



Fairhaven Board of Selectmen

March 30, 2015 Meeting Minutes

Present: Chairman Robert J. Espindola, Vice-Chairman Geoffrey Haworth, Clerk Charles K. Murphy, Sr., Executive Secretary Jeffrey Osuch, and Administrative Assistant Anne Kakley.

Chairman Robert J. Espindola called the meeting to order in the Town Hall Banquet Room at 6:33 p.m.

MINUTES

- Mr. Haworth motioned to approve the minutes of the **March 16, 2015** meeting, **open** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the minutes of the **March 16, 2015** meeting, **executive** session. Mr. Murphy seconded. Vote was unanimous. (3-0).
- Mr. Haworth motioned to approve the **executive** session minutes of the **September 15, 2014** meeting for release as redacted. Mr. Murphy seconded. Vote was unanimous. (3-0).

EXECUTIVE SECRETARY'S REPORT

In his report, Mr. Osuch updated the Selectmen on the following meetings and events:

- Tuesday, **March 31**
 - 6:00 p.m. – Rogers/Oxford Review Committee meeting
- Wednesday, **April 1**
 - 11:00 a.m. to 12:00 p.m. – Moody's review
 - 6:30 p.m. – Commission on Disability
- Thursday, **April 2**
 - 7:00 p.m. – Finance Committee meeting at BPW
- Friday, **April 3**
 - 12:00 p.m. – Town Hall closes – Good Friday
- Monday, **April 6**
 - Town Election
- Tuesday, **April 7**
 - 2:30 p.m. – Economic Summit
- Wednesday, **April 8**
 - 6:30 p.m. – Bates – Don Sahly
 - 7:30 p.m. – Selectmen's meeting – RFPs
- Thursday, **April 9**

- 9:00 a.m. – BBAC meeting - Wareham
- 11:30 a.m. – COA volunteer luncheon
- 7:00 p.m. – Finance Committee

ROGERS/OXFORD PROPOSAL REVIEW COMMITTEE

Mr. Espindola said that the Rogers/Oxford Proposal Review Committee had met once a couple weeks prior and had been formed in anticipation of several proposals being received for both the Rogers School and the Oxford School. It turned out that the Town only received one proposal per property, and Mr. Espindola asked if there was still a need for the Committee. Moreover, he asked the Board if it was interested in inviting the two companies who submitted proposals – Northeast Maritime Institute (Rogers School) and Stratford Group (Oxford School) to come into a meeting on April 8.

Mr. Haworth said that the Committee should review the proposals and determine if they have met the requirements of the RFP. He said he would support having the group review the proposals and make that determination.

Mr. Espindola said that the Committee thought that there were some questions that remained to be answered. The Committee generally thought that the Stratford Group proposal was well-written, but thought that the NMI proposal needed clarification and explanation. However, he said that the Committee was looking for the Board of Selectmen to provide some guidance in the proposal review process.

Mr. Murphy said that he did not think that either of the proposals met the requirements of the RFP. He said that he would favor creating a new RFP but that he would be interested in meeting with the proposers on April 8 either way.

Mr. Haworth said that they should retain the Committee, as it is possible that they will be needed for a future RFP.

ROGERS-OXFORD RFP REVIEW COMMITTEE

Mr. Haworth motioned to accept a letter of resignation from Flavio Biscaia from the Rogers-Oxford RFP Review Committee. Mr. Murphy seconded. Vote was unanimous. (3-0).

Doug Brady was recognized by the Chairman. He asked if the Rogers-Oxford RFP Review Committee would be meeting as planned the next day. Rogers-Oxford RFP Review Committee Chairman Nils Isaksen said that the meeting would be cancelled.

Mr. Espindola reviewed a letter from Al Benac requesting appointment to the Rogers-Oxford RFP Review Committee. Mr. Haworth motioned to appoint Mr. Benac to the same. Mr. Murphy seconded. Vote was unanimous. (3-0).

CHERRY FESTIVAL MAY 3

The Board read a letter from the Manjiro-Whitfield Friendship Society asking permission to hold their annual “O-hanami” spring cherry tree festival at Cooke Memorial Park on Sunday, May 3, 2015. The Board was supportive of the annual event. Mr. Murphy said that some concerns raised about the location as a burial ground had been addressed by the Historical Commission and the Tourism director to the satisfaction of administration.

Doug Brady was recognized by the Chairman. He asked the Board if the Cooke Memorial Park was a cemetery. Mr. Espindola answered that the Tourism Director and the Historical Commission have refuted claims that the park is a burial ground.

Mr. Haworth motioned to approve the request for use of Cooke Memorial Park on May 3, 2015 for the annual O-hanami festival. Mr. Murphy seconded. Vote was unanimous. (3-0). The Board will also be in attendance at the event.

At 7:00 p.m., the Board met with Amy Palmerino, Executive Director of Stoneham Community Access, PEG consultant Chuck Sherwood, Attorney William Solomon, and Cable Advisory Committee members Barbara Acksen and Ronnie Medina, to discuss efforts to expand community cable television offerings.

Ms. Palmerino started by giving an overview of how community television has positively impacted the community of Stoneham, MA. Stoneham Community Access is run by a non-profit company.

Mr. Sherwood gave an overview to his experience with managing government television from start-up to operation. He told the Board that there is a database of information available to the community from a larger Massachusetts-based cable organization, and Fairhaven could use the database if its equipment were updated. He said that Fairhaven could benefit from establishing a presence on its cable channel.

Atty. Solomon said that there was \$800,000 available to the Town in PEG access funds for the purposes of community television. He said that community television is good for the local economy and that content was available to the town until such time programming can be developed.

A proposal submitted by Mr. Sherwood (Attachment A) totals \$3,600 and includes the start-up costs and equipment associated with upgrading the Town’s cable availability.

Mr. Haworth said that he was not ready to make any decisions that night, as the Town had not received quotes from any other companies. Mr. Espindola responded by saying that the actual proposal for the cable studio and work could wait and the Town would get additional quotes, but that he wanted to get an idea if the Board would support “livening up” the channel with additional content.

Mr. Haworth noted that the quote from Mr. Sherwood includes the cost of incorporating a non-profit. Mr. Sherwood said that his \$3,600 quote encompassed 12 hours of work, 8 of which

would be devoted to activating the new content for the channel. If the Board chooses to hold off on incorporating a non-profit, the quote would be reduced.

Mr. Espindola said that the Cable Advisory Committee supported the venture and that Committee member Ronnie Medina had volunteered to help with maintenance and some content.

Mr. Murphy expressed some concerns about liability and the scarcity of staffing for the endeavor at this time. Atty. Solomon said some of those liabilities would be addressed by the incorporation of a non-profit. Mr. Murphy said that he would still like to have Town Counsel review any agreements made.

Mr. Sherwood said that he would draft a revised proposal to exclude the formation of a non-profit corporation at this time. A proposal regarding an expanded Cable Access department will come at a later time.

TRANSFER OF RESTAURANT BEER AND WINE LICENSE

At 7:46 p.m., the Chairman opened a public hearing for a transfer of a restaurant beer and wine license at Fish House restaurant. Manager Helia Vasconcellos was present to represent the application, along with her attorney Eric Jaikes.

Atty. Jaikes clarified some of the work history on Ms. Vasconcellos' application, stating that from 2008 to 2012, she served as the front-end manager of Mermaids. ServSafe and TIPS certifications are all up to date.

The Chairman opened the meeting up to public comment. There was none.

Mr. Osuch asked Ms. Vasconcellos to remember to always file updated certifications and renewals of her employees with the Selectmen's Office.

Mr. Haworth motioned to approve the transfer. Mr. Murphy seconded. Vote was unanimous. (3-0).

DINGHY RACKS

At 7:53 p.m., the Board met with Assistant Harbormaster/Shellfish Warden Timothy Cox to discuss his request to increase dinghy rack space at Seaview Ave and Hoppy's Landing.

Mr. Cox said that he had taken a rack from Pease and placed it at Seaview, but that they still run out of rack space each year. He said that the Town Accountant had informed him that there was \$1,400 of State grant money still available specifically for improvements to be made at the Seaview boat ramp. If the money is not spent by the end of the year, it will be turned back to the State. Mr. Cox proposed using the money to increase rack space down at Seaview, and using the Hoppy's Landing revolving account to place a dinghy rack down at Hoppy's.

Mr. Haworth said that he was comfortable with the expenditure as long as the purchase met the requirements of the State grant. The Board agreed. Mr. Haworth motioned to authorize Mr. Cox to purchase one dinghy rack from the Seaview Ave State grant account not to exceed \$1,500. Mr. Murphy seconded. Vote was unanimous. (3-0). Mr. Haworth motioned to authorize Mr. Cox to purchase one dinghy rack from the Hoppy's Landing Revolving Account not to exceed \$1,500. Mr. Murphy seconded. Vote was unanimous. (3-0).

MEASURER OF WOOD AND BARK

The Board reviewed a letter from John Farrell, requesting appointment to the Measurer of Wood and Bark. Mr. Farrell was present. Mr. Haworth motioned to appoint Mr. Farrell to the Measurer of Wood and Bark. Mr. Murphy seconded. Vote was unanimous. (3-0).

TOWN GOVERNMENT STUDY COMMITTEE – ATM ARTICLES

At 8:00 p.m., the Board met with members of the Town Government Study Committee to discuss their four submitted articles for Annual Town Meeting. Present were: TGSC Chairman Phil Washko, and TGSC members Pattie Pacella, Mark Badwey, Bryan Wood, Siobhan Henebury, Dick Douglass, Rich Griffiths and Bernie Roderick. See Attachment B for submitted articles.

Term Limits – Mr. Washko explained that the that the TGSC initially intended to produce an article that would ask Town Meeting to place a non-binding referendum on the Annual Town Election ballot asking Town voters to consider a term limit for elected officials. The suggested term limit would be three terms and then the elected official would have to take a year off before running again. This would not apply to the Town Clerk.

Finance Committee membership – Mr. Washko noted that the 2012 Department of Revenue report recommended a restructuring and reduction in the Finance Committee membership. To that end, the Town Government Study Committee submitted an article recommending a Finance Committee membership reduction from 13 to 7, and recommended naming the Town Moderator as the appointing authority. Mr. Washko said that they included a provision that allowed for a recording secretary to allow all members of the Finance Committee to actively engage in the meetings.

Mr. Badwey noted that the previous precinct chair method of electing Finance Committee members was ineffective with little outreach. He added that he thought Fairhaven was the only municipality with such a Finance Committee appointment method.

Town Meeting procedures – Mr. Washko said that Fairhaven has the largest Town Meeting membership in the state, but that the Town seems reluctant to engage any measures to reduce the size of Town Meeting. Therefore, the Town Government Study Committee opted to create an article that would increase Town Meeting attendance.

Mr. Haworth stated that he was supportive of the measure to increase Town Meeting attendance. Mr. Murphy asked if the Town Clerk had been made aware of the potential special legislation to change Town Meeting procedures. Mr. Washko said that they would make her aware.

IT Assessment – Mr. Washko presented the final TGSC submitted article on appropriating \$15,000 for the purposes of an Information Technology assessment for Town offices. The recommendation came from department interviews, said Mr. Washko, as every interviewed office identified improved IT as a need. Mr. Haworth said that he did not think the IT appropriation was as pressing as the need for a non-union personnel review. Mr. Murphy said that he thought that the Town could benefit from a full-time IT director.

Mr. Badwey asked the Board if they had taken a vote on the Special Town Meeting appropriation for a recruitment firm to aid in the Town Administrator hiring process. The Board answered that it has not. Mr. Badwey said that he observation was that the community was largely in favor of hiring a firm for that purpose.

POLICE GRIEVANCE HEARING

At 8:25 p.m., Mr. Haworth motioned to enter Executive Session at the request of the grievant, pursuant to MGL 30A § 21:

1. Police Union grievance

Mr. Murphy seconded the motion to enter Executive Session for the aforementioned reasons, to reconvene into open session afterward. Vote was unanimous. (3-0)

Roll call vote: Mr. Espindola in favor. Mr. Haworth in favor. Mr. Murphy in favor.

At 8:53 p.m., the Board reconvened into open session.

CDBG HOUSING REHAB SUBORDINATION REQUEST

Per request of CDBG Administrator Bill Roth, Mr. Haworth motioned to support the subordination of a mortgage and authorize the Chairman to sign. Mr. Murphy seconded. Vote was unanimous. (3-0).

MASS DOT ROADWAY REIMBURSEMENT

Mr. Haworth motioned to authorize the Chairman to sign a one-time contract with Mass DOT to allow the Town of Fairhaven to receive a one-time reimbursement of \$77,982 for roadway repairs resulting from an extreme winter. Mr. Murphy seconded. Vote was unanimous. (3-0).

BUDGET DISCUSSION

Fire Department – The Board discussed the proposed addition of a firefighter for the purposes of running a third ambulance. Fire Chief Timothy Francis was present. Chief Francis said that from January 1 to March 25, 2015, his department was already 17 percent over ambulance run for the same time period in 2014. Chief Francis said that the Ambulance Account could sustain the additional salary.

Mr. Murphy said that he was in support of the request but that he did not vote to support it at the previous meeting as law requires there be an appropriation made, and that appropriations cannot be based on anticipated collections.

Chief Francis said with a new urgent care center coming into Town, ambulance runs will be up even higher.

After some deliberation, the Board decided to support the additional firefighter position.

Mr. Espindola motioned to reconsider the Board’s previous recommendation on the Town Employee Wellness article. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to withdraw the Town Employee Wellness article. Mr. Murphy seconded. Vote was unanimous. (3-0).

Mr. Haworth motioned to reconsider the Board’s previous recommendation to appropriate \$150,000 into the Ambulance Stabilization fund. Mr. Murphy seconded. Vote carried with one vote of opposition from Mr. Espindola. (2-1).

Mr. Haworth motioned to Pass Over the Ambulance Stabilization article. Mr. Murphy seconded. Vote carried with one vote of opposition from Mr. Espindola. (2-1).

26. Fire Department	
a. Salary and Wages	Mr. Haworth motioned to recommend \$1,947,625. Mr. Murphy seconded. Vote carried with one vote of opposition from Mr. Espindola. (2-1).
b. Purchase of Services	Mr. Haworth motioned to recommend \$75,621. Mr. Murphy seconded. Vote was unanimous. (3-0).
1. Utilities	Mr. Haworth motioned to recommend \$5,200. Mr. Murphy seconded. Vote was unanimous. (3-0).
c. Supplies	Mr. Haworth motioned to recommend \$60,124. Mr. Murphy seconded. Vote was unanimous. (3-0).
1. Gasoline	Mr. Haworth motioned to recommend \$20,600. Mr. Murphy seconded. Vote was unanimous. (3-0).
d. Other Charges/Expenses	Mr. Haworth motioned to recommend \$6,450. Mr. Murphy seconded. Vote was unanimous. (3-0).
e. Capital Outlay	Mr. Haworth motioned to recommend \$9,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
ATM Article 29 – TGSC IT Assessment	Mr. Haworth motioned to recommend \$0. Mr. Murphy seconded. Vote was unanimous. (3-0).
ATM Article 6d – Capital Planning – Water Enterprise – Truck	Mr. Haworth motioned to recommend \$44,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
39. Sewer Department	

a. Salary and Wages	Mr. Haworth motioned to recommend \$927,456. Mr. Murphy seconded. Vote was unanimous. (3-0).
b. Purchase of Services	Mr. Haworth motioned to recommend \$238,600. Mr. Murphy seconded. Vote was unanimous. (3-0).
c. Supplies	Mr. Haworth motioned to recommend \$148,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
d. Other Charges/Expenses	Mr. Haworth motioned to recommend \$0. Mr. Murphy seconded. Vote was unanimous. (3-0).
e. Capital Outlay	Mr. Haworth motioned to recommend \$93,666. Mr. Murphy seconded. Vote was unanimous. (3-0).
f. Sludge Disposal	Mr. Haworth motioned to recommend \$220,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
4. Audit Expenses	Mr. Haworth motioned to reconsider the Board's previous recommendation. Mr. Murphy seconded. Vote was unanimous. (3-0). Mr. Haworth motioned to recommend \$49,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 9 – Non Union Personnel Review	Mr. Haworth motioned to recommend Adoption and the appropriation of \$8,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 11 – Washington Street/Huttleston Ave Sewer	Mr. Haworth motioned to recommend Adoption and the appropriation of \$165,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 10 – Nancy Street/Scoticut Neck Sewer Stabilization.	Mr. Haworth motioned to recommend Adoption. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 8 – Town Administrator Search/Hiring	Mr. Haworth motioned to recommend Adoption and the appropriation of \$18,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 7 – Rogers/Oxford Fiscal Year 2016	Mr. Haworth motioned to recommend Adoption and the appropriation of \$8,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 6 – Rogers/Oxford Disposition	Mr. Haworth motioned to recommend Adoption and the appropriation of \$4,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 5 – Sale of Oxford School	Mr. Haworth motioned to recommend At Town Meeting. Mr. Murphy seconded. Vote was unanimous. (3-0).

STM Article 4 – Sale of Rogers School	Mr. Haworth motioned to recommend At Town Meeting. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 3 – Street Acceptance – Welcome Street	Mr. Haworth motioned to recommend Yield to Petitioner. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 2 – Conservation Restriction Donation Authorization	Mr. Haworth motioned to recommend Adoption. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 1 – Town Charges – Fire Department – Purchase of Services	Mr. Haworth motioned to recommend \$9,628.21. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 1 – Town Charges – Board of Health – Salary and Wages	Mr. Haworth motioned to recommend \$687. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 1 – Town Charges – Veterans – Purchase of Services	Mr. Haworth motioned to recommend \$28,000. Mr. Murphy seconded. Vote was unanimous. (3-0).
STM Article 1 – Town Charges – Veterans – Other Charges/Expenses	Mr. Haworth motioned to recommend \$20,000. Mr. Murphy seconded. Vote was unanimous. (3-0).

ROGERS/OXFORD PROPOSALS

After some deliberation, the Board decided it would invite the Stratford Group and Northeast Maritime Institute representatives to a meeting on April 8 to discuss their proposals for the Oxford School and Rogers School, respectively.

ANIMAL CONTROL SURVEILLANCE

The Board reviewed a request from the Animal Control Officer to have a surveillance system installed at the Animal Shelter. In a letter to the Board, ACO Kelly Massey said that most recently someone had thrown a cat over the fence into the shelter yard. She said that a surveillance system would improve safety and security for the shelter workers and animals.

Mr. Haworth said that one of the quotes Ms. Massey received seemed high and that he would like to follow up with Ms. Massey before taking a vote. The Board agreed.

GOOD ENERGY CONTRACT REVIEW

Mr. Espindola noted that a public hearing for the review of a Good Energy aggregation of energy services contract would be held at the next meeting on April 14.

OTHER BUSINESS

- Mr. Haworth said that there have been ongoing issues with license non-compliance at the Spring Street garage. Issues include cars parked wrong way in the street, work being conducted on cars in the street, more vehicles on the premises than permitted in the license. Mr. Haworth will follow up with Wayne Fostin, the Enforcement Agent.
- Mr. Murphy thanked everyone who attended the MOLIFE ball and celebrated the organization's 20th anniversary.
- Mr. Murphy wished the residents a Happy Passover and Happy Easter.
- Mr. Haworth reminded the public to come out and vote on April 6.

At 10:33 p.m., Mr. Haworth motioned to adjourn. Mr. Murphy seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien-Kakley
Administrative Assistant
Minutes approved 04/14/2015

COMMUNITY MEDIA VISIONING

“Services for Managing the Telecommunications Transition”

96 Kings Row Drive
South Dennis, MA 02660

(508) 385-3808 (voice)

chuck.sherwood @verizon.net (email)

November 20, 2014

Bob Espindola, Selectman
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Proposed CAC Consulting Services Memo

Dear Bob:

It was a real pleasure to meet with you and the other members of the Fairhaven Cable Advisory Committee on Tuesday, October 28th to discuss the consulting needs of the committee that Bill Solomon and I could provide to the Town.

Based on our discussion, I have put together a series of tasks regarding the needs the committee outlined.

- Provide help to the CAC in organizing an Outreach and Education Event for the Community and Business Leadership of Fairhaven so they will work with the CAC to have the Board of Selectmen approve the creation of a Public Access organization.
- Once the Board of Selectmen approves its creation, Bill Solomon and I will work with the CAC on the organization process, which would include:
 1. Decide the composition of the Board of Incorporators
 2. The development of Articles of Incorporation and By-Laws
 3. Submission of these document to the Secretary of State for Charitable Organization recognition
- Work with the CAC to decide whether to hire and Interim Director of an Executive Director for the start-up Access Organization
- Work with the CAC to establish the location and select the television production and distribution equipment for the start-up Access Organization
- Work with the Board and Director of the Access Organization to establish the Operating Rules and Procedures of Public Access
- Work with the Board and Director to organize a Launch Event for the Access Organization

My consulting fee for providing these services is billed at \$90 per hour and my drive time fee is billed at \$45 per hour. The time necessary to complete each of these separate tasks will vary from task to task but should not exceed \$3,600.

Sincerely,

Chuck Sherwood
Principal
Community Media Visioning

**Proposal Regarding Legal Services
For Creation of PEG Access Corporation
From
William H. Solomon
Attorney at Law**

- Preparation with the Town of Fairhaven of an a non-profit PEG Access Corporation:
 1. Articles of Incorporation; and
 2. Bylaws

Estimated meetings with Cable Advisory Committee - 3 meetings, each approximately 2 hours each – Total of 6 hours (no charge for travel time).

Estimated meeting with the Board of Selectmen (or an additional meeting with the Cable Advisory Committee) -1 meeting (approximately 1 hour) – Total of 1 hour (no charge for travel time).

Drafting of both documents outside of meeting - 5 hours.

Filing has not cost whether electronic or otherwise.

Total Estimated Hours – 12 hours

Hourly Rate - \$160

Estimated Cost - \$1,920

Annual Town Meeting article – Town Meeting

- A. To see if the Town will vote to petition the legislature to enact special legislation which would provide as follows:

“Chapter 285 of the Acts of 1930, as subsequently amended by Chapter 168 of the Acts of 1945, Chapter 562 of the Acts of 1955, Chapter 589 of the Acts of 1955, Chapter 587 of the Acts of 1968, Chapter 400 of the Acts of 1969, Chapter 609 of the Acts of 1970, Chapter 39 of the Acts of 1973, Chapter 62 of the Acts of 1983, and Chapter 156 of the Acts of 1987, is hereby amended as follows:

SECTION 1. Section 3 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by striking the second sentence from the second paragraph thereof and inserting in its place:

“One half of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, provided that at an adjourned meeting one half of the town meeting members shall constitute a quorum.”

SECTION 2. Section 3 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by striking the seventh sentence from the second paragraph thereof and inserting in its place:

“Subject to such conditions as may be determined from time to time by the representative Town meeting, and with the approval of a majority of the town meeting members present, any person who is not a Town meeting member may speak at any representative Town meeting, but shall not vote.”

SECTION 3. Section 6 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by striking the second and third sentences thereof and inserting in their place:

“Nominations for and election of a moderator shall be as in the case of any other elective Town officers. At the conclusion of each Annual Town Meeting and from time to time as necessary to fill any vacancy in the office, the Town Moderator shall appoint for a term of one year an Assistant Town Moderator who shall serve as the Town Moderator in the event that the Town Moderator is unable to serve in his full capacity at any Town Meeting or is unable to fulfill any of the other functions or duties of the office, or in the event the Town Moderator recuses himself from presiding over any part of a Town Meeting. If the Moderator is absent, and a vacancy exists in the office of Assistant Town Moderator, a moderator pro tempore may be elected by the Town meeting members.”

SECTION 4. Section 7 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by adding thereto a second paragraph as follows:

“The Town Clerk shall keep accurate attendance records for all Town Meeting members at all Town Meeting sessions. On January 1 of each year, the Town Clerk shall declare vacant the seat of any member who has missed three consecutive Town Meeting sessions, and by January 31 of each year shall notify those members whose seats have been declared vacated, and shall notify the precinct chairman for the precinct in which the vacancy has been declared. For the purpose of this provision each calendar date on which a town meeting is held, or organized but adjourned due to lack of a quorum, shall be considered a separate session. A special town meeting held within an annual town meeting, or a special town meeting held within a special town meeting, shall not be considered a separate session.”

SECTION 5. This act shall take effect upon its passage.”

B. And further to see if the Town will vote to amend the Town by-laws as follows:

Section 50-4 of the Town Code is hereby amended by striking that provision in its entirety and inserting in its place the following:

“The procedure and conduct of the business meetings of the Town not herein provided for shall be governed by Robert’s Rules of Parliamentary Practice so far as they are applicable and are not inconsistent with the bylaws of the Town, provided that:

- A. At each representative town meeting session, the Town Clerk shall cause the attendance of Town meeting members to be recorded prior to the commencement of the session. The record of those in attendance shall be kept open until the end of each representative town meeting session to enable latecomers to be recorded as present. The attendance record shall be public and be made part of the representative town meeting proceedings.
- B. The Moderator shall determine the presence of a quorum. After a quorum has been reached and the session has commenced, the Moderator shall take a count at least once more to confirm that a quorum is still present, and shall also take a count whenever a point of order is raised by any member challenging the presence of a quorum.
- C. Unless otherwise voted by a majority vote of the town meeting, the Selectmen are not required to read each warrant article in full, and may refer to articles by name and number only.
- D. Unless additional time is voted by a majority vote of the town meeting, the petitioners or presenters of each article shall have a maximum of 15 minutes to complete their presentation, and subsequent speakers shall have 5 minutes.
- E. Town Meeting members may speak on an article more than once only after all other Town Meeting members who wish to speak for the first time have spoken.
- F. Question can be moved only when requested by a speaker at the microphone, and with a majority vote in favor of moving the question to a vote.

Or to take any other action thereon.

Petitioned by: The Fairhaven Town Government Study Committee

Fairhaven Town Government Study Committee 2015 Annual Town Meeting Article – Term Limits

To see if the Town will vote to petition the legislature to enact special legislation which would provide as follows:

“SECTION 1. A person who has held the office of member of the Board of Selectmen for the Town of Fairhaven, Board of Health for the Town of Fairhaven, Planning Board for the Town of Fairhaven, Board of Public Works for the Town of Fairhaven, School Committee for the Town of Fairhaven, Commissioners of Trust Funds for the Town of Fairhaven, or Housing Authority for the Town of Fairhaven for three or more consecutive full terms shall be deemed disqualified from election, reelection, or appointment to that office except as otherwise provided herein.

SECTION 2. The name of a person disqualified by the terms of this act shall not appear on the ballot for election to that position, and he shall be disqualified and may not be elected or appointed to that position, before the next regular election following the completion of his third consecutive term in that office.

SECTION 3. A person who is disqualified by the terms of this act, and who is elected, or appointed, to a subsequent consecutive term in that office shall be deemed not qualified for that office and shall not be sworn into that office. The person who received the next highest number of votes in that election shall be deemed to have been elected, and shall be sworn into that office. If no qualified person is so elected, the town clerk shall report a vacancy in that office to the board or committee, and the vacancy shall be filled under the provisions of applicable law, provided that a person who is disqualified by the terms of this act shall not be appointed to fill that vacancy.

SECTION 4. This act shall apply to those persons holding the office of member of the Board of Selectmen for the Town of Fairhaven, Board of Health for the Town of Fairhaven, Planning Board for the Town of Fairhaven, Board of Public Works for the Town of Fairhaven, School Committee for the Town of Fairhaven, Commissioners of Trust Funds for the Town of Fairhaven, or Housing Authority for the Town of Fairhaven on its effective date, and to those persons holding any such office at any time thereafter, and such persons shall be deemed disqualified pursuant to section one, regardless of whether some part or all of their three or more consecutive full terms in any such office ran before the effective date of this act.

SECTION 5. This act shall be submitted to the registered voters of the Town of Fairhaven at any Annual or Special Town Election, and shall take effect upon its acceptance by a majority of the voters voting thereon. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special election, upon the ballot to be used at said election, or, in case of an annual election, upon the official ballot to be used for the election of

Town officers: "Shall an act passed by the General Court in the year _____, entitled " _____", be accepted by this Town?"

SECTION 6. If this act is rejected by the registered voters of the Town of Fairhaven when submitted to said voters under section five, it may again be submitted for acceptance in like manner from time to time to such voters at any Annual Town Election in said Town within three years thereafter, but not more than three times in the aggregate."

or to take any other action thereon.

Petitioned by: The Fairhaven Town Government Study Committee

**Fairhaven Town Government Study Committee 2015
Annual Town Meeting Article - Information Technology Assessment**

To see if the Town will vote to authorize the Board of Selectmen to contract the services of a qualified professional contractor for the purpose of completing an Information Technology Assessment, and to raise and appropriate, borrow or transfer from available funds a sum of money not to exceed \$15,000.00 to fund this assessment. This assessment will audit and review the Information Technology needs, hardware, software, policies and practices and provide the Town with a report outlining the steps the Town may take to maximize the use and value of Information Technology across all its departments. Or take any other action relative thereto.

Petitioned by: The Fairhaven Town Government Study Committee

Fairhaven Town Government Study Committee 2015 Annual Town Meeting Article - Finance Committee

Article __

To see if the Town will vote to amend the Town Code by striking therefrom § 33-1 through § 33-8 and inserting in their place the following:

§ 33 -1. Appointment of members; terms

There shall be a Finance Committee consisting of seven registered voters of the Town to be appointed by the Town Moderator. On or before June 30, 2015, the Moderator shall appoint three members to serve for a term of three years, two members to serve for a term of two years and two members to serve for a term of one year, each such term to commence on July 1, 2015. Thereafter, on or before June 30 of each year, for each of the then expiring terms, the Moderator shall appoint a member of the Committee to serve for a term of three years. The Moderator shall inform the Town Clerk of the name and term of all appointments made to membership on the Finance Committee.

§ 33-2. Organizational Meeting

The Finance Committee shall as soon as convenient after July 1, and at least within two months after the Annual Town Meeting, meet and perfect an organization by the election of a Chair and a Clerk who shall serve until their successors are elected. The Chair may appoint a paid recording secretary whose compensation shall not exceed an amount appropriated for this purpose by Town Meeting.

§ 33-3. Duties

The duties of the Finance Committee shall be to thoroughly investigate all articles on the warrant for the Annual and Special Town Meetings that call for appropriations of money for town purposes and also all articles that in any way may affect the finances of the town and shall report in writing to the Town Meeting members its recommendations thereupon.

§ 33-4 Compensation

The Finance Committee shall (with the exception of the Recording Secretary) serve without pay but may be reimbursed for all necessary expenses incurred in performance of its duties upon approval of such expenditures by the Board of Selectmen. Such expenses when incurred and approved for payment by the Board of Selectmen shall be charged to the Town Meeting Expense Account.

§ 33-5. Filling Of Vacancies

The Chair of the Finance Committee, or its Clerk, or its recording secretary shall report to the Town Moderator any vacancy among the members of the Finance Committee which may occur by death, resignation or removal from the town. If any member of the Committee is absent from five consecutive meetings of the Finance Committee, the Moderator shall declare his or her position to be vacant. The Moderator shall appoint a registered voter of the Town to fill any vacancy for the remainder of the term of that position. The Moderator shall inform the Town Clerk of the name and term of any appointment made to a vacant position on the Finance Committee.

§ 33-6. Hearings

The Finance Committee shall, upon written request from any petitioner on any article on the warrant, grant such petitioner a hearing upon said article before final action on same is determined.

§33-7. Annual report

The Finance Committee shall, annually, not later than one week prior to the time fixed for the Annual Town Meeting, prepare and publish for the benefit of Town Meeting members and voters and distribute to the same its recommendations as to the several articles on the warrant coming under its jurisdiction, and the amounts required to be appropriated to cover the expenditures of the various departments of the town for the next fiscal year. It shall also report in detail, the amounts of maturing bonds or notes and the amount required for interest or other outstanding indebtedness of the town. It shall also at the same time prepare and publish a comparative statement, in parallel columns, of each department of funds and the expenditures thereof for the previous two years. It shall at the same time report and publish estimates of revenues from all sources, as far as possible, with the probable amount to be levied and raised by taxation to defray the expenses and liabilities of the town for the next ensuing fiscal year.

§ 33-8. Eligibility of members

No person shall be eligible to serve on the Finance Committee who is an employee of the town or who holds an elective or appointive position in the town government, whether or not the employment or position carries any salary or compensation, except Town Meeting members and except appointed members of any advisory or ad hoc committees.

§ 33-9. Effective Date

This by-law shall become effective on July 1, 2015, provided that §33-1 shall take effect immediately upon the adoption of this by-law by Town Meeting, and further provided that the term of any then current member of the Finance Committee shall terminate on June 30, 2015.

Petitioned by: The Fairhaven Town Government Study Committee.