



# Town of Fairhaven

ELISABETH E. HORAN  
TOWN CLERK

ANNUAL TOWN MEETING  
SATURDAY, MAY 3, 2025

WALTER SILVEIRA AUDITORIUM  
ELIZABETH I. HASTINGS MIDDLE SCHOOL

**TOWN MEETING MEMBERS PRESENT 241 – QUORUM REQUIRED 100**

Meeting called to order by Moderator at 9:17am.

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 sung by Allison DaSilva.

Invocation by Interim Minister of the Unitarian Universalist Society of Fairhaven, Reverend Maria Uitti McCabe.

A moment of silence was held for the Town Officials and Town Meeting Members that we have lost in 2024 and to date in 2025.

All town meeting members present were sworn in by Town Clerk, Elisabeth E. Horan.

The Moderator introduced the Town Officials 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.

Voted that all the appropriations voted at this town meeting be placed on the tax levy for the fiscal year from July 1, 2025 through June 30, 2026 unless otherwise specified. Seconded.

The Moderator announced the tellers Sean M. Powers, Scot T. Pomfret, Terrence P. Meredith, Brian K. Bowcock, Ann M. Richard, Paul M. Foster, and A. Daniel DeNardis.

Town Meeting Advisory Committee's recommendations were mentioned and members were recognized.

## **Town Meeting Members present:**

**Precinct 1 – 52**

**Precinct 2 – 44**

**Precinct 3 – 24**

**Precinct 4 – 47**

**Precinct 5 – 36**

**Precinct 6 – 38**

**TOTAL – 241**

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

Motion was made and seconded that the Town vote to instruct the Select Board to appoint a Measurer of Wood and Bark.

*Motion was declared carried by majority vote at 9:50am.*

**ARTICLE 2: TOWN REPORT**

Motion was made and seconded to receive the Annual Report of Town Officers.

*Motion was declared carried by majority vote at 9:50am.*

**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.

*Moved to pass over at 9:50am.*

**ARTICLE 4: FY25 FUND ADJUSTMENTS**

**ARTICLE 4A: BILLS OF PRIOR YEAR**

Motion was made and seconded that the Town vote to pay the unpaid bills of a prior fiscal year from Surplus Revenue (Free Cash). And others that may be brought forward, or take any other action relative thereto.

Vendor	Amount	Department
Unum (Blue Cross Blue Shield)	\$636.34	Human Resources

*Motion was declared carried by four-fifths (4/5) vote at 9:52am.*

**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. Motion made and seconded that \$132,500 be transferred from Surplus Revenue (Free Cash) for the separation agreement with Prior Town Administrator (Department: Select Board)

*Moved to amend to a \$1 buyout at 9:56am.*

*Motion was made to amend and seconded at 9:58am.*

*Main motion declared carried by majority vote at 10:01am.*

B. Motion made and seconded that \$57,000 be transferred from Surplus Revenue (Free Cash) for the Interim Town Administrator salary.

*Motion was declared carried by majority vote at 10:01am.*

C. Motion made and seconded that \$70,000 be transferred from Surplus Revenue (Free Cash) for Legal Cost.

*Motion was declared carried by majority vote at 10:02am.*

D. Motion made and seconded that \$32,000 be transferred from Surplus Revenue (Free Cash) to fund retroactive payment under an arbitration settlement with the Police Department

*Motion was declared carried by majority vote at 10:02am.*

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

Motion was made and seconded that the town reallocate the \$25,000 in funds for the zoning bylaw consultant to include funds for additional legal consulting and 3rd party environmental consultant services for:

- i. Contingency funds for the Community Planning Grant project, which these funds were originally requested.
- ii. To provide additional funds to allow for the addition of the property at the corner of Alden Road and David Drown Boulevard (Map 28, Lot 022B) to the 40R Plaza District.
- iii. To provide additional funds to address potential legal issues related to managing the current situation with the property located at Map 28C, Lot 071.

*Motion was declared carried by majority vote at 10:10am.*

**ARTICLE 6 TOWN OPERATING BUDGETS -FY26**

**6A: GENERAL FUND OPERATING BUDGET-FY26**

<b>Dept. Name/Function Totals</b>	<b>FY2025 Budgeted</b>	<b>FY2026 Budget</b>
<b>GENERAL GOVERNMENT</b>		
<b>General Government Salaries &amp; Wages</b>	\$2,133,179	\$2,034,930.24
<b>General Government Operating Expenses</b>	\$1,027,339	\$1,028,100.50
<b>Subtotal General Government</b>	\$3,160,518	\$3,063,030.74

Motion was made and seconded to raise and appropriate the sum of \$3,063,030.74 to fund general government departments FY26 budget, which includes salaries and wages for appointed and elected officials and operating expenses and to defray the cost, transfer \$7,000 from Wetlands Protection Fund.

*Motion was declared carried by majority vote at 10:30am.*

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

Motion was made and seconded to raise and appropriate the sum of \$9,857,640.61 to fund Public Safety departments FY26 budget, which includes salaries and wages for appointed and elected officials and operating expenses and to defray the cost, transfer \$1,575,000 from Ambulance Receipts Reserve Fund, \$15,000 from Animal Control Gift Fund and \$52,000 from Waterway Improvement Fund.

*Motion was declared carried by majority vote at 10:30am.*

	<b>FY2025 Budgeted</b>	<b>FY2026 Budget</b>
<b>EDUCATION</b>		
<b>Subtotal Fairhaven Public Schools</b>	\$24,702,183	<b>\$25,656,166</b>
<b>Subtotal New Bedford Regional Technical HS</b>	\$2,626,000	\$2,631,268
<b>Subtotal Bristol County Agricultural HS</b>	\$310,100	\$332,694

Motion was made and seconded to raise and appropriate the sum of \$25,656,166 to fund the Fairhaven Public School district FY26 budget; the sum of \$2,631,268 to fund the New Bedford Regional Technical High School FY26 budget and the sum of \$332,694 to fund the Bristol County Agricultural High School FY26 budget.

*Moved to amend by decreasing the budget by \$200,000 and transferring that amount into the salary reserve where it was originally at 10:33am.*

*Motion made to amend and seconded at 10:33am.*

*Main motion was declared carried by majority vote at 11:05am.*

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

Motion was made and seconded to raise and appropriate the sum of \$4,369,700.95 to fund public works departments FY26 budget, which includes salaries and wages for appointed and elected officials and

operating expenses and to defray the cost, transfer \$10,000 from Stormwater Subdivision Fund.

*Motion was declared carried by majority vote at 11:06am.*

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

Motion was made and seconded to raise and appropriate the sum of \$190,059 to fund Health and Environmental departments FY26 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

*Motion was declared carried by majority vote at 11:07am.*

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

Motion was made and seconded to raise and appropriate the sum of \$2,075,322.02 to fund Community Services departments FY26 budget, which includes salaries and wages for appointed and elected officials and operating expenses and to defray the cost, transfer \$30,000 from the Council on Aging Social Day Program.

*Motion was declared carried by majority vote at 11:07am.*

	<b>FY2025 Budgeted</b>	<b>FY2026 Budget</b>
<b>NON-DEPARTMENTAL</b>		
<b>Non-Departmental Salaries &amp; Wages</b>	\$0	\$100,000
<b>Non-Departmental Operating Expenses</b>	\$11,669,792	\$12,240,672
<b>Subtotal Non-Departmental</b>	\$11,669,792	\$12,340,672

Motion was made and seconded to raise and appropriate the sum of \$12,340,672 to fund the Non-Departmental departments FY26 budget, which includes salaries and wages for appointed and elected officials and operating expenses.

*Motion was declared carried by majority vote at 11:13am.*

	<b>FY2025 Budgeted</b>	<b>FY2026 Budget</b>
<b>DEBT SERVICE</b>		
<b>General Fund</b>	\$1,094,605	\$945,820

Motion was made and seconded to raise and appropriate the sum of \$945,820 to fund debt services FY26 budget.

*Motion was declared carried by majority vote at 11:15am.*

**6B: WATER ENTERPRISE FUND OPERATING BUDGET**

Motion was made and seconded to raise and appropriate a sum of \$3,381,197 to fund the Water Enterprise Fund for FY26, and to defray this cost, transfer \$498,000 from Water Enterprise Fund Retained Earnings.

*Motion was declared carried by majority vote at 11:15am.*

*Ten-minute recess began at 11:15am.  
Resumed at 11:44am.*

*Town Counsel provided clarification regarding Article 4B-1A at 11:46pm.*

*The Moderator asked if there was a Town Meeting Member on the prevailing side of Article 4B-1A who wished to move for reconsideration at 11:47am.*

*Seeing none, the Moderator declared Article 4B-1A would not be reconsidered at 11:47am.*

**6C: SEWER ENTERPRISE FUND OPERATING BUDGET**

Motion was made and seconded to raise and appropriate a sum of \$3,937,827 to fund the Sewer Enterprise Fund for FY26, and to defray this cost, transfer \$10,095 from Sewer Enterprise Fund Retained Earnings.

*Motion was declared carried by majority vote at 11:48am.*

**6D: TOWN CABLE ENTERPRISE FUND OPERATING BUDGET**

Motion was made and seconded to raise and appropriate a sum of \$220,655 to fund the Town Cable Enterprise Fund for FY26, and to defray this cost, transfer \$44,141 from the Town Cable Enterprise Fund Retained Earnings.

*Motion was declared carried by majority vote at 11:48am.*

**6E: SCHOOL CABLE ENTERPRISE FUND OPERATING BUDGET**

Motion was made and seconded to raise and appropriate a sum of \$148,694 to fund the School Cable Enterprise Fund for FY26, and to defray this cost, transfer \$7,640 from the School Cable Enterprise Fund Retained Earnings.

*Motion was declared carried by majority vote at 11:49am.*

**ARTICLE 7: GENERAL FUND CAPITAL PLAN**

Motion was made and seconded to transfer a sum of \$1,218,084 from Surplus Revenue (Free Cash), the sum of \$70,000 from Ambulance Receipts Reserved for Appropriation, the sum of \$161,179 from the Ambulance Stabilization Fund and the sum of \$303,821 from Ambulance Stretcher Article 13C, Annual Town Meeting June 18, 2022 to fund the capital projects as listed (items 1-17) for fiscal year 2026.

*The Finance Committee made an alternative motion to transfer a sum of \$1,043,084 from surplus revenue free cash with the remainder of the article's wording unchanged at 11:50am.*

*Motion was made to amend and seconded at 11:50am.*

*Main Motion was declared carried by majority vote at 12:07pm.*

**ARTICLE 8: WATER ENTERPRISE FUND CAPITAL BUDGET**

Motion 1: Motion was made and seconded that the Town appropriate \$800,000 to pay costs of water main replacement on Glenhaven Avenue and for 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, §8(4) or any other enabling authority, and to issue bonds or notes of the Town therefore While this borrowing shall constitute a pledge of the Town's full faith and credit, it is expected that it will be repaid, in the first instance, from amounts in the Water Enterprise Fund.

*Motion was declared carried by two-thirds (2/3) vote at 12:09pm.*

Motion 2: Motion was made and seconded to transfer the sum of \$290,000 from Water Retained Earnings to fund the capital equipment and projects listed on lines 2-4 above with each amount as specified in the article.

*Motion was declared carried by majority vote at 12:09pm.*

**ARTICLE 9 SEWER ENTERPRISE FUND CAPITAL BUDGET**

Motion was made and seconded to transfer the sum of \$380,000 from sewer retaining earnings to fund the inflow and infiltration study, and Vehicle Replacement #49 with each amount as specified in the article.

*Motion was declared carried by majority vote at 12:10pm.*

**ARTICLE 10 OTHER BUDGET ITEMS – APPROPRIATIONS – FUNDING OF ARTICLES**

Motion was made and seconded to transfer the sum of \$995,472 from Surplus Revenue (Free Cash); and the sum of \$4,200 from the Waterway Fund to fund the Reserve line articles for the amounts as written in the article.

*Moved to amend by increasing line 11 from zero to \$85,000 with funding from free cash at 12:10pm.*

*Motion to amend made and seconded at 12:10pm.*

*Motion to amend was withdrawn at 12:16pm.*

*Motion was declared carried by majority vote at 12:18pm.*

**ARTICLE 11 STATE AID TO HIGHWAYS, CHAPTER 90**

Motion was made and seconded that the Town 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.

*Motion was declared carried by majority vote at 12:18pm.*

**ARTICLE 12 FY26 COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS**

Motion was made and seconded that the Town 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:

<b><u>PROPOSED FISCAL YEAR 2026 COMMUNITY PRESERVATION BUDGET</u></b>		
<b><u>APPROPRIATIONS</u></b>		
		<b><u>Recommended Amounts</u></b>
	<b>Reserve for Appropriation</b>	
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 Receipts	\$70,000
C.	Acquisition, creation, and preservation of Community Housing (CH) Estimated Receipts	\$70,000
D.	Emergency Reserve Account Estimated Receipts	\$100,000
	<b>Total Reserves for Appropriation</b>	<b>\$310,000</b>
	<b>Spending Appropriations</b>	
E.	FHA – Academy Building Repairs (H) (\$103,137 from existing Hist. Reserve Bal. and \$2,563 from the existing Unreserved Undesignated Bal.)	\$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 existing Open Sp. Bal. Reserve and \$29,406 from the existing Unreserved Undesignated Bal.)	\$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
	<b>Administrative Spending Appropriation</b>	
M.	To fund the Community Preservation Committee’s annual expenses for: Personal Service; Purchase of Services; Supplies; Other charges/expenditures (Estimated Receipts)	\$10,000
	<b>Total Recommended Spending Appropriations</b>	<b>\$936,720</b>

*Motion was declared carried by majority vote at 12:18pm.*

**ARTICLE 13: REVOLVING FUNDS**

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

Motion was made and seconded that the Town 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 operate 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.

*Motion was declared carried by majority vote at 12:24pm.*

**ARTICLE 13B: REVOLVING FUNDS**

Motion was made and seconded that the Town 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:

<b>Revolving Fund</b>	<b>Authorized to Spend</b>	<b>Revenue Source</b>	<b>FY26 Limit</b>
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

*Motion was declared carried by majority vote at 12:24pm.*

**ARTICLE 14: RESCIND AUTHORIZED BUT UNISSUED BALANCE OF BORROWING**

Motion was made and seconded that the authorized, but unissued, balance of the borrowing authorized to pay costs 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, is hereby rescinded and of no further force or affect.

*Motion was declared carried by majority vote at 12:25pm.*

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

Motion was made and seconded 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~~ **they are** 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.

*Motion was declared carried by majority vote at 12:28pm.*

#### **ARTICLE 16: HOME RULE PETITION: TOWN OF FAIRHAVEN CHARTER**

Motion was made and seconded to adopt as written in the warrant provided, however, that the General Court may make clerical or editorial changes of form only to the article, unless the Select Board approve amendments to the bill before enactment by the general public objectives of this petition.

*Motion was made and seconded at 12:29pm.*

*Amendment One: Motion made and seconded to amend Article II - Executive Branch, Section 2-1, The Select Board, (a) Composition and Term of Office by striking the last sentence that reads, "the Select Board shall annually elect a chairperson from among its members" and replace it with "At the first meeting following the annual town election, the Select Board shall elect a Chair, Vice-Chair and Clerk from among its members".*

*Amendment One was declared carried by majority vote at 1:04pm.*

*Amendment Two: Motion made and seconded to amend Article III – Elected Officers, Section 3-8, Recall of Elected Officials, amending (b) the number of affidavits needed from 50 to 100 and the percent of total of registered voter signatures from 20: to 30%.*

*Amendment Two was declared failed by majority vote at 1:04pm.*

*Amendment Three: Motion made and seconded to amend Article VI - School Committee, (a) Term of Office, by reducing the number of members from seven to five.*

*Amendment Three was declared carried majority vote at 1:05pm.*

*Main Motion with 2 amendments was declared carried by majority vote at 1:05pm.*

**ARTICLE 17: AMEND BYLAW, CHAPTER 164, SOLID WASTE**

Motion was made and seconded that the Town 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.**

*Motion was made and seconded to move question at 1:16pm.*

*Motion to move the question declared carried by two-third (2/3) vote at 1:16pm.*

*Motion was declared carried by majority vote at 1:16pm.*

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

Motion made and seconded that the Town 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 2nd Tuesday in June.**~~

*Motion was declared carried by majority vote at 1:20pm.*

**ARTICLE 19: AMEND BYLAWS CHAPTER 198 ZONING**

Motion was made and seconded that the Town 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 amending Section 198-14, entitled “Establishment of districts,” at the end of Subsection A, to add 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 ”Fairhaven 40R Smart Growth Overlay Smart Growth Zoning Map (Plaza Area SGOD), April 2025 Revision””, 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 “Fairhaven 40R Smart Growth Overlay Smart Growth Zoning Map (Plaza Area SGOD), April 2025 Revision”, and prepared by Dodson & Flinker.

*Motion was declared carried by majority vote at 1:39pm.*

## **ARTICLE 20: PUBLIC SAFETY COMPLEX STABILIZATON FUND**

### **ARTICLE 20A: CREATE PUBLIC SAFETY COMPLEX STABILIZATION FUND**

Motion was made and seconded that the Town vote to create a Public Safety Complex Stabilization Fund under Massachusetts General Laws (MGL), Chapter 40, Section 5B, effective for fiscal year 2026, beginning on July 1, 2025. This fund will be utilized for the acquisition of land and for the preliminary design of a Public Safety Complex; or to take any other action relative thereto.

*Motion was declared carried by two-thirds (2/3) vote at 1:39pm.*

### **ARTICLE 20B: PUBLIC SAFETY COMPLEX STABILIZATION FUND**

Motion was made and seconded that the Town vote to transfer the sum of \$2,500,000 from the Capital Stabilization Fund to be deposited in the Public Safety Complex Stabilization Fund as authorized by MGL Chapter 40, Section 5B, or to take any other action relative thereto.

*Motion was declared carried by two-thirds (2/3) vote at 1:42pm.*

## **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.

*Moved to pass over at 1:42pm.*

## **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.

*Move to pass over at 1:42pm.*

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

Motion made and seconded 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.

*Motion was made to move question at 2:01pm.*

*Motion to move the question declared carried at 2:02pm.*

*Motion was declared failed by majority vote at 2:03pm.*

*The vote was questioned at 2:04pm.*

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

*Vote counted by appointed tellers.*

*Motion declared failed by majority 77 affirmative, 105 negative at 2:14pm.*

**ARTICLE 24: 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:

*Moved to pass over at 2:17pm.*

**ARTICLE 25: 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.

*No motion was made. No action taken at 2:18pm.*

**ARTICLE: 26 OTHER BUSINESS**

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

*The Moderator asked if there was any other business. Hearing none, no action was taken at 2:18pm.*

*Motion was made and seconded to adjourn sine die at 2:18pm Saturday, May November 19, 2024.*

Respectfully Submitted,

Elisabeth E. Horan

Town Clerk