



Town of Fairhaven

ELISABETH E. HORAN
INTERIM TOWN CLERK

SPECIAL TOWN MEETING

TUESDAY, NOVEMBER 19, 2024

WALTER SILVEIRA AUDITORIUM

ELIZABETH I. HASTINGS MIDDLE SCHOOL

TOWN MEETING MEMBERS PRESENT 218 – QUORUM REQUIRED 100

Meeting called to order by Moderator at 7:06pm.

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 played.

The Moderator introduced the Town Officials seated on the stage.

Special guest David Arancio the Town Moderator for the Town of Rochester was introduced.

Instructions were given to the Town Meeting Members.

The Moderator mentioned the Poll Pad receipt given at check-in verifies Town Meeting Members and is something that will be used moving forward.

The Moderator mentioned that we have closed captioning provided for both Town Meeting Members present tonight and those watching at home. He thanked Fairhaven TV for providing the closed captioning services tonight.

The Moderator mentioned that many of the enhancements pointed out tonight were the result of Town Meeting Advisory Committee's suggestions.

Town Meeting Advisory Committee members were recognized.

The Moderator announced the tellers Sean M. Powers, Scot T. Pomfret, Paul M. Foster, Cameron T. Durant, Mark A. Badwey and Pamela R. Kuechler.

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 – 51

Precinct 2 – 37

Precinct 3 – 21

Precinct 4 – 32

Precinct 5 – 36

Precinct 6 – 41

TOTAL - 218

Motion was made and seconded to change the moving the question tradition of majority vote to be consistent with Robert's Rules and have it be two-thirds.

Motion declared carried by two-thirds vote (2/3).

Question of Count was declared by at 7:24pm.

Tellers were sworn in by Interim Town Clerk, Elisabeth E. Horan.

Vote counted by appointed tellers.

Motion declared carried by majority 114 affirmative, 95 negative at 7:31pm.

ARTICLE 1: CHAPTER 40R ZONING BYLAW AND MAP AMENDMENTS

To see if the Town will vote to amend Chapter 198 of the Fairhaven Town Code, entitled "Zoning," a.k.a. the Town of Fairhaven Zoning Bylaw, as follows:

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

Fairhaven Smart Growth Overlay District (FSGOD)

and

- (ii) by adding a new Section 198-29.9 thereto, entitled "Fairhaven Smart Growth Overlay District (FSGOD)," as follows:

Appendix A will contain the full text with markup to be delivered under separate cover and will be posted online at <https://www.fairhaven-ma.gov/town-moderator>

and, further, to amend the "Town of Fairhaven Zoning Map," as referenced in Section 198-14(B) of the aforementioned Code, by adding thereto, or supplementing the same with, maps entitled "Fairhaven 40R Smart Growth Overlay 4-2 Smart Growth Zoning Map (Plaza Area SGOD)," dated 6/19/24, and "Fairhaven 40R Smart Growth Overlay 4-2 Smart Growth Zoning Map (Waterfront Area SGOD)," dated 6/19/24," both prepared by Dodson & Flinker; or take any action relative thereto.

Petitioned by: Planning Department, Select Board

Select Board: Recommend At Town Meeting

Finance Committee: Recommend Yield to Petitioner

Planning Board: *Recommendation will be provided at Town Meeting*

Motion: To approve Article 1: Chapter 40R Zoning Bylaw and Map Amendments as approved by the state and as written in warrant

Motion was made and seconded to move the order of the articles on the warrant. Moving Article 1 of the Special town Meeting to be voted and acted upon after Article 13 of the Special Town Meeting warrant.

Motion declared carried by two-thirds (2/3) vote at 7:32pm.

Motion was made and seconded to approve Article 1: Chapter 40R Zoning Bylaw and Map Amendments as approved by the state and as written in warrant.

Motion made and seconded to move the question.

Motion to move the question declared carried by two-third (2/3) vote at 9:57pm.

Motion declared carried by majority vote at 9:57pm.

ARTICLE 2: BILL OF PRIOR YEAR

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

Petitioned by: Accounting/Finance Department

Vendor Amount Funded From

Med-Tech Resource LLC \$535.30 Surplus Revenue (Free Cash)

Select Board: Recommend Adoption

Finance Committee: Recommend Adoption

Vote Required: Nine-Tenths (9/10) Vote

Motion: To approve as listed in the warrant

Motion was made and seconded.

Motion declared carried by nine-tenths (9/10) vote at 7:33pm.

ARTICLE 3: SEWER RETAINED EARNINGS TO SEWER NITROGEN PLANT ARTICLE 15A OF THE JUNE 18, 2022 TOWN MEETING:

To see if the Town will vote to appropriate from the Sewer Retained Earnings the amount of \$301,812.01, which was generated from the Sewer Capital Fee from FY24, and transfer into the Sewer Nitrogen Plant Article 15A of the June 18, 2022 Town Meeting, or take any other action relative thereto.

Petitioned by: Board of Public Works

Select Board: Recommend Adoption

Finance Committee: Recommend Adoption

Motion: To transfer the amount of \$301,812.01 from Sewer Retained Earnings to the Sewer Nitrogen Plant Article 15-A of the June 18, 2022 Town Meeting as written in the warrant.

Motion was made and seconded.

Motion was declared carried by majority vote at 7:34pm.

ARTICLE 4: AMEND FY25 WATER ENTERPRISE OPERATING BUDGET

To see if the Town will vote to amend Article 5B of the May 4, 2024 Town Meeting "Water Enterprise Fund Operating Budget," by transferring \$20,000 from Water Retained Earnings to Water Department - Salaries for the purpose of a retirement payoff, or take any action relative thereto.

Petitioned by: Board of Public Works

Select Board: Recommend Adoption

Finance Committee: Recommend Adoption

Motion: To transfer the sum of \$20,000 from Water Retained Earnings to Water Department Salaries as written in the warrant

Motion was made and seconded.

Motion was declared carried by majority vote at 7:35pm.

ARTICLE 5: WATER ENTERPRISE FUND DEBT SERVICE:

To see if the Town will vote to transfer \$45,185.84 from Water Retained Earnings to fund the Water Enterprise Fund Debt Appropriation for the Boston Hill Water Tank DPW-12-10, or take any other action relative thereto.
Petitioned by: Board of Public Works

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption

Motion: To transfer the sum of \$45,185.84 from Water Retained Earnings to Water Enterprise Fund Debt Appropriation for the Boston Hill Water Tank DPW-12-10 as written in the warrant.

Motion was made and seconded.

Motion was declared carried by majority vote at 7:35pm.

ARTICLE 6: SCONTICUT NECK ROAD WATER MAIN REHAB

To see if the Town will vote to borrow an amount not to exceed \$1,000,000 to pay costs of rehabilitating the water distribution system/water main located on/in Sconticut Neck Road from David Drown Boulevard to the North Side of Wood School, including the payment of all costs incidental and related thereto; to determine whether this amount should be raised by borrowing or otherwise, or take any other action relative thereto.
Petitioned by: Board of Public Works

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption
Vote Required: Two-Thirds (2/3) Vote

Motion: To borrow an amount not to exceed \$1,000,000 to pay costs of rehabilitating the water distribution system/water main located on/in Sconticut Neck Road, 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 said amount under and pursuant to G.L. c. 44, §7(1), G.L. c. 44, §8(5), or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion was made and seconded.

Motion was declared carried by two-thirds (2/3) vote at 7:42pm.

ARTICLE 7: REQUEST OF TRANSFER OF FUNDS

To see if the Town will vote to raise and appropriate, borrow or transfer the sum of \$8,000 from Article 8A-4 of the May 6, 2023 Town Meeting for Replacement of Emergency Lighting at Cushman Park to Article 9A-16 of the May 4, 2024 Town Meeting for Utility Trailer (Public Works), or take any action relative thereto. *Petitioned by: Board of Public Works*

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption

Motion: To transfer as written in the warrant

Motion was made and seconded.

Motion was declared carried by majority vote at 7:44pm.

ARTICLE 8: MATCHING FUNDS FOR GRANT WRITER

To see if the Town will vote to transfer from Surplus Revenue (Free Cash) the sum of \$250,000 for matching funds associated with grants or take any action relative thereto.

Petitioned by: Accounting/Finance Department

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption

For FY25, monies were appropriated to provide the Town with a Grant Writer. In most cases, in order to apply for various grants, the Grant Writer will need funds available as a town match.

Motion: To adopt as written in the warrant

Motion was made and seconded.

Motion was declared carried by majority vote at 8:05pm.

ARTICLE 9: REQUEST OF TRANSFER OF FUNDS

To see if the Town will vote to transfer the sum of \$23,863 from the salary budget line item under Public Safety to the salary budget line item under Information Technology (IT) for a part-time IT tech as appropriated in Article 5A: General Fund Operating Budget-FY25 of the May 4, 2024 Town Meeting. *Petitioned by: Accounting/Finance Department*

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption

Motion: To transfer as written in the warrant

Motion was made and seconded.

Motion was declared carried by majority vote at 8:10pm.

ARTICLE 10: INCREASE TO FY2025 FAIRHAVEN PUBLIC SCHOOLS GENERAL FUND APPROPRIATION FOR ADDITIONAL CHAPTER 70 STATE AID

To see if the Town will vote to raise and appropriate the amount of \$118,030.00 to be added to Article 5 of the Annual Town Meeting appropriation on May 4, 2024 for the FY25 Fairhaven Public Schools. The additional amount was appropriated under the FY25 Chapter 70 funding approved by the Commonwealth of Massachusetts dedicated to local school districts; or take any action relative thereto.

Petitioned by: Accounting/Finance Department

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption

Motion: To appropriate as written in the warrant

Motion was made and seconded.

Motion was declared carried by majority vote at 8:10pm.

ARTICLE 11: SETTING SALARIES OF TOWN OFFICERS

To see if the Town will vote to fix the compensation of the Town Clerk salary at \$84,080 and that said compensation be effective July 1, 2024 as appropriated in Article 5A: General Fund Operating Budget-FY25 of the May 4, 2024 Town Meeting or take any action relative thereto.

Petitioned by: Accounting/Finance Department, Human Resources

Select Board: Recommend Adoption
Finance Committee: Recommend Adoption

Motion: To adopt as written in the warrant

Motion was made and seconded.

Motion was declared carried by majority vote at 8:11pm.

**ARTICLE 12: AMEND FY25 COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS:
PHOENIX RAIL TRAIL HANDICAPPED ACCESSIBLE TABLES**

To see if the Town will vote to amend the FY25 Community Preservation Committee's Article 12-I of the May 4, 2024 Town Meeting to update the table location to include Livesey Park, with no additional funding requested or take any action relative thereto.

Petitioned by: Community Preservation Committee

Select Board: Recommend Adoption

Finance Committee: Recommend Adoption

Motion: To amend Article 12-I of the May 4, 2024 Town Meeting to update the table locations to include Livesey Park.

Motion was made and seconded.

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

ARTICLE 13: BYLAW AMENDMENTS, CHAPTER 198 ZONING

To see if the Town will vote to amend Chapters 198-16, 198-17, 198-18, 198-22, 198-27, 198-32.1 and 198-33 to conform to "An Act Relative to the Affordable Homes Act" (Ho. H4977, Acts 2024, Chapter 150, Approved by the Governor, August 6, 2024) and the proposed changes therein to MGL Chapter 40A, Section 1A and Chapter 40A, Section 3 with regard to accessory dwelling units or take any action relative thereto. *Petitioned by: Planning Board*

Select Board: Recommend At Town Meeting

Finance Committee: Recommend Yield to Petitioner

Planning Board: Recommend Adoption

See Appendix B for the full text with markups

Motion: To amend as written in the warrant

Motion was made seconded.

Motion was declared carried by majority vote at 8:48pm.

ARTICLE 14: BYLAW, COMMISSION ON DISABILITY

To see if the Town will vote to establish a bylaw, Chapter 5 Commission on Disability, or take any action relative thereto.

Petitioned by: Commission on Disability

Select Board: Recommend Adoption

Finance Committee: Recommend Yield to Petitioner

See Appendix C for the full text with markups

Motion: To adopt as written in the warrant

Motion was made and seconded to move Article 14 before Article 13.

Motion to move Article 14 before Article 13 was declared carried by two-thirds (2/3) vote at 8:13pm.

Motion was made and seconded to adopt as written in the warrant.

Motion was restated and seconded to adopt as written in the handout.

Motion was declared carried by majority vote at 8:28pm.

ARTICLE 15: CITIZENS PETITION

Request for monies allocated for firefighter turnout gear to be used for an additional set of firefighter turnout gear in conjunction with the pending grant for turnout gear.

This article will enable the Fire Department to use funds already allocated for firefighter turnout gear (FY25 Articles 6, line 6 & Article 9A, line 9) along with any additional monies awarded from a grant the department has applied for. This combined funding will ensure that the department can equip its members with two sets of firefighter turnout gear, aligning with industry best practices.

Petitioned by: Kevin Gonsalves Jr.

Select Board: Recommend Yield to Petitioner

Finance Committee: Recommend Indefinite Postponement

Moved to pass over 8:12pm.

ARTICLE 16: OTHER BUSINESS

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

None

Motion to adjourn sine die at 10:01pm on Tuesday, November 19, 2024. Seconded.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Elisabeth E. Horan". The signature is written in dark ink and is positioned above a horizontal line.

Elisabeth E. Horan
Interim Town Clerk