



Town of Fairhaven

**SPECIAL TOWN MEETING
MONDAY, NOVEMBER 14, 2023
WALTER SILVEIRA AUDITORIUM
ELIZABETH I. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 142 – QUORUM REQUIRED 100**

Meeting called to order by Moderator at 7:07pm.

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

The Pledge of Allegiance was recited.

The National Anthem was performed.

The Moderator introduced those seated on the stage.

Instructions were given to the Town Meeting Members.

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

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

Town Meeting Members present:

Precinct 1 – 34
Precinct 2 – 21
Precinct 3 – 17
Precinct 4 – 23
Precinct 5 – 31
Precinct 6 – <u>16</u>
TOTAL 142

ARTICLE 1: BILLS OF PRIOR YEAR

Motion was made and seconded that the Town 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.

Vendor Amount Funded From

Stephenson & Brook \$ 8,000 Surplus Revenue (Free Cash)

Standard Marine Outfitters \$ 35.98 Surplus Revenue (Free Cash)

Town of Mattapoisett \$ 6,647 Water Retained Earnings

ASNE \$ 3,501 Sewer Retained Earnings

Motion declared carried by nine-tenths (9/10) vote at 7:15pm.

ARTICLE 2: FUND SEWER LABOR CONTRACTS-FY23 & FY24

Motion was made and seconded to waive § 50-9 D of the Town Bylaw, Collective Bargaining Agreements Section in accordance with Subsection F.

Motion declared carried by majority vote at 7:16pm.

Motion was made and seconded to adopt the sum of \$75,000 to be transferred from Sewer Enterprise Fund Retained Earnings to Sewer Salaries and Wages to fund the FY23 and FY24 labor contract for the Sewer Department

Motion declared carried by majority vote at 7:16pm.

ARTICLE 3: SEWER TREATMENT PLANT ADDITIONAL FUNDS

Motion was made and seconded to amend Article 15A of the June 18, 2022 Annual Town Meeting and to raise and appropriate an additional sum of \$20,000,000 to be expended in addition to the \$50,000,000 previously appropriated thereunder, resulting in a total appropriation thereunder of \$70,000,000, to pay costs for Sewer Treatment Plant Upgrade, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow an additional \$20,000,000 pursuant to G.L. c. 44, §8(14) or any other enabling authority, resulting in a total borrowing authorized thereunder of \$70,000,000, and to issue bonds or notes of the Town therefore.

Motion declared carried by two-thirds (2/3) vote at 7:30pm.

ARTICLE 4: CAPITAL FEE TRANSFER

Motion was made and seconded to transfer the Sewer Capital Fee Revenue amount of \$295,959.45 from the June 30, 2023 Sewer Retained Earnings into the Sewer Capital Improvements Stabilization Fund.

Motion declared carried by majority vote at 7:30pm.

ARTICLE 5: WATER STORAGE TANK MAINTENANCE CONTRACT

Motion was made and seconded to see if the Town will vote pursuant to G.L. Chapter 40 § 62 to authorize the Chief Procurement Officer, in consultation with the Board of Public Works, to enter into a water storage tank maintenance contract to be awarded in accordance with G.L. Chapter 30B § 6, for a maximum term of fifteen years and in an

amount not to exceed one million dollars (\$1,000,000) as appropriated under Article 14B of the June 18, 2022 Annual Town Meeting, or take any other action relative thereto.

Motion declared carried by two thirds (2/3) vote at 7:31pm.

**ARTICLE 6: SAFE ROUTES TO SCHOOLS PROPERTY EASEMENT
COMPENSATION**

To transfer from Surplus Revenue (Free Cash) the sum of \$75,000 for costs associated with compensation to property owners for the temporary and permanent easements on fifteen parcels on Sconticut Neck Road between David Drown Blvd. and Hiller Ave. that was part of securing a State/Federal Safe Routes to School grant.

Motion declared carried by two-thirds (2/3) vote at 7:36pm.

ARTICLE 7: REPLACE TOWN HALL ALARM PANEL

Motion was made and seconded to transfer from Surplus Revenue (Free Cash) the sum of \$70,000 for emergency costs associated with replacing the fire alarm panel in Town Hall and associated costs for the project.

Motion declared carried by majority vote at 7:36pm.

ARTICLE 8: TOWN CLERK POLL PADS

Motion was made and seconded to transfer from Surplus Revenue (Free Cash) the sum of \$12,700 for costs associated with the purchase of poll pads.

Motion declared carried by majority vote at 7:37pm.

**ARTICLE 9: AMEND FY23 COMMUNITY PRESERVATION COMMITTEE
APPROPRIATION: WHITFIELD MANJIRO FRIENDSHIP SOCIETY**

Motion was made and seconded to amend Article 22G of the June 18, 2022 Annual Town Meeting to include exterior renovations.

Motion declared carried by majority vote at 7:38pm.

ARTICLE 10: SOLAR CANOPY PROJECT: RECREATION CENTER/COUNCIL ON AGING

Motion was made and seconded to authorize the Select Board or its designee to enter into a lease, power purchase, and any energy storage agreement with Solect Energy Development LLC for solar energy projects located at the Recreation Center and Council on Aging parking lot.

The Moderator asked if there was a motion and a second to allow Allen Giles, a representative of Solect Energy Development LLC who is not a Town Meeting Member nor a Fairhaven resident, to address the Town Meeting at 7:30pm.

Motion made to allow and seconded at 7:30pm.

Motion declared carried by majority vote at 7:40pm.

ARTICLE 11: REVOLVING FUNDS

Motion made and seconded to see if the Town will increase the following Revolving Accounts' spending limits under the provisions of Massachusetts General Law Chapter 44, Section 53 E ½:

Revolving Fund	Authorized to Spend	Revenue Source	FY24 Limit
Mooring Fees	Marine Resources	Mooring fees	\$4,000
Mattress Recycling	Board of Health/Sanitation	Fees from mattress disposal	\$4,000

Or take any other action relative thereto.

Motion declared carried by majority vote at 7:40pm.

ARTICLE 12 APPOINTMENT OF TOWN CLERK

Motion was made and seconded 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 (hired), said change being contingent upon acceptance of such change by the voters at the next Annual Town Election, or take any other action relative thereto.

Motion was made and seconded to move the question at 7:56pm.

Motion to move the question was declared carried by majority vote at 7:57pm.

Motion declared carried by majority vote at 7:57pm.

ARTICLE 13: AMEND BYLAWS CAPITAL PLANNING COMMITTEE
CHAPTER 40 § 2-7

Motion made and seconded to see if the Town will vote to amend the language in Bylaws, Capital Planning Committee, Chapter 40 § 2-7 as recommended to reflect actual practice and eliminate conflicts with other statutes. Language changes listed below are **underlined in bold italics** or strike out:

§ 40-2. Committee established.

The Select Board shall appoint a Capital Planning Committee ("Committee") consisting of seven voting members, ~~and three or more nonvoting ex-officio members,~~ to assist and advise the Town Administrator in preparing a five-year Capital Improvement Plan. The voting members shall serve terms of three years. Initially two voting members shall serve for one year, two for two years, and three for three years, and they may be reappointed. The Committee shall be comprised as follows:

A. Voting members:

(1) One member of the Board of Public Works or an appointee thereof;

(2) A person who is a member of the Fairhaven local School Committee or an appointee thereof; (3) A resident of Fairhaven who represents the business, financial, or banking community; (4) A resident of Fairhaven with experience in the management of construction activities; (5) A resident of Fairhaven knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;

(6) The Finance Director/Treasurer/Collector; ***A designee of The Finance Director, or, in the absence of a Finance Director, a Town financial staff member, designated by the Town Administrator, said financial designee to act as Chair of the Committee; and***

(7) The Town Administrator; and ***One resident member appointed by the Select Board*** (8) ~~Such other nonvoting ex-officio members as the Select Board deems appropriate from time to time.~~

§ 40-3. Duties of Committee.

A. Study proposed capital projects, improvements, and equipment purchases that have a useful life of at least five years and cost over \$20,000 per item;

~~B. Work with Town departments and officers to compile an inventory of the Town's facilities, equipment, machinery and other capital assets;~~

~~B. C. Consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town of~~

Fairhaven;

C. D. Prepare an annual report recommending a Capital Improvement Budget Projects/Plan for the next fiscal year and a Capital Improvement Program Plan, including capital improvements for the next five years. The report shall be submitted to the Town Administrator who shall then submit it to the Select Board along with the budget on or before December 31 of for the next fiscal year each year for consideration and approval; [Amended 6-14-2021 ATM by Art. 46]

D. E. Present the The Capital Improvement Projects Plan and Capital Improvement Program Plan are to be presented at the Annual Town Meeting for its approval of fiscal year expenditures;

F. Monitor the execution of projects authorized;

E. G. Explain and defend to the Town Meeting any deviation which the Committee proposes from the Capital Improvement Program Plan.

§ 40-4. Report of anticipated capital outlays to Committee.

~~By October 15 of e~~ Each year, each department, board, committee and commission shall provide to the Committee information concerning all anticipated capital outlays requiring Town Meeting appropriation for the ensuing five-year period.

~~§ 40-5. Public hearing on Capital Improvement Plan.~~ [Amended 6-14-2021 ATM by Art. 46] ~~After the annual presentation of the Capital Improvement Plan by the Committee to the Select Board, the Select Board shall, within 30 days of the receipt of the plan, hold a public hearing to present the plan for public comment.~~

~~§ 40-5.-6 Appropriation for capital improvements.~~ [Amended 6-14-2021 ATM by Art. 46] ~~No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement has been considered in the Committee's Capital Improvement Plan, or the Committee has submitted a report to the Select Board explaining the omission of the proposed capital improvement from its Plan.~~

Every capital improvement request by a department, board or commission shall be considered in the Committee's Capital Improvement Plan unless the Committee shall have provided a report to the Select Board explaining the omission of the proposed capital improvement from its Plan.

§ 40-7. Expenditures in preparation for capital improvements.

Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Notwithstanding the provisions of this section, the Town may appropriate

~~and expend funds for the purchase of land regardless of when improvements to, or use of, the land by the Town is anticipated.~~

Motion to amend Article 13 declared failed by majority vote at 8:08pm.

Main motion declared carried by majority vote at 8:08pm.

ARTICLE 14: CITIZENS PETITION – STREET ACCEPTANCE: ALVES WAY

Motion has been made and seconded to see if the Town will vote to accept as a public street Alves Way, or take any action relative thereto.

Motion declared carried by majority vote at 8:09pm.

**ARTICLE 15: CITIZENS PETITION – RECONSIDER ADOPTION OF
ARTICLE 22, MAY 6, 2023 ANNUAL TOWN MEETING**

To see if the Town will vote to request that the Town of Fairhaven Sustainability Committee reconsider the adoption of **ARTICLE 22: AMEND BYLAWS, CHAPTER 83 ALCOHOLIC BEVERAGES AND DRUGS** a new section 5, **Prohibit Sale of Alcohol “Nip” Bottles**. The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Fairhaven effective January 1, 2024 or to any action relative to.

The article was declared out of order by the Town Moderator at 8:11pm.

ARTICLE 16: OTHER BUSINESS

None

Motion made and seconded that the Town vote to adjourn.

Motion declared carried by majority vote at 8:12pm.

Respectfully Submitted,



Elisabeth E. Horan
Interim Town Clerk