wetlands protection regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
    - (c) Inland wetlands restriction, DEP (currently 310 CMR 13.00)
    - (d) Coastal wetlands restriction, DEP (currently 310 CMR 12.00)
    - (e) Minimum requirements for the subsurface disposal of sanitary sewage, DEP (currently 310 CMR 15, Title 5)
    - (f) Fairhaven Wetlands Bylaw (currently Chapter 192 of the Code of the Town of Fairhaven).



- (2) Any variance from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
- D. An Order of Conditions from the Conservation Commission is required before building permit shall be issued for construction or expansion by 500 square feet or more of a principal building on land less than the specified elevations above mean sea level (MSL) as provided in the Bristol County Flood Insurance Rate Maps as supplied for the Town of Fairhaven, MA, by the U.S. Corps of Engineers or on any barrier beach or sand dune within 300 feet horizontally of the mean high water line.
- E. Without limiting the generality of the forgoing, failure or inability to comply with the following shall be presumed hazardous to health and safety.
- F. For all new structures or for proposed improvements which equals or exceeds 50% of market value of the unimproved structure, or for any proposed improvements the cost of which together with the cost of improvements made in the previous five calendar years equals or exceeds 50% of the market value of the structure before such improvements, the lowest floor level, including that of the basement, if provided, and structural members supporting the lowest floor must be elevated not less than the specified elevations above mean sea level (MSL) as provided in the Flood Insurance Rate Maps as supplied for the Town of Fairhaven, Massachusetts effective July 7, 2009, and July 16, 2014 **and July 8, 2020.**
- (1) Structural requirements for construction in flood zones are as provided in the Massachusetts State Building Code, which code requirements are not waived nor superseded by the provisions of this Zoning Bylaw. In addition to those code requirements, the following requirements shall also apply within the designated flood zones for the Town of Fairhaven:
- (a) Structures for all other uses other than dwelling units must also conform to Subsection C(1)(a).
- (b) All new construction or substantial improvements for any use shall be located landward of the reach of mean high tide.
- (2) Individual sewage disposal systems shall not be subject to inundation in the event of coastal flooding to six-foot elevation above mean sea level.
- (3) Water supplies shall not be subject to more than temporary interruption or contamination, in the opinion of the Board of Health or its agents, in the event of coastal flooding to six-foot elevation above mean sea level.
- (4) Unless protected by sea walls, pilings or other foundations shall extend not less than six feet below grade in sand and not less than four feet below grade in other materials or to such greater depth as the Building Commissioner may require to prevent scouring beneath foundations.
- (5) Foundations shall be designed by a registered civil engineer or architect to withstand hydraulic pressure, and shall be of reinforced concrete, or if of masonry units, shall have a poured cap tied with reinforcing rods to the footings.
- (6) No vegetation on the ocean side of the crest of any primary dune (a hill or ridge of sand piled up by the wind with no other dune between it and the ocean front) shall be destroyed, nor the crest height of such dune be lowered. All disturbed dune areas shall be stabilized with beach grasses or other means.

- (7) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (8) The placement of mobile homes for year round or seasonal use is prohibited in the Floodplain overlay district.
- (9) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (10) In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:
  - (a) Adjacent Communities,
  - (b) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
  - (c) NFIP Program Specialist, Federal Emergency Management Agency, Region I
- (11) All subdivision proposals must be designed to assure that:
  - (a) such proposals minimize flood damage;
  - (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - (c) adequate drainage is provided to reduce exposure to flood hazards.

**(12) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.**

**(13) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures. (c, d, e communities, if AH or AO appear).**

#### G Nasketucket River Basin District (NRB)

- (1) The purpose of the Nasketucket River Basin District is to preserve, protect and maintain the quantity and especially the quality of the surface water and groundwater of this district which waters comprise and/or contribute to the existing and potential sources of water supply of the Town of Fairhaven and also to protect the public health, safety and general welfare of the Town residents and to conserve the natural resources of the town. The interpretations, orders, decisions, permits, judgments and findings of all parties, Town boards and departments, agents and officials in respect to all matters pertaining to this district, shall be consistent with and in accord with the spirit and intent of the above-stated purpose of this district. No facilities or activities hereafter listed in this section as restricted or prohibited shall be permitted within the Nasketucket River Basin District except by special permit from the Zoning Board of Appeals, upon demonstration by the applicant that the economic use of the property is infeasible under this rule and that water supply contamination will not result from the proposed facility or activity.
- (2) List of restricted facilities or activities:
  - (a) Fuel or combustible hydrocarbon storage.
    - [1] Underground storage prohibited.

[2] Aboveground storage over 55 gallons prohibited. (An exception to this restriction is the storage of heating oil inside the building to be heated)

- (b) Commercial laundries and cleaners.
- (c) Road salt storage and application.
- (d) Commercial parking lots.
- (e) Gasoline stations and commercial garages (e.g. for motor vehicle sales, repair or service).
- (f) Pesticide applications, storage or use for commercial purposes.
- (g) Fertilizer applications, storage or for commercial purposes.
- (h) Leaching fields, cesspools or surface or subsurface discharges of leachable wastes; (an exception to this restriction shall permit these facilities or activities within 300 feet westerly of New Boston Road, provided that all applicable wetlands, Board of Health and building permits have been previously obtained).
- (i) Storage or stockpiling manure.
- (j) Storage or disposal of hazardous materials or wastes as defined by EPA or OSHA regulations.
- (k) Gravel pits or other excavations of sand, soil, rock or ledge for sale or commercial purposes (excepting normal excavations incidental to building construction, farming operations, water conservation, water retaining ponds, public utilities, installation and maintenance, and highway construction).
- (l) Junk and salvage yards, dumps, disposal sites or landfills for solid or liquid wastes.

(3) The preceding enumerated items [Subsection D(2)(a), fuel storage, subsection D(2)(d), commercial parking lots, Subsection D(2)(e), gasoline stations and commercial garages, Subsection D(2)(g), fertilizer applications, and Subsection D(2)(i) storage and stockpiling of manure] existing on the passage of this chapter may be continued, repaired, or maintained but without enlargement, nor addition to the existing facility, nor without changing the function of the existing structure to a function more hazardous or contaminating (in amount or type) to the basin aquifer or water supply.

H. No person shall remove, fill, dredge or build upon any bank, marsh, swamp or flat bordering on coastal or inland water or any other land subject to tidal action or coastal flooding without a Special Permit from the Zoning Board of Appeals. Such a permit shall be issued upon confirmation that the requirements of the Wetland's Act (MGL c 131 §§ 40 & 40A) will be met and granting of the same will not be hazardous to health or safety and not harmful to the shellfish and aquatic resources of the town.

or take any other action relative thereto

*Petitioned by:* Planning Board

**ARTICLE 5: BILLS OF PRIOR YEAR – Paid from FY20 funds**

<u>Vendor</u>	<u>Amount</u>	<u>Petitioner</u>
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Tradebe 1,937.00 Board of Public Works

and others that may be brought forward.

*Petitioned by: Town Administrator*

**ARTICLE 6: SETTING SALARIES OF TOWN OFFICERS-FY21**

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

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

Or take any other action relative thereto.

*Petitioned by: Board of Selectmen*

**ARTICLE 7: GENERAL FUND OPERATING BUDGET – FY21**

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

*Petitioned by: Board of Selectmen*

**ARTICLE 8: ENTERPRISE FUNDS OPERATING BUDGETS – FY21**

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

*Petitioned by: Board of Selectmen, Board of Public Works & the School Committee*

**ARTICLE 9: STATE AID TO HIGHWAYS – FY21**

- A. 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 improvements of Town roads, or take any other action relative thereto.

B. To see if the Town will vote to appropriate and transfer from available funds a sum of money for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to the MGLS and Transportation Department's Chapter 90 Guidelines, or to take any other action relative thereto.

*Petitioned by:* The Board of Public Works

**ARTICLE 10: SEWER ENTERPRISE CAPITAL PLAN – FY21**

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

*Petitioned by: Board of Public Works*

**ARTICLE 11: REVOLVING FUNDS – FY21**

To see if the Town will authorize and / or re-authorize 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	FY21 Limit
Hazardous Materials	Fire Chief	Disposal fees/charges	\$ 100,000
Sustainability	Sustainability Committee	Fees/charges	\$ 10,000
Hoppy's Landing	Board of Selectmen 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
Wellness	Wellness Committee	Fees, BCBS reimbursements, vendors	\$ 2,500
Mattress Recycling	Board of Health	Fees for mattress disposal	\$ 2,000
Hoarding Remediation	Board of Health	Revenue from textile recovery boxes	\$ 1,000

Or take any other action relative thereto:

*Petitioned by:* Board of Selectmen

**ARTICLE 12: SOCIAL DAY CARE CENTER – FY21**

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2021 a sum of money not to cumulatively exceed \$175,000.00 from the Grant Account known as “Receipts Reserved for Appropriation for Fairhaven Supportive Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

*Petitioned by:* Council on Aging

**ARTICLE 13: TRANSFER FROM SURPLUS REVENUE and/or STABILIZATION FUND-FY21**

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

*Petitioned by:* Board of Selectmen

**ARTICLE 14: MEMORANDUM OF UNDERSTANDING-FEDERAL TITLE IV-E REIMBURSEMENT**

To see is the Town will vote to authorize the Superintendent for Fairhaven Public Schools, with the approval of the Board of Selectmen, to enter into Memorandum(s) of Understanding (“MOU”) with the Department of Children and Families, the Executive Office of Health and Human Services and the Department of Elementary and Secondary Education in order to obtain Federal Title IV-E reimbursement(s) for foster care transportation and to provide that payments for such foster care transportation under such MOU(s) may be made from such reimbursement(s) as a result of foster care transportation being performed without appropriation of said reimbursement(s), pursuant to Massachusetts General Law Chapter 44, Section 70, or to take any other action relative thereto.

*Petitioned by:* School Committee

**ARTICLE 15: AMENDMENT TO ZONING MAP-CROWS ISLAND MIXED USE ZONING**

To see if the Town will amend the zoning map as follows:

Rezone the following described lot from Single Residence District (RA) to the Mixed Use District (MU):

The land known as Assessors Map 44, Lot 1 and described in a deed recorded at the Bristol County (S.D.) Registry of Deeds at Book 13105, Page 330 as follows:

The land in Fairhaven, Bristol County, Commonwealth of Massachusetts, known as Crow Island, with any buildings or improvements thereon, bounded and described as follows:

A certain island with all buildings and structures hereon, lying and being within the limits of the Town of Fairhaven in the County of Bristol and Commonwealth of Massachusetts and extending by the flats thereto surrounding, to the channel of one Acushnet River in which said island lies, and being that island known as Crow Island, with all the rights in and for said flats to the channel of said river provided by the statutes of said Commonwealth and thereby granted to the owner of said island

*Petitioned by:* Christine Correia, et. al.

**ARTICLE 16: HARD SURFACING OF ROBERT STREET**

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

*Petitioned by:* Christine Gelinias, et. al.

**ARTICLE 17: OTHER BUSINESS**

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

And you are hereby directed to serve this warrant by posting an attested copy thereof on or near the front or main entrance of the polling place in Precinct 1, Town Hall; and on or near the entrance of the polling place in Precinct 2 and 3, Elizabeth I. Hastings Middle School, School Street; and on or near the entrance of the polling place in Precinct 4, Fire Station meeting room, 146 Washington Street; and on or near the front or main entrance of the polling place in Precinct 5 and 6, Recreation Center, 227 Huttleston Ave; seven days at least prior to the date of the meeting.

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

Given under our hands this 26 day of May in the year two thousand twenty.

Selectmen of Fairhaven,

\_\_\_\_\_  
Charles K. Murphy, Sr.

\_\_\_\_\_  
Robert Espindola

\_\_\_\_\_  
Daniel Freitas

A true copy, ATTEST:  
Constable of Fairhaven



June 9<sup>th</sup>

Purpose: For the United States Environmental Protection Agency (EPA) to extend the implementation schedule agreed to with the Town of Fairhaven for the design, construction and implementation of upgrades to the Fairhaven sewage treatment plant (STP) due to the ongoing crisis at the request of the Town of Fairhaven Board of Public Works.

Background: The Town entered into a consent decree with the EPA to bring certain upgrades to the STP in order to reduce the levels of nitrogen released through the outfall system into the Acushnet River. The purpose of this request is not to relitigate those actions. The Town is under a federal order to take action and, without a superseding federal order, must comply with the overall project and certain milestones. BPW officials have stated that the potential exists for punitive actions (fines, fees) to be imposed by the parties to the decree against the Town for failure to act.

The rubber starts to meet the road in FY 21. The BPW has requested \$2 million to be borrowed for engineering and design work on the STP upgrades. In the Capital Improvement Plan, FY22 would see an additional \$270,000 spent on this project coming from retained earnings. In FY23, the BPW will be requesting \$23,130,000 for construction. These funds would be borrowed and repaid over 10 years. The impact to sewer users will be determined, in part, on interest available to the Town at the time of financing.

Concern: When the Town agreed to the consent decree the economy was strong, the bond market favorable and unemployment low. Projections were that these positive conditions would continue for several years, in fact through the end of 2019 the national economy was at historic highs. And then the Coronavirus hit and the economy crashed, unemployment spiked and consumer activities stopped.

The Town now faces a long-term financial commitment in a climate of fiscal uncertainty. There are several important questions for which we do not have answers, including:

- Will the unemployment rate for Fairhaven residents (April, 2020 unemployment rate of 20% per state) stabilize? How many employment opportunities have been permanently lost?
- How have local revenue sources been impacted? Will property taxes be received as consistently as in previous years? Will water and sewer fees be paid on schedule? What is the long term impact on other revenue streams?
- What will be the impact on the housing market, bond market and other economic forces that impact local government?
- What is the impact on the Town budget for FY21 and beyond? Can reserves sustain a drawn out period of revenue reduction?
- Finally, what if a second wave of Covid-19 strikes resulting in further shutdowns and economic damage?

While these questions will not be answered for months if not years, they raise enough concern about large scale municipal borrowing for local leaders to be concerned.

As part of its decision making process relative to mandating communities to comply with enforcement orders, the EPA has established several frameworks for the review of certain information from the impacted communities. Their decisions are impacted by *residential indicators as well as permittee financial capability indicators*. In a 2014 document, the EPA's "Environmental Financial Advisory Board" recommended additional community specific metrics to be considered.

Briefly, the additions are summarized below:

**RESIDENTIAL INDICATOR:**

- 1) Consider the Cost of Living
- 2) Include drinking water and storm water user charges, other utility rates/fees and other dedicated charges
- 3) Consider the housing cost burden of the population that is renting or owning

**PERMITTEE FINANCIAL CAPABILITY INDICATOR (Recommendations):**

- 1) Bond Ratings alone should not be a basis for evaluating financial capability since there is a positive ratings bias towards larger systems, and many smaller systems are unrated
- 2) Overall net debt as a percentage of full market property value should include system "revenue debt" and other relevant indebtedness (such as unfunded pension liabilities and other post-employment benefit obligations)
- 3) **A community's unemployment rate should also be analyzed on an absolute basis**
- 4) Property tax revenue collection rate should be considered, as well as the system's revenue collection rate
- 5) Property tax as a percentage of full market property value should include wage taxes and sales taxes

Assuming that the above metrics were included in the decision making process that framed the EPA's agreement with the Town of Fairhaven in 2017, local responses would have been favorable. The economy was strong, municipal finances were balanced and unemployment was low (4.1% in April, 2017 per state).

But today? The unemployment metric alone shatters their framework. The uncertainty of municipal revenue and fee collections, bond ratings and cost of living also raise serious concerns.

Actions: While it is doubtful that the EPA would consider initiating a new assessment of Fairhaven's ability to finance the STP upgrade project or formally reconsider the community indicators, based on the mutually agreed to consent decree, it is worth considering requesting the addition of time. We are a community making fiscal decisions in the dark. So much is uncertain at this time and, with the three year expenditure commitment of the STP project set to commence in FY21, time is running short.

The EPA should be requested to conduct a new review of the residential and permittee financial indicators based on present economic factors and future year projections. In addition, an immediate extension of five years to the agreed to implementation schedule should be requested. The response from the EPA to these requests should prove useful to Town Meeting members when they consider funding the first installment of this project in July.

In addition, our Congressional delegation should be copied on any requests made to the EPA. They are situated to assist the Town in requesting an extension from the EPA. They should be sympathetic to our concern of significant financial debt being entered into due to a mandate from a federal agency at a time when all levels of government are bracing for years of financial uncertainty. Our Senators and congressman should be sympathetic to the residents being asked to carry the burden of paying for this project when they are uncertain of their own financial standing. They should be reminded that we are not looking to be released from the responsibility of upgrading the system, we are simply asking for consideration of factors beyond the local government's ability to control.